south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the:

(i) The Union shall also consist of all persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) The Union shall also consist of an unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board,strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) The Union shall also consist of such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby the Union shall also consist of an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members.

(E) Without limiting the generality of the foregoing and without being limited thereby the Union shall consist of:-

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

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

(b) Further, provided that, without limiting the generality of the foregoing the Union shall also consist of the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connexion with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and

employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, the Union shall consist of employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the Union shall consist of an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation

and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work

Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler,

generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery

and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

4 - OBJECTS

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

2. To regulate the conditions under which all members, of the Union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or association, or association of Trades Unions or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Branches, Divisions, Divisional Branches, Sub-Branches, Districts or Sections of the Union throughout the Commonwealth of Australia.

7. To further any scheme that has for its object the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labour and Trade Union newspapers and wireless broadcasting and television stations, and to invest in shares in such newspapers and radio and television stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide labour or Trade Union Organisation or Association.

10. To establish and manage a Union Journal or Journals.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

14. To render legal and other assistance to members, to protect the interests of the Union in all its Branches and to assist other trade unions by any legal method.

15. To obtain such other objects as the National Conference or National Executive shall from time to time determine.

16. To organise the education of members.

17. To establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Divisional or Divisional Branches.

18. The advancement of members intellectually, morally and socially and to do all things which, in the opinion of the Union, is in the interest of members including donations to political parties, the achievement of compulsory unionism, preference in employment, retrenchment, promotion, demotion and transfer in employment, the production and distribution of newspapers, journals and the like.

19. To achieve such other objects as may be lawfully adopted by any Division of the Union.

20. To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"PROPORTIONAL REPRESENTATION" shall mean a system of representation at Committees, Conferences, Executives or the like which, as far as practicable, will provide for voting on a basis which

reflects the number or percentage of financial members, as calculated in accordance with these rules, that each person on such Committee, Conference, Executive or the like, represents.

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

> In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.
>
> If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast then that candidate shall be declared elected.
>
> If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.
>
> If a candidate has then an absolute majority of votes then that candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the vote preferences shall continue until one candidate has received an absolute majority of votes.
>
> In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.
>
> The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Mining and Energy Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Workplace Relations Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

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

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v)(a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of

application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

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

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be

reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

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

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.202 of the

Industrial Relations Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

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

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

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

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

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

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from

amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.
Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one

calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telegram or telex.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, telephonic, telegraphic, telex, verbal and/or written vote (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) (a) The National Executive Committee shall consist of the National Principal Officers, being the National Secretary of the CFMEU, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Forestry, Furnishing, Building Products and Manufacturing Division, the General President of the Mining and Energy Division; together with the fulltime elected Officers of each Division who are fulltime at the National level and are not already one of the aforementioned National Principal Officers; two (2) Divisional Assistant Secretaries of the Forestry, Furnishing, Building Products and Manufacturing Division, one of whom shall be the Principal Officer of the Pulp and Paper Industry Sector and the other of whom shall be the Principal Officer of the Furnishing Industry Sector; and the Divisional President, and two (2) Divisional Assistant Secretaries of the Construction and General Division if not otherwise included.

(b) Without affecting the term of office of persons holding office as National Executive Committee members immediately prior to the date of certification of this sub-rule, the National Executive Committee shall, on and from 1 July, 2006 consist of the National Principal Officers, being the National Secretary, National President, National Assistant Secretary and an additional National Assistant Secretary of the union together with such of the following elected officers of each Division at a National level namely:-

- in the case of the Construction and General Division, the Divisional Secretary, two (2) Divisional Assistant Secretaries, the Divisional President and the full time Divisional Senior Vice-President

- in the case of the Forestry, Furnishing, Building Products and Manufacturing Division, the Divisional Secretary, two (2) Divisional Assistant Secretaries and the Divisional President

- in the case of the Mining and Energy Division, the General President, the General Secretary, the General Vice-President and the Senior Vice-President

who are not one of the aforementioned National Principal Officers.

Provided however that in addition to the above the Construction and General Division shall be entitled to two (2) additional National Executive Committee members elected by and from the Construction and General Division Divisional Conference.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive and National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six (6). A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a facsimile, telephonic, email, written and/or postal vote of members of the National Executive or National Executive Committee at any time. Members of the National Executive or National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or facsimile or email or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or email.

15 - NATIONAL EXECUTIVE

(i) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

(ii) The National officers shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

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

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Industrial Relations Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

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

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

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

16 - ELECTION OF NATIONAL OFFICERS

(i) The National Secretary, National Assistant Secretary and National President (and on and from 1 July, 2006, an additional National Assistant Secretary) shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, for Divisions with more than one Divisional Branch, each Division shall be represented by at least one Officer who shall be the principal officer of that Division.

Further provided that until 30 June, 2006, for Divisions with more than one Divisional Branch, each Division shall hold at least one position of Joint Vice President as follows:

* Joint Vice President (Construction and General Division)
* Joint Vice President (FFPD Division)
* Joint Vice President (Mining & Energy Division)

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions by resolution from that Division's Divisional Conference.

Further provided that until 30 June, 2006**,** there shall be a Principal Officer of the FFPD Division representing the former FFTS Division who shall be a National Senior Vice-President. Such officer shall be and remain a member of the National Executive and the National Executive Committee.

Further provided that the Construction & General Division Senior Vice-President (former National Secretary of the OPDU) shall be a National Vice-President and shall be and remain a member of the National Executive and National Executive Committee.

Until 30 June, 2006 all existing full-time officers of each Division, not otherwise elected to any of the foregoing positions, shall be and remain members of the National Executive Committee.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office

or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office. Further provided that in the case of a vacancy in one or more of the National Principal Officer positions, the National Executive may fill such office by appointment from the National Conference delegates. Provided however that any such appointment/s shall ensure that each Division shall have at least one representative amongst the four National Principal Officers.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by post, letter, telegram, telephone, telex, facsimile and/or verbally as soon as the count is completed.

(ix) In any ballot of the National Collegiate for the election of National Officers, the representatives of each of the Divisions shall cast votes proportionate to the membership of their respective Divisions determined in the same way, the necessary changes being made, as votes cast by delegates to the National Conference in accordance with Rule 13(iii) and (iv) herein.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(ii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iii) Except in the case of the Mining & Energy Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) That nominations are called in accordance with the rules of the Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) That the nominations process, closure and receiving of, are in accordance with the rules of the Division.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) Officers of all Divisional Branches holding such office at the date of amalgamation shall remain in office until the general election of officers held in 1996 and shall be eligible to nominate in that election. In this paragraph officers of all Divisional Branches shall mean officers of branches of the amalgamating unions being the persons listed in the schedule hereto.

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the

names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall, in accordance with the Rules of the Division, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only:-

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) The candidate's statement provided for in accordance with sub-rule (h) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail all ballot papers, in accordance with the Rules of the Division.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed closed in accordance with the rules of the Division.

(r) That the opening and closing of the ballot shall be in accordance with the rules of the Division.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the

necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

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

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

prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except Mining and Energy Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(ii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iii) The Divisional Officers at a national level shall be members of that Divisional Executive.

(iv) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

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

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

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

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

National Executive shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS/MEMBERS

1. The following sets out the duties of the National Officers outlined herein. The National Secretary shall be a full time position. The wages and costs relating to the office of the full time officer shall be borne by the Union.

2. National President:

The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

The National President shall have a deliberative vote only.

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

3. National Secretary:

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

The National Secretary shall have the power, subject to decisions of the National Executive and/or National Conference, to appoint, control and dismiss the clerical, industrial, research and

accountancy staff of the National Office and allocate duties and responsibilities within the National Office.

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

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

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

The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretaries:

National Assistant Secretaries shall perform all duties assigned to them by National Conference and National Executive. They shall attend all meetings of National Conference and National Executive.

5. Vice-President/s:

The Vice-President shall assist the National President in the conduct of meetings and in the absence of the National President, shall act as President.

He/She shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

6. Members of National Executive and Delegates to National Conference:

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

7. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

8. No officers, employees, delegates or members shall be required to do, or required to omit to do, any act in breach of legislation applicable to the CFMEU.

9. Except as provided for by resolution of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof), it shall not be part of the duties of any delegate/steward, officer or employee, including organisers, whether temporary or not, to threaten, initiate, counsel, procure, induce, be involved in, engage in or be party to industrial action as defined by the Workplace Relations Act 1996 or building industrial action as defined by the Building and Construction Industry Improvement Act 2005.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

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

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. No funds shall be drawn from the Bank or financial institution except by cheque signed by two persons who are a National Secretary, National Assistant Secretary, National President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President or National Assistant Secretary. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

(viii) Any fines, penalties, damages, costs or other sum(s) ordered by a court against the Union is, if the conduct of a Division's officers, employees, agents or members made the Union liable for such amount(s), to be funded by that Division.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

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

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the National Secretary of a petition, signed by not less than 5% of the members of the Union, requesting that a general meeting of members of the Union be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the National Office, the National Secretary shall convene such meeting as soon as is practicable.

25 - ALTERATION OF RULES

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

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telegraphic, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Industrial Relations Act (Commonwealth) or the regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the Industrial Relations Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

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

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each division shall have autonomy in relation to its funds and property.

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

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

(vi) Divisions shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland, New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.202 of the Industrial Relations Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of state unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or National Assistant Secretary or any person authorised by a National Secretary or National President or National Assistant Secretary so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary or any person authorised by a Divisional Secretary or Divisional Assistant Secretary may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, Divisional Secretary or Divisional Assistant Secretary, or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests issued by a Divisional Secretary or Divisional Assistant Secretary or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National Assistant Secretary, National President, Divisional Secretary and/or Divisional Assistant Secretary shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.

(g) The taking of industrial action (within the meaning of the Workplace Relations Act 1996), building industrial action (within the meaning of the Building and Construction Industry Improvement Act 2005) or picketing by members is not authorised by the union without the consent of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof).

Provided however that the preceding paragraph shall not restrict the right of a person or body duly authorised by such a committee of management to authorise industrial action in accordance with s 446 (1)(a) of the Workplace Relations Act 1996, or any successor provisions thereto.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 361 Kent Street, Sydney in the State of New South Wales, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

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

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

35 - RECOVERY OF DUES

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

36 - LEVIES

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

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

(iii) A Division or Divisional Branch may impose a levy on its members.

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

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

37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

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

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

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

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

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

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

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

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

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

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

   If the votes are equal the question is resolved in the negative.

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

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

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

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

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

11. Any delegate or member speaking shall at once resume their seat -

(a) If the chairperson rises to speak; or
(b) If a point of order is raised.

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

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

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

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

CHAIRPERSON'S RULINGS

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

SUSPENSION OF ORDER OF BUSINESS

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

SITTING AS A COMMITTEE

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

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

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

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

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the Industrial Relations Act 1988, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, telex, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee, following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted

(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) deleted

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - Divisional Restructuring (FEDFA)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps which steps may deal with one Division at a time, Divisional Branches within a Division and/or the Divisional Office of any particular Division.

2. In relation to the above, the FEDFA Division shall be restructured in steps which shall involve:

(a) The abolition of full-time Divisional Officers at a national level and the allocation of responsibility for the FEDFA Division between the Building Unions Division and the UMW Division;

(b) The allocation of full-time Divisional Officers of the FEDFA Division to the Building Unions Division and the UMW Division;

(c) The continued operation of the Divisional Branches of the FEDFA Division with the intent, over time, of the restructuring of said Divisional Branches in accordance with Rule 42, into the Building Unions/Construction and General Division, UMW/Mining & Energy Division and the ATAIU/Forestry Division;

(d) The payment of capitation fees by FEDFA Divisional Branches to a designated fund which shall be administered by the Divisional Secretary of the FEDFA Division or, if or when that Office is abolished by the former Divisional Secretary and the Divisional Secretaries of the Building Unions and/or Construction and General Division and the UMW and/or Mining and Energy Division.

(e) The continued meeting of the Division Executive of the FEDFA Division for so long as is necessary before the complete restructuring of the FEDFA Division is effected in accordance with Rule 42.

3. On and from 27 September 1993, in accordance with the above procedure, the current Divisional Secretary of the FEDFA Division shall be and become the Divisional President of the Building Unions Division and the current Divisional Assistant Secretary of the FEDFA Division shall be and become a Divisional General Vice-President of the UMW Division and upon translation in accordance with Rule 42 (iii), shall hold the corresponding offices in the Construction and General Division and the Mining & Energy Division respectively.

4. The current Divisional Secretary and Divisional Assistant Secretary of the FEDFA Division shall continue to hold those positions in the FEDFA Division on an honorary basis until such time as the FEDFA Division no longer meets on a national basis.

5. This Rule shall come into force after its adoption by the National Executive and agreement thereto by the FEDFA Divisional Executive, UMW Divisional Executive and Building Unions Divisional Executive and thereupon shall be registered with the Australian Industrial Registry and shall take effect upon registration, or 27 September 1993, whichever is the later.

6. Further to the above provisions, and notwithstanding any other rule of the Union to the contrary, during the process of restructuring, any Divisional Branch of the FEDFA Division may reach agreement with any or all of the UMW Division/Mining & Energy Division and/or the Building Unions Division/Construction and General Division and/or the Forestry Division or the relevant Divisional Branches thereof to transfer members and officers of the FEDFA Division to any and/or all of the other aforementioned Divisions. Such agreement shall be reached with the approval of the Management Committee or its equivalent in each Divisional Branch and the officers concerned. Any such Divisional Branch may reach agreement on some or all of the matters relating to such transfer and, failing agreement on any or all of such matters, refer the matters by agreement to the National Executive for decision. Until such time as there no longer exists an FEDFA Division in accordance with the Rules of the Union, all such officers transferred shall, notwithstanding the holding of positions in other Divisions, continue to hold the office or position in the FEDFA Division on an honorary basis and shall, to the extent that the Rules require same, continue to perform the functions associated with that office in relation to the FEDFA Division. All agreements in relation to the transfer of members and officers shall be notified to the National Executive Committee and attached to the Minutes thereof. Such agreements shall have force and effect in accordance with the terms thereof and from the date of effect of that agreement as specified in that agreement, or failing any specification thereof, on the date of the agreement.

7. The following table shows the restructuring of the FEDFA Division, merging with the appropriate Union Division to create Industry Divisions:

	(	merged with	)
STATE	CONSTRUCTION AND GENERAL	MINING AND ENERGY	FORESTRY
National Office	27 Sept 1993	27 Sept 1993	
Queensland	4 Feb 1994	1 Jan 1993	
New South Wales		Northern 2/4/93 Southern 1/7/93 Western 8/4/93 Energy 21/7/93	
Tasmania	31 July 1996	24 August 1996	1 Jan 1994
Sth Aust	1 Aug 1993	1 Aug 1993	
West Aust	1 Sept 1993	1 Sept 1993	
Victoria	1 Aug 2003	2 Jan 2001	
Barrier		1 July 1996	

42B - Merger with ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts,

omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DIVISIONAL RESTRUCTURING (FFTS)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps, such steps may deal with one Division at a time and/or Divisional Branches within a restructured Division at a time.

2. In relation to the above, the FFTS Division shall on and from the 11th February 2002, be restructured in the first instance into the Forestry Division to form "The Forestry, Furnishing, Building Products and Manufacturing Division" (FFPD) which shall result in:

   (a) The abolition of full-time FFTS Divisional Officers at a national level and the allocation of responsibility for the FFTS Division to the restructured Division.

   (b) The allocation of Divisional/Branch Office Holders of the FFTS Division to the Office Holders positions of the restructured Division.

   (c) The continued operation of the Victorian and Queensland Divisional Branches of the FFTS Division within the restructured Division of up to four years beyond the expiration of the eight years referred to in sub-rule 42(xii). This sub-rule shall not otherwise affect the operation of sub-rule 42(xii). For the avoidance of doubt, the four years referred to in this sub-rule shall expire on 26 March 2005.

3. Further to the above provisions and notwithstanding any other rule of the Union to the contrary, the FFTS Victorian Branch shall unless otherwise agreed by the FFTS Victorian Branch Management Committee maintain its current structure and existence within the restructured Division up until 26 March 2005.

4. Prior to the 26 March 2005, the FFPD (which shall include representatives of the former FFTS Division) and the Construction & General Division (which shall include representatives from the National Office and all interested Branches) will meet under the chairpersonship of the National Secretary of the CFMEU to reach agreement to finalise translation/integration provisions intended by the respective Schemes of Amalgamation and the Rules of the Union in respect to the Forestry, FFTS and C&G Divisions.

5. Should agreement not be reached between the Divisions the matter shall be referred to the CFMEU National Executive to determine in accordance with the Schemes of Amalgamation and Rules of the Union.

6. Until the elections scheduled to be held in August 2004 the FFPD shall be constituted and represented as follows:-

   (a) Divisional Conference shall consist of:-

   (i) Forestry Division Representatives

Trevor Smith	SA	Jane Calvert	VIC
Paul Martinella	SA	Andy Laing	VIC
Mark Nicholls	SA	Ian Mullen	VIC
Brenton Lockwood	SA	Michael O'Connor	VIC
Scott McLean	TAS	Brad Platschinda	VIC
Colin Butler	TAS	Bevan Anderson	NSW
Gary Jaeschke	WA	Bruce CampbellNSW	
Christopher Northover	P&P	Craig Smith	NSW
Phillip Illidge	P&P	Eileen Anderson	NSW
Alex Millar	P&P	Kenneth Miller	NSW
Debbie Brennan	P&P		

(ii) FFTS Division Representation

Jim Emery	SA	Leo Skourdoumbis	VIC
David Kirner	SA	Frank Vari	VIC
Brad Parker	NSW	Joe Patti	VIC
Greg Williams	QLD	Cliff Palmer	VIC
John O'Brien	VIC	Alwin Seneviratne	VIC

(iii) Representation

Representation of the Forestry and FFTS Division Branches shall be in accordance with Rule 8 of the Forestry Division Rules.

(b) Divisional Executive shall consist of:-

(i)

Jane Calvert	Divisional President
Phillip Illidge	Divisional Snr V/President
Brad Parker	Divisional V/President
Craig Smith	Divisional V/President
Trevor Smith	Divisional Secretary
Chris Northover	Divisional Snr Assistant Secretary (Honorary)
Michael O'Connor	Divisional Assistant Secretary
Leo Skourdoumbis	Divisional Assistant Secretary (Honorary)
Kenneth Miller	Divisional Trustee
Dave Kirner	Divisional Trustee
Frank Vari	Divisional Trustee
Scott McLean	Divisional Trustee
Paul Martinella	Divisional Executive Member
Greg Williams	Divisional Executive Member
Gary Jaeschke	Divisional Executive Member

(c) FFPD NSW Branch Executive/Committee of Management

Brad Parker	Joint President (full-time)
Bevan Anderson	Joint President (Honorary)
Bruce Campbell	Snr V/President
Jayne Willet	Jnr V/President (AA)
Tom Abramovic	Jnr V/President
Craig Smith	Secretary
Sala Taalilil	Trustee
Eileen Anderson	Trustee (AA)
Peter Reilly	Trustee
Ronnie Watson	Trustee
Kenneth Miller	Trustee
Alan Lanyon	Committee Member
Barry Barrakett	Committee Member
Cheryl Hampton	Committee Member
Kerry Hickey	Committee Member
Mark Thompson	Committee Member
Michael Schuppan	Committee Member
Peter StClair	Committee Member
Anthony Ovington	Committee Member

(2 Vacant COM positions to be filled by FFTS)

(d) (a) FFPD VIC FFTS Branch Executive/Committee of Management

Joe Patti	President
Cliff Palmer	V/President

John O'Brien	V/President
Leo Skourdoumbis	Secretary
Frank Vari	Assistant Secretary
Michael Doran	Trustee
Ernie Landolt	Trustee
Les Ford	Trustee
Florencio P Carrion	Committee Member
Eric Maher	Committee Member
Jeffery Connor	Committee Member
Brenda Crawford	Committee Member
Penny Lintzos	Committee Member
James Maine	Committee Member
Alwin Seneviratne	Committee Member
Greg Wheeler	Committee Member
Chris Christou	Committee Member
Damian Cooke	Committee Member
Ian Morris	Committee Member

(b) FFPD VIC Forestry Branch Executive/Committee of Management

Andy Laing	President
Ian Mullen	Snr V/President
Andrew Wareham	V/President
Kim Mason	V/President (AA)
Jane Calvert	Secretary
Yorick Piper	Assistant Secretary
Kevin Wyley	Trustee
Clare Burford	Trustee (AA)
Ken Tonkin	Trustee
Mark Nelson	Trustee
Ricky Owens	Committee Member
Bob Salmnon	Committee Member
Wayne Smith	Committee Member
Neil Saunders	Committee Member
David Sheppard	Committee Member
Sunsera Verhoven	Committee Member
Anthony Jones	Committee Member
Duncan Ingram	Committee Member
Graeme Howe	Committee Member

(1 vacant COM AA position to be filled)

(e) FFPD Pulp & Paper Branch Executive/Committee of Management

Phillip Illidge	President
Robert Johnston	Snr V/President
Alex Millar	Jnr V/President
Chris Northover	Secretary/Treasurer
Grant Keys	Trustee
Chris Northover	Trustee
Alex Millar	Trustee
Geoff Gasperotti	Committee Member
Wayne Hardy	Committee Member
Andrew Ball	Committee Member
Greg Stewart	Committee Member
David Jessup	Committee Member
Mervyn Donoghue	Committee Member
Tom Blacka	Committee Member
Craig Waters	Committee Member
Ken Fraser	Committee Member

William Davey	Committee Member
Greg Godde	Committee Member
Trevor Sinclair	Committee Member
Marne Gurney	Committee Member

(f) FFPD SA Branch Executive & Committee of Management

Jim Emery	President
Mark Nicholls	Snr V/President
Tony Howlett	V/President
Maree Gale	V/President
Paul Martinella	Secretary
David Kirner	Assistant Secretary
Steve Crafter	Trustee
Tom Kenny	Trustee
Ross Bennetta	Trustee
Leonie Kiploks	Trustee (AA)
Karen Cory	Committee Member
Mark Vickers	Committee Member
Peter Nelson	Committee Member
Greg Muhovics	Committee Member
Andrew Sampson	Committee Member
Kym Isaacson	Committee Member
Peter Starr	Committee Member
Bill Burns	Committee Member
Bernie Maguire	Committee Member
Laurie Barbary	Committee Member

(1 Vacant COM AA position to be filled by FFTS)

(g) FFPD TAS Branch Executive & Committee of Management

Colin Butler	President
Angela Lord	Snr V/President
Narrelle Bassett	V/President (AA)
Anthony Clay	V/President
Scott McLean	Secretary
Shiralee Gillespie	Trustee (AA)
Ronald Brown	Trustee
Leanne Hardy	Trustee (AA)
Lindsay Hills	Trustee
Robert Bowden	Committee Member
Paul Worker	Committee Member
Peter Mason	Committee Member
Margaret Watson	Committee Member
Kylie Dundas	Committee Member
Joseph Kelly	Committee Member
Anthony Barnes	Committee Member
Adrian Littlejohn	Committee Member

(h) FFPD QLD Branch Executive/Committee of Management

Ursula Korableff	President
Desmond Flanagan	V/President
Stephan Williams	V/President
Greg Williams	Secretary
Rodney Black	Committee Member
Vincent Breen	Committee Member
John Forrest	Committee Member

(i) FFPD WA Branch Executive/Committee of Management

John Rudge	President
Vincent Preedy	Snr V/President
Douglas Ashcroft	V/President
Gary Jaeschke	Secretary (Honorary)
John Cleary	Trustee
Garry RamplingTrustee	

7. This rule shall come into force on and from 11 February 2002 in accordance with the unanimous decision of the National Executive and shall be registered with the Australian Industrial Registry.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State or Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS

(i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

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

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

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

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made pursuant thereto.

Upon receipt by the State Branch Secretary of a petition, signed by not less than 5% of the members of the State Branch, requesting that a general meeting of members of the State Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the State Branch, the State Branch Secretary shall convene such meeting as soon as is practicable.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

SCHEDULE OF OFFICERS REFERRED TO IN RULE 42 (xiv) (a)

POSITION	PERSON TO HOLD POSITION
NATIONAL UNION	
** Joint National Secretary	Stanley Sharkey
** Joint National Secretary	Vic Fitzgerald
** Joint National President	John Maitland
** Joint National President	Trevor Smith
** National Assistant Secretary	John Sutton
** National Senior Vice President	Lou Kyriacou
* National Senior Vice President	Albert Littler
National Senior Vice President	Bill Ethell
Joint National Vice President	Christopher Northover
Joint National Vice President	Kenneth Hawkins
Joint National Vice President	Malcolm McDonald
Joint National Vice President	Thomas Burke
* FEDFA Divisional Assistant Secretary	Tony Maher

* BWIU/Plasterers Divisional Assistant Secretary	Lindsay Fraser
* ATAIU Divisional Assistant Secretary	Chris Northover
* UMW Divisional General Secretary	Eric A Wilks
* UMW Divisional Vice President	Kenneth Hawkins

NATIONAL EXECUTIVE COMMITTEE shall consist of the six (6) principal officers (marked **) plus the other full-time Divisional Officers of each Division (marked *).

NATIONAL EXECUTIVE shall consist of the persons who constitute the National Executive Committee set out above and the Divisional Branch Secretary of each Divisional Branch of each Division set out herein and shall, in accordance with Rule 42 (viii) (a) include the National President and National Secretary of the former OPPWF. This body shall also include the Divisional Branch Secretaries from Victoria, New South Wales, South Australia and Queensland of the FFTS Union Division.

It also includes the South Australian, Victoria and Queensland Branch Secretaries and the NSW Branch Assistant Secretary of the former OPDU.

NATIONAL CONFERENCE shall consist of the persons listed as the members of the four (4) divisional executives set out herein until 2 January 1997, the following shall also be a delegate,

T. Richardson - Secretary of former OPPWF, Queensland Branch.

The National Conference shall also include the persons (as set out herein) comprising the Federal Executive of the FFTS Union Division while that Union Division remains autonomous.

BRANCHES OF THE UNION

NEW SOUTH WALES BRANCH

New South Wales State Officers

Joint NSW State Secretary	Dennis Matthews
Joint NSW State Secretary	Ian Peel
Joint NSW State President	Gavin Hillier
Joint NSW State President	Michael Watson
Joint NSW State Assistant Secretary	Andrew Ferguson
Joint NSW State Assistant Secretary	Alf Rankin
Joint NSW State Senior Vice President	Thomas Burke
Joint NSW State Senior Vice President	Peter McClelland
Joint NSW State Senior Vice President	Edward Curran
Joint NSW State Senior Vice President	Sid Wales
Joint NSW State Vice President	Bevan Anderson
Joint NSW State Vice President	Howard Fisher
Joint NSW State Vice President	Mick Smith
Joint NSW State Vice President	Gary McArthur

New South Wales State Executive

Shall consist of the abovenamed persons being the NSW State Officers together with the persons who are the full-time Divisional Branch officers, other than organisers, of each Divisional Branch, being,

ATAIU NSW Divisional State Assistant Secretary, Joyce Tuckwell
FEDFA NSW Divisional State Assistant Secretary, Scott Gartrell
FFTS NSW Union Divisional State Assistant Secretary, Rex Smith

New South Wales State Conference

Shall consist of the persons who constitute NSW State Executive as listed above (i.e. including NSW State Officers) and the persons being the other members of ATAIU NSW Divisional Branch Management Committee and the Building Unions NSW Divisional Branch Management Committee and the UMW Divisional Branch Management Committee, and the FEDFA NSW Divisional Branch Management Committee and the FFTS Union Division NSW Branch Management Committee listed herein.

VICTORIAN BRANCH

Victorian State Officers

Joint Vic State Secretary	John Van Camp
Joint Vic State Secretary	Vince Raffa
Joint Vic State President	Barry King
Joint Vic State President	Lou Kyriacou
Joint Vic State Assistant Secretary	Martin Kingham
Joint Vic State Assistant Secretary	Vacant
Vic State Senior Vice President	Frank O'Grady
Joint Vic State Vice President	Vilma Stargatt
Joint Vic State Vice President	Malcolm McDonald
Joint Vic State Vice President	Alex Findlay
Joint Vic State Vice President	Vacant

Victorian State Executive

Shall consist of the abovenamed persons being the Victorian Divisional Officers, Building Unions Victorian Divisional State Assistant Secretary and the FEDFA Victorian Divisional State Assistant Secretary plus FFTS Union Division Victorian Divisional Branch Senior Organiser.

Victorian State Conference

Shall consist of the persons who constitute the persons being the other members of the ATAIU Victorian Divisional Branch Management Committee, the BWIU Victorian Divisional Branch Management Committee and the FEDFA Victorian Branch Management Committee and the FFTS Union Division Victorian Divisional Branch Management Committee listed herein.

SOUTH AUSTRALIAN BRANCH

South Australian State Officers

SA State Secretary	Ben Carslake
SA State President	Quentin Cook
Joint SA Senior State Vice President	A. Johnson
Joint SA Senior State Vice President	D. Frater
Joint SA State Vice President	A. Young
Joint SA State Vice President	G. Bull
Joint SA State Vice President	D. Stapleton
Joint SA State Assistant Secretary	Terry Carrol
Joint SA State Assistant Secretary	Geoff Day
Joint SA State Assistant Secretary	J. McGirr

South Australian State Executive

Shall consist of the abovenamed persons being South Australian State Officers and

ATAIU SA Divisional Branch Assistant Secretary
FFTS SA Divisional Branch Assistant Secretary

South Australian State Conference

Shall consist of the persons who constitute South Australian State Executive set out above and the persons being the other members of the ATAIU South Australian Divisional Branch Management Committee, the Building Unions South Australian Divisional Branch Management Committee the FFTS Union Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee listed herein.

TASMANIAN BRANCH

Tasmanian State Officers

Joint Tas State Secretary	Max Cordwell
Joint Tas State Secretary	Mike Grey
Joint Tas State President	Shayne Murphy
Joint Tas State President	Leonard Miles
Tas State Senior Vice President	Stephen Hevey
Joint Tas State Vice President	J. Gill
Joint Tas State Vice President	Colin Butler
Joint Tas State Vice President	M. Collins
Joint Tas State Vice President	David Bean
Joint Tas State Vice President	Barry Bishop
Joint Tas State Vice President	Ray Carroll
Tas State Assistant Secretary	

Tasmanian State Executive

Shall consist of the Full Time Tasmanian State Officers.

Tasmanian State Conference

Shall consist of the persons listed as the Tasmanian State Executive set out above and, the other persons being the persons listed as members of the ATAIU Tasmanian Divisional Branch Management Committee, UMW Tasmanian Divisional Branch Management Committee, the Building Unions Tasmanian Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee and the FFTS Union Division Tasmanian Branch Management Committee listed herein.

AUSTRALIAN CAPITAL TERRITORY BRANCH

ACT State Officers

ACT State Secretary	George Wason
ACT State President	Rod Driver
Joint ACT State Vice President	Kate Lundy
Joint ACT State Vice President	J. McHugh
Joint ACT State Assistant Secretary	Trevor Zeltner
Joint ACT State Assistant Secretary	Stan Hambesis

ACT State Executive

Shall consist of the abovenamed persons listed as ACT State Officers.

ACT State Conference

Shall consist of those persons listed above as being the ACT State Executive and the other persons listed herein as members of the Building Unions ACT Divisional Branch Management Committee.

WESTERN AUSTRALIAN BRANCH

Western Australian State Officers

WA State Secretary	Bill Ethell
Joint WA State President	John Borlini
Joint WA State President	Alex A'Vard
Joint WA State Vice President	Gary Wood
Joint WA State Vice President	A. Baxter
Joint WA State Vice President	Ron Kielty
Joint WA State Vice President	A. Cook
Joint WA State Vice President	K. Reynolds
Joint WA State Assistant Secretary	Rick Todd
Joint WA State Assistant Secretary	Dave McIntyre

WA State Executive

Shall consist of the abovenamed persons listed as WA State Officers.

WA State Conference

Shall consist of those persons listed above as being the WA State Executive and the persons listed herein as members of the both Building Unions Divisional Branches' Management Committees, the members of the UMW WA District Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee.

QUEENSLAND BRANCH

Queensland State Officers

Joint Qld State Secretary	William Trohear
Joint Qld State Secretary	Greg Betts
Joint Qld State President	Andrew Vickers
Joint Qld State President	Peter Stone
Joint Qld State President	Des Holloway
Joint Qld State Senior Vice President	V. Robinson
Joint Qld State Vice President	B. Rushan
Joint Qld State Vice President	Kevin Anderson
Joint Qld State Vice President	Peter Neilson
Joint Qld State Assistant Secretary	Mark Hickey
Joint Qld State Assistant Secretary	Geoff Wilson
Joint Qld State Assistant Secretary	P. Waters

Queensland State Executive

Shall consist of the abovenamed persons listed as Queensland State Officers plus an additional person being the FFTS Union Division Qld Branch Assistant Secretary.

Queensland State Conference

Shall consist of those persons listed above as being the Queensland State Executive and the persons listed herein as members of the Building Unions Queensland Divisional Branch Management Committee, the members of the UMW Divisional Branch Management Committee and the

members of the FEDFA Divisional Branch Management Committee and members of the FFTS Union Division Qld Divisional Branch Management Committee.

BUILDING UNIONS DIVISION

DIVISIONAL OFFICERS

Joint Divisional President	A. Littler
Joint Divisional President	B. Ethell
Divisional Secretary	S. Sharkey
Joint Divisional Assistant Secretary	J. Sutton
Joint Divisional Assistant Secretary	L. Fraser
Joint Divisional Senior Vice President	D. McDonald
Joint Divisional Senior Vice President	J. McGirr
Joint Divisional Vice President	C. Bates
Joint Divisional Vice President	M. Bingham
Joint Divisional Vice President	T. Burke

BUILDING UNIONS DIVISIONAL EXECUTIVE

The Divisional Officers of Building Unions Division as set out above, and

W. Trohear	Queensland
M. Cordwell	Tasmania
B. Carslake	South Australia
V. Raffa	Victoria
D. Cafferty	Victoria
G. Wason	Australian Capital Territory
D. Matthews	New South Wales
A. Rankin	New South Wales
B. Ethell	Western Australia
T. Carroll	Plasterers
K. Reynolds	WA Plasterers

BUILDING UNIONS DIVISIONAL CONFERENCE

The Divisional Officers of Building Unions Division and the Divisional Executive as set out above, and the following delegates from Building Unions Divisional Branches:

A. Ferguson	(NSW)	A. Wigchert	(QLD)
P. Grainger	(NSW)	M. Hickey	(QLD)
J. Briggs	(NSW)	T. Richardson	(QLD)
T. Morrison	(NSW)		
T. Mawdsley	(NSW)	F. O'Grady	(VIC)
J. Taylor	(NSW)	R. Williams	(VIC)
I. Smith	(NSW)	M. Kingham	(VIC)
B. Woodham	(NSW)	J. Saddington	(VIC)
T. McDonald	(NSW)		
E. Boatswain	(NSW)	R. Todd	(WA)

- together with the OPDU Federal Council as at the date of amalgamation.

BUILDING UNIONS DIVISIONAL TRUSTEES

W. Trohear	(QLD)
R. Driver	(ACT)

BUILDING UNIONS NSW DIVISIONAL BRANCH

Divisional State President	P. McClelland

Divisional State Secretary	D. Matthews
Joint Divisional State Assistant Secretary	A. Ferguson
Joint Divisional State Assistant Secretary	T. Burke
Joint Divisional State Assistant Secretary	A. Rankin
Divisional State Vice President	G. McArthur

BUILDING UNIONS NSW DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners
T. Morrison
J. Pineiro
I. Smith
L. Strutzenberger
M. Barrios

Bridge & Wharf
A. Melnikoff

Tilelayer
L. Quill

Bricklayers
H.D. Eisenhammer
A. Baxter

Builders Labourers
J. Ashdown
P. Balcombe
I. Gavin
S. Green

Stonemason
S. Cafarella

Slater & Tiler
M. Murphy

Plasterer
C. Howarth

Painters
J. Anning
J. Foster
J. Hoddle

BUILDING UNIONS NSW DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and -

Sydney Zone

Sydney Carpenters & Joiners
H. Brazao
P. Bristow
T. Connolly
P. Eggers
E. Elder
G. Kelly
F. Malis
P. Leyden
A. Zdrilic

Sydney Bricklayers
V. Catania
J. Taylor
M. McAliney

Sydney Builders Labourers
B. Granata
E. Harbidge
G. Sheen
D. Stean
J. McGee
S. Whetter

Country Zone

Country Carpenters & Joiners
L. Allen
R. Wills

Country Bricklayer
D. Atkinson

Country Builders Labourer
W. Shipman

Bridge & Wharf
C. Ford

Tilelayers
L. Quill

Slaters & Tilers
M. French

Stonemasons
J. Robinson

Plasterer
K. Andrews

Newcastle Zone

Newcastle Carpenters & Joiners
J. Allen
P. Cuskelly

Newcastle Bricklayer
L. Deeks

Newcastle Builders Labourer
E. Purins

Wollongong Zone

Wollongong Carpenters & Joiners
T. Gray
G. Karry

Wollongong Bricklayer
W. Hall

Wollongong Builders Labourer
M. Ward

BUILDING UNIONS NSW DIVISIONAL BRANCH TRUSTEES

T. Morrison
L. Strutzenberger
S. Green
J. Anning

BUILDING UNIONS NSW DIVISIONAL BRANCH ORGANISERS

B. Miller
P. Grainger
W. Baker
J. Briggs
B. Cochrane
N. Fodor
J. Higgins
J. Curruthers
J. Prentice
J. McKee
T. Hunt
M. Lawler
P. Zaboyak
M. Lynch
S. Manna
T. Mawdsley
D. Sullivan
C. Bates
J. Adams
J. McGahan
B. Beasley

Newcastle: R. Jarman

BUILDING UNIONS NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

T. McDonald
S. Sharkey
D. McDonald
J. Briggs
I. Smith
P. Grainger
J. Taylor
J. Sutton
T. Burke
E. Boatswain
D. Matthews
L. Fraser
C. Bates
A. Ferguson
T. Morrison
T. Mawdsley
B. Woodham

BUILDING UNIONS QLD DIVISIONAL BRANCH

Divisional State President — P. Stone
Divisional State Secretary — W.W. Trohear
Divisional State Assistant Secretary — M. Hickey
Divisional State Assistant Secretary — P. Waters
Divisional State Vice President — K. Anderson
Divisional State Vice President — B. Rushan

BUILDING UNIONS QLD DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

B. Tucker
P. Stone
T. Richardson
R. Bostock
K. Marcus
K. Anderson
B. Hopton
K. Bull
R. Vanderhorst
A. Pountey
F. Pearson
J. Gruer
G. Federer
B. Hall
G. Horn
B. McGill
M. Edwards

BUILDING UNIONS QLD DIVISIONAL BRANCH TRUSTEES

P. Stone

T. Richardson
R. Bostock
R. Vanderhorst

BUILDING UNIONS QLD DIVISIONAL BRANCH ORGANISERS

W. Perrett
D. Kersey
T. Richardson
K. Murphy
K. Carroll
G. Howcroft
A. Wigchert

BUILDING UNIONS QLD DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. Trohear
A. Wigchert
M. Hickey
T. Richardson

BUILDING UNIONS WA DIVISIONAL BRANCH

Divisional State President	A. Baxter
Divisional State Secretary	B. Ethell
Divisional State Assistant Secretary	R. Todd

BWIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

N. Houston
P. Alcantara
B. Churchill
B. Freeman
T. Bird
H. Johnson
M. Banks
J. Giles

BWIU WA DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

Perth
G. Curtin
R. Gaskell
C. Knight
B. Waller
A. De Klerk
M. Floud
N. Drayton
A. Hughes
K. Bulloch
J. Fitzgerald

Fremantle/Medina
C. Gorham
A. Phillips
J. Allison
P. Fairbotham
J. Curran

South West
J. McDonell

BWIU WA DIVISIONAL BRANCH ORGANISERS

D. Wildgoose
J. Gallagher

BWIU WA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Ethell
R. Todd

BUILDING UNIONS WA PLASTERERS DIVISIONAL BRANCH

Divisional State President	Mark Hudston
Divisional State Secretary	Kevin Reynolds
Divisional Branch Delegate to National Conference	Kevin Reynolds
Divisional State Vice President	Roy Cox
Divisional Committee of Management	James Hamilton
	Michael Naughton
Divisional Branch Organiser	Robert Manwaring

BUILDING UNIONS TAS DIVISIONAL BRANCH

Divisional State President	Stephen Hevey
Divisional State Secretary	Max Cordwell
Divisional State Assistant Secretary	T. Benson
Joint Divisional State Vice President	Ray Browne
Joint Divisional State Vice President	Ray Carroll
Joint Divisional State Vice President	M. Collins

BUILDING UNIONS TAS DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Adrian Telha	Paul Ridgeway
Roy Smedley	Grant Jackson
Ray Carroll	Gary Taylor
R. Edwards	L. Verrell

BUILDING UNIONS TAS DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

002 Area	003 Area
C. Green	A.J. Smith
A. Currie	L. Edwards
R. Dillon	P. Harris

004 Area

W. Maloney
B. Knowles
R. Doe

BUILDING UNIONS TAS DIVISIONAL BRANCH TRUSTEES

Max Cordwell	Stephen Hevey
Ray Browne	Adrian Telha
R. C. Edwards	A. R. Benson

BUILDING UNIONS TAS DIVISIONAL BRANCH ORGANISERS

Mark Telha
Martin Clifford
Ray Carroll

BUILDING UNIONS TAS DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

M. Cordwell

BUILDING UNIONS VIC DIVISIONAL BRANCH

Divisional State President	F. O'Grady
Divisional State Secretary	V. Raffa
Divisional Branch Assistant Secretaries	M. Kingham M. Bingham
Divisional State Vice President	B. Oliver

BUILDING UNIONS VIC DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners	**Builders Labourers**	**Painters**
R. Williams	T. Sinclair	M. Baird
R. Carter	R. Ryan	M. Garcia
G. Lavery	J. Nicol	K. B. Hughes
D. Van Dam	P. Lennon	P. Boyle
M. Santana	M. Bingham	M. Evans
W. Torpey	M. Ratel	
D. Noonan		
B. Giagnacovo		

Tilelayer	**Stonemason**
Z. Prazac	M. Newham

BUILDING UNIONS VIC DIVISIONAL BRANCH COUNCIL

Carpenters & Joiners	**Builders Labourers**
V. Nicoli	T. Bockting
K. Green	G. Young
D. Black	G. Miles
A. Moore	D. Noonan
W. Oliver	K. Hughes
H. Kotsabis	J. Bruce
D. Jacobson	J. McPartlin
G. Preddy	C. Leatham
D. Shacklock	

Stonemasons	**Tilelayers**
A. Patience	O. Kypta
G. Slack	Z. Prazak

Zone Delegates

Ballarat	Bendigo
V. Broes	T. Coleman

L. Brown
N. Davidson
N. Pyle
L. Worme

Brunswick
M. Kingham
W. McConnel
F. Stradijot

Camberwell
J. Baysinger
R. Bentley
S. Mitchell

Clifton Hill
F. Amarante
R. Collins
S. West

Essendon
D. Deprisco
T. Hancy
V. Raffa

Footscray
P. Leckie
F. Lopez
R. Storey

Geelong
J. Cody
J. O'Mara
B. Roche

Goulburn Valley
C. Craig
A. Kerris
P. O'Flaherty

Latrobe Valley
V. Beaton
M. Smith
A. Nabulsi

Melbourne
R. Carter
M. Santana
G. Tsotsos

Mordialloc
G. Burleigh
I. Nichol
P. Sullivan

Murray Valley
L. Fahey
S. Masterson
J. Salinger

Oakleigh
L. Bacolas
J. Medlyn
B. Smith

Preston
M. Collingburn
R. Lucas
N. Porter

Prahran
B. Giagnacovo
A. Medina
S. Delaney

Richmond
D. Blake
C. Commons
R. Hakainsson

South Western
K. O'Connor
A. Sargent
G. Sullivan

Sunraysia
A. Boldock
D. Costa
M. Dawes

Wimmera
R. Nesibit
G. Scott
A. Patterson

BUILDING UNIONS VIC DIVISIONAL BRANCH TRUSTEES

M. Kingham
B. Oliver
Vacant
M. Bingham
F. O'Grady
M. Baird

BUILDING UNIONS VIC DIVISIONAL BRANCH ORGANISERS

R. Welsh
T. Sinclair
R. Storey
W. Bingham
A. Medina
D. Jacobson
D. Noonan
P. Muldeary
H. Kotsabis
R. Carter
T. O'Kane
D. Riddell
G. Young
M. Kingham
M. Garcia

BUILDING UNIONS VIC DIVISIONAL BRANCH DELEGATES DIVISIONAL CONFERENCE

F. O'Grady
M. Kingham
V. Raffa
R. Williams
J. Saddington
M. Bingham

BUILDING UNIONS SA DIVISIONAL BRANCH

Divisional State President	A. Johnson
Divisional State Secretary	B. Carslake
Divisional State Vice President	G. Millar
Divisional State Vice President	D. Stapleton
Divisional State Assistant Secretary/Treasurer	T. Carroll
Divisional State Assistant Secretary/Treasurer	J. McGirr

BUILDING UNIONS SA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

BWIU	PLASTERERS	PAINTERS
F. Gosden	G. Parrish	George Tilley
T. Karrandjis	R. Watson	Greg Tilley
C. Morton	R. Bennett	Lambden
D. Sellmann	A. Spano	Weir
T. Middleton	S. Kesisoglou	McEwan
		Evans

BUILDING UNIONS SA DIVISIONAL BRANCH ORGANISERS

M. Gnatenko
H. Koemecker
M. Bella

BUILDING UNIONS SA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Carslake

BUILDING UNIONS ACT DIVISIONAL BRANCH

Divisional State President	R. Driver
Divisional State Secretary	G. Wason
Joint Divisional State Assistant Secretary	S. Hambesis

Joint Divisional State Assistant Secretary	T. Zeltner
Divisional State Vice President	K. Lundy
Divisional State Vice President	J. McHugh

BUILDING UNIONS ACT DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Pyner	J. Grey Reitz
A. Dillon	D. Rail
J. Long	G. Roderick
T. Lagoya	L. Lancsar
J. Diamante	B. Larke
G. McGowan-Lay	G. Cleghorn
P. Johnstone	P. Trapani

BUILDING UNIONS ACT DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

D. Thompson	G. Kirkwood
B. Norman	G. Frasin
C. Kaskoutas	W. Thompson
M. Morgan	J. Clyde
T. Gooden	R. Hemsley

BUILDING UNIONS ACT DIVISIONAL BRANCH TRUSTEES

G. Wason	R. Driver
S. Hambesis	K. Lundy
G. McGowan-Lay	

BUILDING UNIONS ACT DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

G. Wason

ATAIU DIVISIONAL BRANCH OFFICE HOLDERS

ATAIU DIVISIONAL OFFICERS

Divisional President	G. Hillier
Divisional Secretary	T. Smith
Divisional Assistant Secretary	C. Northover
Divisional Senior Vice President	S. Murphy
Joint Divisional Vice President	P. Illidge
Joint Divisional Vice President	B. King

ATAIU DIVISIONAL TRUSTEES

J. Tuckwell	Q. Cook
V. Stargatt	

Who form the Divisional Executive, and who with the following form the Divisional Conference

A. Roberg (SA)
C. Butler (TAS)
J. Gallogley (NSW)
M. Schuppan (NSW)
J. Beeson (VIC)
E. Swainston (VIC)
A. Dunlop (Pulp & Paper)
M. St Clair (SA)
B. Anderson (NSW)
J. Quartermaine (NSW)
B. Campbell (NSW)
B. Murpy (VIC)
M. Graham (Pulp & Paper)

ATAIU SA DIVISIONAL BRANCH

ATAIU SA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Young
Divisional Branch Secretary	Q. Cook
Divisional Branch Vice Presidents	M. St Clair
	A. Roberg

ATAIU SA DIVISIONAL BRANCH TRUSTEES

E. Cathro
J. Nicks
P. Martinella

Who form the Executive.

ATAIU SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

L. Barry
L. Kilsby
G. Schultz
B. Lockwood
T. Goodrich
F. Beimans
L. Pelkonen

ATAIU SA DIVISIONAL COUNCIL DELEGATES

M. St Clair
T. Smith
A. Young
Q. Cook

ATAIU NSW DIVISIONAL BRANCH

ATAIU NSW DIVISIONAL BRANCH OFFICERS

Divisional President	B. Anderson
Divisional Secretary	G. Hillier
Divisional Assistant Secretary	J. Tuckwell
Divisional Vice Presidents	G. Sacco
	J. Gallogley

ATAIU NSW DIVISIONAL BRANCH TRUSTEES

S. McDonald
B. Campbell
M. Schuppan

Who are officers and form the Executive.

ATAIU NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

W. Englert
S. Hudson
W. Sentance
C. Brooks
K. Yelverton
J. Quartermain
C. McGowan

ATAIU NSW DIVISIONAL COUNCIL DELEGATES

G. Hillier
J. Gallogley
J. Quartermain
B. Campbell
B. Anderson
S. McDonald
K. Yvelton

ATAIU VIC DIVISIONAL BRANCH

ATAIU VIC DIVISIONAL OFFICERS

Divisional President	V. Stargatt
Divisional Secretary	B. King
Divisional Vice Presidents	V. Iluk
	E. Swainston

ATAIU VIC DIVISIONAL BRANCH TRUSTEES

J. Beeson
B. Murphy
T. Carley

ATAIU VIC DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

J. Browne
P. Love
T. Stinton
S. Wilson
B. Harms
R. Owens
C. Walkear
P. Tait

ATAIU VIC DIVISIONAL COUNCIL DELEGATES

V. Stargatt
J. Beeson
B. Murphy
M. Lynch
E. Swainston

ATAIU TAS DIVISIONAL BRANCH

ATAIU TAS DIVISIONAL BRANCH OFFICERS

Divisional President	C. Butler
Divisional Secretary	S. Murphy
Divisional Vice Presidents	R. Ford
	D. Turriff

ATAIU TAS DIVISIONAL BRANCH TRUSTEES

C. Butler
R. Smith
S. Cahoon

ATAIU TAS DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

M. Barber
R. Foster
D. Harkes
B. Riley
S. Cahoon
R. French
N. Lincoln
R. Smith

ATAIU TAS DIVISIONAL COUNCIL DELEGATES

C. Butler
S. Murphy

ATAIU WA DIVISIONAL BRANCH

ATAIU WA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Cook
Divisional Branch Secretary	A. A'Vard
Divisional Branch Vice President	D. Murie
Divisional Branch Treasurer	R. Taylor

ATAIU WA DIVISIONAL BRANCH TRUSTEES

P. McCarthy
R. Henry
K. Smith

ATAIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

R. J. Smith
R. Reiter
V. McGlinn
G. P. Jaeschke
W. J. Hall
C. Hagelund
K. Cameron
J. Savage
M. Bennett

ATAIU NO. 7 DIVISIONAL BRANCH

ATAIU NO. 7 DIVISIONAL BRANCH OFFICERS

Divisional Branch President	P. Illidge
Divisional Branch Secretary/Treasurer	C. Northover
Divisional Branch Assistant Secretary/Treasurer	M. Graham
Divisional Vice Presidents	A. Dunlop
	R. Johnson

ATAIU NO. 7 DIVISIONAL BRANCH TRUSTEES

C. Northover
M. Graham

ATAIU NO. 7 DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

D. Garlick
T. Mackerell
N. Anderson
N. Allen
M. Donoghue
J. Wright
G. Aston
G. Morley
C. Glaubitz
D. McKay
P. Graham
T. Kelly

W. Hardy	G. Lincoln
G. Draper	T. Dwyer

ATAIU NO. 7 DIVISIONAL COUNCIL DELEGATES

C. Northover	M. Graham
P. Illidge	

ATAIU NOWRA SUB-BRANCH

President	Peter Graham
Senior Vice President	Harry Knowles
Junior Vice President	Tim Cato
Secretary-Treasurer	Mervyn Donoghue
Committee of Management	Rhonda Shelley
	Jim Evans
	Ray Clarke
	Alan Whitton
Delegate to No. 7 Branch	
Committee of Management	Mervyn Donoghue
	Peter Graham

ATAIU BURNIE SUB-BRANCH

President	George Draper
Senior Vice President	Barry Connors
Junior Vice President	Eric Edwards
Secretary-Treasurer	Geoffrey Lincoln
Committee of Management	
Alan Claridge	Graham Wells
Anthony Johnson	Andrew Crawn
Jack Wylie	Russell Norton
Danny Rowlands	Richard Troughton
Noel Stubbs	Rex Berry
Delegate to No. 7 Branch	
Committee of Management	Geoffrey Lincoln
	George Draper

ATAIU PORT HUON SUB-BRANCH

President	Barry Young
Senior Vice President	Colin McMullin
Junior Vice President	Jeff Parsons
Secretary-Treasurer	Wayne Hardy
Committee of Management	
Neville Burgess	Graeme Goaman
David Greatbatch	Ricky Cowen
Delegate to No. 7 Branch	
Committee of Management	Wayne Hardy

ATAIU MYRTLEFORD SUB-BRANCH

President	Vacant
Senior Vice President	Bruce Dale
Junior Vice President	Paul Ryan
Secretary-Treasurer	Trevor Dwyer
Committee of Management	Oliver Evans
	Colin Richardson
	Trevor Davis
	Robert Arnold
	Christopher Stone
Delegate to No. 7 Branch Committee of Management	Trevor Dwyer

ATAIU MARYVALE SUB-BRANCH

President	Neville Anderson
Senior Vice Persident	Charles Glaubitz
Junior Vice President	Cidge Fabris
Secretary/Treasurer	Graeme Morley
Committee of Management	
Steven Gilham	Robert Brown
Vernon Jones	Charles Stuart
Geoffrey Dorling	Brian McNamara
Peter Morris	Steven Mason
Wayne Snell	Vincent Nabel
Delegates to No. 7 Branch Committee of Management	Neville Anderson
	Charles Glaubitz
	Graeme Morley
Delegates Gippsland Trades & Labour Council	Graeme Morley
	Vernon Jones
	Brian McNamara
	Robert Brown

ATAIU SYDNEY SUB-BRANCH

President	Donald McKay
Senior Vice Pesident	Ron McElhinney
Junior Vice President	Edward Pram
Secretary-Treasurer	Philip Illidge
Committee of Management	
William Daly	Les Smith
William Flowers	Anthony De Bono
Harry Marshall	Wayne Trewella
Mark Skennerton	Joseph Bodor
Delegates to No. 7 Branch Committee of Management	Philip Illidge
	Donald McKay

ATAIU BROADFORD SUB-BRANCH

President	Vacant
Senior Vice President	Vacant
Junior Vice President	Vacant
Secretary-Treasurer	Len Allen
Committee of Management	Garry Nesbitt
	Terry Hobson
	Alan Cole
	Craig Waters
Delegate to No. 7 Branch Committee of Management	Len Allen

ATAIU MILLICENT SUB-BRANCH

President	John Wright
Senior Vice Pesident	Trevor Kelly
Junior Vice President	Richard Watts
Secretary-Treasurer	Robert Johnston
Committee of Management	Michael King
	Graeme Richards
	Mavis Kloock
	Graeme Richardson
	Gilbert Mouat
	Helen Walker
Delegates to No. 7 Branch Committee of Management	John Wright
	Trevor Kelly
	Robert Johnston

ATAIU MELBOURNE SUB-BRANCH

President	David Garlick
Senior Vice President	George Ashton
Junior Vice President	Vacant
Secretary-Treasurer	Alexander Dunlop

Committee of Management

William Horton	Stan Mazur
Terry Mackerell	Steve Morris
Tom Donelly	Ian James
Alex Miller	Michael Adamopolous

Delegates to No. 7 Branch Committee of Management	Alexander Dunlop
	David Garlick
	George Aston

Delegates to Victorian Trades Hall Council	Alexander Dunlop William Horton Terry Mackerell Malcolm Graham

UMW DIVISION

In accordance with Rule 42 - Transitional Provisions of the Rules of the Union being the National Rules the officers of the previously existing Mining Division immediately prior to the date of effect of the amalgamation shall be, on and from the date of effect of amalgamation the officers of the UMW Division which is the new name for the previous Mining Division and the only change therein shall be, to the extent necessary, the change in the title of office to reflect the change in the name of the Division from Mining Division to UMW Division.

FEDFA DIVISION

DIVISIONAL OFFICERS

Divisional President	M. McDonald
Divisional Secretary	V. Fitzgerald
Divisional Assistant Secretary	T. Maher

FEDFA DIVISIONAL EXECUTIVE

The Divisional Officers of FEDFA Division as set out above, and

I. Peel	New South Wales
J. Van Camp	Victoria
G. Betts	Queensland
G. Day	South Australia
B. O'Neil	Barrier
M. Grey	Tasmania
D. McIntyre	Western Australia

FEDFA DIVISIONAL CONFERENCE

The Divisional Officers of FEDFA Division and the Divisional Executive as set out above, and the following delegates from FEDFA Divisional Branches:

T. Maher	(NSW)
P. Jordan	(NSW)
B. Neilson	(VIC)
M. Hill	(VIC)
D. Holloway	(QLD)
G. Purtill	(QLD)
L. Wilson	(QLD)
B. Samson	(Barrier)
M. Buckley	(SA)
B. Low	(WA)
R. Harrison	(TAS)

FEDFA NSW DIVISIONAL BRANCH

Divisional Branch President	M. Smith
Divisional Branch Secretary	I. Peel
Divisional Branch Assistant Secretary	S. Gartrell

FEDFA NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above,

FEDFA NSW DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and regional delegates and organisers stated below,

Metropolitan
P. Wormleaton
R. Johnson
B. Francis
D. Whitehead
D. Dunn

Northern Region
N. Rose
M. Sealby
G. Webb
D. Owens
J. Nixon

Southern Region
K. Anderson
B. Barnham
G. Freeman
T. Potter

Western Area
R. Fuller
W. Williams

FEDFA NSW DIVISIONAL BRANCH ORGANISERS

Metropolitian
G. Avouris
T. Grant
S. Cochran

Northern
M. Beehag
S. Harding
L. Sinclair

Riverina
S. King
J. Wilson

Western
G. Childs

Southern
H. Miller

Mining
P. Jordan

Energy
A. Drew

FEDFA NSW DIVISIONAL BRANCH TRUSTEES

D. Dunn
L. Robinson
J. Owens

FEDFA NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

V. Fitzgerald

T. Maher
P. Jordan
I. Peel

FEDFA VICTORIAN DIVISIONAL BRANCH

Divisional Branch President	M. McDonald
Divisional Branch Secretary	J. Van Camp
Divisional Branch Assistant Secretary	M. Greenbury
Divisional Branch Vice President	M. Hill

FEDFA VICTORIAN DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

M. French
D. McDonald
D. Baker
J. Kadziela
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional Officers as set out above, and -

SECV Yallourn
P. Wilson

SECV Morwell
G. Reid

SECV LaTrobe
(vacant)

Country Provisional
W. Fleet
M. French
T. McKenzie
P. Skinner

Metropolitian
D. Baker
J. Kadziela

Organisers Rep.
A. Riley
M. Hallett
D. McDonald
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH ORGANISERS

W. Fleet
M. French
R. Hallett
M. Hill
A. Riley

TRUSTEES

M. McDonald
J. Van Camp

FEDFA VICTORIAN DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

J. Van Camp
M. McDonald
M. Hill
B. Nielson

FEDFA BARRIER DIVISIONAL BRANCH

Divisional Branch President	B. Samson
Divisional Branch Secretary	W. O'Neil
Divisional Branch Vice President	R. Hunter

FEDFA BARRIER DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above,

FEDFA BARRIER DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

D. Brennan	R. Adams
A. Fraser	B. Sayers
E. Snaith	

FEDFA BARRIER DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. O'Neil	B. Samson

TRUSTEES

R. Adams	B. Sayer
E. Snaith	

FEDFA TASMANIAN DIVISIONAL BRANCH

Divisional Branch President	B. Bishop
Divisional Branch Secretary	M. Grey

FEDFA TASMANIAN DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and - D. Dawson

FEDFA TASMANIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

Launceston	**Hobart**
D. Dawson	M. Hyland
Devonport	**Tullah**
(vacant)	T. Jones
Burnie	**Savage River**
L. Britton	R. Harrison
Rosebery/Lyell	**Organisers**
N. Hartnell	D. Moncrieff
	B. Best

FEDFA TASMANIAN DIVISONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

M. Grey R. Harrison

FEDFA WA DIVISONAL BRANCH

Divisional Branch President (vacant)
Divisional Branch Secretary (vacant)

FEDFA WA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

FEDFA WA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

P. Bates I. Douglas
T. Feeney D. Hellyer

FEDFA WA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

B. Low
(vacant)

FEDFA SA DIVISIONAL BRANCH

Divisional Branch President G. Bull
Divisional Branch Secretary G. Day
Divisional Branch Vice President F. Stonys

FEDFA SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Rogers R. Brewer

FEDFA SA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

J. Rodgers K. Maywald
F. Grosso F. Harrison
R. Brewer

ORGANISER

R. Brewer

FEDFA SA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

G. Day
M. Buckley

FEDFA QUEENSLAND DIVISONAL BRANCH

Divisional Branch President	D. Holloway
Divisional Branch Secretary	G. Betts
Divisional Branch Assistant Secretary	G. Wilson

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

S. Douglas	B. Scheuber
C. Swift	R. Coleman
L. Wilson	J. Spencer

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch State Management Committee as set out above, and -

M. Dowvendans	T. Quaid
L. Genrich	N. Rampton
R. Beattie	H. Heumiller
J. Rossington	C. Price
(vacant)	

FEDFA QUEENSLAND DIVISIONAL BRANCH ORGANISERS

D. Bloxsom	H. Heumiller
G. Flack	C. Price
C. Gillespie	T. Rosier
J. Rossington	B. Stacker
R. Tremlin	

FEDFA QUEENSLAND DIVISIONAL BRANCH TRUSTEES

D. Holloway	S. Douglas
G. Betts	L. Wilson

FFTS UNION DIVISION

DIVISIONAL OFFICERS

Divisional President	A. Findlay
Divisional Secretary	L. Kyriacou
Divisional Assistant Secretary	M. Haritou
Divisional Senior Vice-President	S. Wales
Divisional Junior Vice-President	D. Frater

FFTS UNION DIVISIONAL EXECUTIVE

The Divisional Officers of the FFTS Union Division as set out above, and

A. Smith	New South Wales
V. Robinson	Queensland

FFTS UNION DIVISIONAL CONFERENCE

The Divisional Officers of the FFTS Union Division and the Divisional Executive as set out above, and the following delegates from the FFTS Union Divisional Branches;

W. Brown (VIC)
M. Findlay (VIC)
R. Smith (NSW)
R. Groat (SA)
A. Cookson (QLD)
R. Orange (TAS)

FFTS UNION VIC. DIVISIONAL BRANCH

Divisional Branch President	M. Mitten
Divisional Branch Secretary	L. Kyriacou
Divisional Branch Assistant Secretary	A. Findlay
Divisional Branch Senior Vice-President	W. Brown
Divisional Branch Junior Vice-President	C. Avent
Divisional Branch Organiser	M. Haritou
Divisional Branch Organiser	R. Shugg

FFTS UNION VIC. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch Officers as set out above and -

A. Frazer	N. Hazeldine
G. Lee	P. Linzos
J. Maines	J. O'Brien
J. Patti	J. Robins
I. Whitcroft	L. Zanandrea
J. Calvert	

FFTS UNION NSW DIVISIONAL BRANCH

Divisional Branch President	R. Smith
Divisional Branch Secretary	S. Wales
Divisional Branch Assistant Secretary	R. Smith
Divisional Branch Vice-President	J. Callaway
Divisional Branch Organiser	Jack Lawrence

FFTS UNION NSW DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

J. Campbell	R. Davies
K. Campbell	W. Kraan
Robert Cumbo (Trustee)	Harry Irvine (Trustee)

FFTS UNION S.A. DIVISIONAL BRANCH

Divisional Branch President	R. Groat
Divisional Branch Secretary	D. Frater
Divisional Branch Assistant Secretary	S. Rowe
Divisional Branch Senior Vice-President	J. Emery

Divisional Branch Junior Vice-President	A. Reeves
Divisional Branch Organiser	S. Rowe
Divisional Branch Organiser	P. Wong
Divisional Branch Organiser	T. Woods

FFTS UNION S.A. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

B. Billington	M. Brownlie
P. Crisanti	A. Czora
A. Howlett	J. Salter
G. Whitford	

FFTS UNION QLD DIVISIONAL BRANCH

Divisional Branch President	G. William
Divisional Branch Secretary	V. Robinson
Divisional Branch Vice-President	A. Amos
Divisional Branch Assistant Secretary	A. Cookson

FFTS UNION QLD. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and - G. Dawson

FFTS UNION TAS DIVISIONAL BRANCH

Divisional Branch President	S. Negus
Divisional Branch Secretary	J. Gill
Divisional Branch Assistant Secretary	R. Orange
Divisional Branch Vice-President	C. Schoenwald
Additional Divisional Branch Executive member	W. Picken
Additional Divisional Branch Executive member	P. Green

FFTS UNION TAS DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

C. Sproule
W. Bandlow

END OF RULES

[105N-FED: incorporates alterations of 12/9/07 in matter D2007/108

I CERTIFY under section 161 of Schedule 1 of the Workplace Relations Act 1996 that the pages herein numbered 1 to 92 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

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1 - NAME

The name of the Union shall be the "Construction, Forestry, Mining and Energy Union".

2 - CONSTITUTION

(A)(A) The following unlimited number of persons, whether male or female, are eligible to be members of the Union

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in

paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;
(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, shall be eligible to be members of the Union including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

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

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker

Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due

south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:

(i) All persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) An unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board, strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) Such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members are eligible to be members of the Union.

(E) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:-

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

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

(b) Further, provided that, without limiting the generality of the foregoing the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building are eligible to be members of the Union. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other sub-rule or paragraph or being limited thereby an unlimited number of persons who are employed in, or competent to be employed in or in connection with the following industries or trades are eligible to be members of the Union:
Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and

employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland are eligible to be members of the Union.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the following are eligible to be members of the Union: an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation

and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work

Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler,

generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery

and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

4 - OBJECTS

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

2. To regulate the conditions under which all members, of the Union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or association, or association of Trades Unions or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Branches, Divisions, Divisional Branches, Sub-Branches, Districts or Sections of the Union throughout the Commonwealth of Australia.

7. To further any scheme that has for its object the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labour and Trade Union newspapers and wireless broadcasting and television stations, and to invest in shares in such newspapers and radio and television stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide labour or Trade Union Organisation or Association.

10. To establish and manage a Union Journal or Journals.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

14. To render legal and other assistance to members, to protect the interests of the Union in all its Branches and to assist other trade unions by any legal method.

15. To obtain such other objects as the National Conference or National Executive shall from time to time determine.

16. To organise the education of members.

17. To establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Divisional or Divisional Branches.

18. The advancement of members intellectually, morally and socially and to do all things which, in the opinion of the Union, is in the interest of members including donations to political parties, the achievement of compulsory unionism, preference in employment, retrenchment, promotion, demotion and transfer in employment, the production and distribution of newspapers, journals and the like.

19. To achieve such other objects as may be lawfully adopted by any Division of the Union.

20. To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"PROPORTIONAL REPRESENTATION" shall mean a system of representation at Committees, Conferences, Executives or the like which, as far as practicable, will provide for voting on a basis which

reflects the number or percentage of financial members, as calculated in accordance with these rules, that each person on such Committee, Conference, Executive or the like, represents.

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

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

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

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

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

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

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

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Mining and Energy Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Workplace Relations Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

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

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v)(a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of

application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

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

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be

reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

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

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.202 of the

Industrial Relations Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

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

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

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

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

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

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from

amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.
Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one

calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telegram or telex.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, telephonic, telegraphic, telex, verbal and/or written vote (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) (a) The National Executive Committee shall consist of the National Principal Officers, being the National Secretary of the CFMEU, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Forestry, Furnishing, Building Products and Manufacturing Division, the General President of the Mining and Energy Division; together with the fulltime elected Officers of each Division who are fulltime at the National level and are not already one of the aforementioned National Principal Officers; two (2) Divisional Assistant Secretaries of the Forestry, Furnishing, Building Products and Manufacturing Division, one of whom shall be the Principal Officer of the Pulp and Paper Industry Sector and the other of whom shall be the Principal Officer of the Furnishing Industry Sector; and the Divisional President, and two (2) Divisional Assistant Secretaries of the Construction and General Division if not otherwise included.

(b) Without affecting the term of office of persons holding office as National Executive Committee members immediately prior to the date of certification of this sub-rule, the National Executive Committee shall, on and from 1 July, 2006 consist of the National Principal Officers, being the National Secretary, National President, National Assistant Secretary and an additional National Assistant Secretary of the union together with such of the following elected officers of each Division at a National level namely:-

- in the case of the Construction and General Division, the Divisional Secretary, two (2) Divisional Assistant Secretaries, the Divisional President and the full time Divisional Senior Vice-President

- in the case of the Forestry, Furnishing, Building Products and Manufacturing Division, the Divisional Secretary, two (2) Divisional Assistant Secretaries and the Divisional President

- in the case of the Mining and Energy Division, the General President, the General Secretary, the General Vice-President and the Senior Vice-President

who are not one of the aforementioned National Principal Officers.

Provided however that in addition to the above the Construction and General Division shall be entitled to two (2) additional National Executive Committee members elected by and from the Construction and General Division Divisional Conference.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive and National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six (6). A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a facsimile, telephonic, email, written and/or postal vote of members of the National Executive or National Executive Committee at any time. Members of the National Executive or National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or facsimile or email or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or email.

15 - NATIONAL EXECUTIVE

(i) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

(ii) The National officers shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

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

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Industrial Relations Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

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

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

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

16 - ELECTION OF NATIONAL OFFICERS

(i) The National Secretary, National Assistant Secretary and National President (and on and from 1 July, 2006, an additional National Assistant Secretary) shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, for Divisions with more than one Divisional Branch, each Division shall be represented by at least one Officer who shall be the principal officer of that Division.

Further provided that until 30 June, 2006, for Divisions with more than one Divisional Branch, each Division shall hold at least one position of Joint Vice President as follows:

* Joint Vice President (Construction and General Division)
* Joint Vice President (FFPD Division)
* Joint Vice President (Mining & Energy Division)

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions by resolution from that Division's Divisional Conference.

Further provided that until 30 June, 2006**,** there shall be a Principal Officer of the FFPD Division representing the former FFTS Division who shall be a National Senior Vice-President. Such officer shall be and remain a member of the National Executive and the National Executive Committee.

Further provided that the Construction & General Division Senior Vice-President (former National Secretary of the OPDU) shall be a National Vice-President and shall be and remain a member of the National Executive and National Executive Committee.

Until 30 June, 2006 all existing full-time officers of each Division, not otherwise elected to any of the foregoing positions, shall be and remain members of the National Executive Committee.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office

or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office. Further provided that in the case of a vacancy in one or more of the National Principal Officer positions, the National Executive may fill such office by appointment from the National Conference delegates. Provided however that any such appointment/s shall ensure that each Division shall have at least one representative amongst the four National Principal Officers.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by post, letter, telegram, telephone, telex, facsimile and/or verbally as soon as the count is completed.

(ix) In any ballot of the National Collegiate for the election of National Officers, the representatives of each of the Divisions shall cast votes proportionate to the membership of their respective Divisions determined in the same way, the necessary changes being made, as votes cast by delegates to the National Conference in accordance with Rule 13(iii) and (iv) herein.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(ii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iii) Except in the case of the Mining & Energy Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) That nominations are called in accordance with the rules of the Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) That the nominations process, closure and receiving of, are in accordance with the rules of the Division.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) Officers of all Divisional Branches holding such office at the date of amalgamation shall remain in office until the general election of officers held in 1996 and shall be eligible to nominate in that election. In this paragraph officers of all Divisional Branches shall mean officers of branches of the amalgamating unions being the persons listed in the schedule hereto.

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the

names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall, in accordance with the Rules of the Division, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only:-

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) The candidate's statement provided for in accordance with sub-rule (h) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail all ballot papers, in accordance with the Rules of the Division.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed closed in accordance with the rules of the Division.

(r) That the opening and closing of the ballot shall be in accordance with the rules of the Division.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the

necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

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

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

prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except Mining and Energy Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(ii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iii) The Divisional Officers at a national level shall be members of that Divisional Executive.

(iv) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

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

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

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

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

National Executive shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS/MEMBERS

1. The following sets out the duties of the National Officers outlined herein. The National Secretary shall be a full time position. The wages and costs relating to the office of the full time officer shall be borne by the Union.

2. National President:

The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

The National President shall have a deliberative vote only.

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

3. National Secretary:

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

The National Secretary shall have the power, subject to decisions of the National Executive and/or National Conference, to appoint, control and dismiss the clerical, industrial, research and

accountancy staff of the National Office and allocate duties and responsibilities within the National Office.

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

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

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

The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretaries:

National Assistant Secretaries shall perform all duties assigned to them by National Conference and National Executive. They shall attend all meetings of National Conference and National Executive.

5. Vice-President/s:

The Vice-President shall assist the National President in the conduct of meetings and in the absence of the National President, shall act as President.

He/She shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

6. Members of National Executive and Delegates to National Conference:

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

7. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

8. No officers, employees, delegates or members shall be required to do, or required to omit to do, any act in breach of legislation applicable to the CFMEU.

9. Except as provided for by resolution of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof), it shall not be part of the duties of any delegate/steward, officer or employee, including organisers, whether temporary or not, to threaten, initiate, counsel, procure, induce, be involved in, engage in or be party to industrial action as defined by the Workplace Relations Act 1996 or building industrial action as defined by the Building and Construction Industry Improvement Act 2005.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

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

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. No funds shall be drawn from the Bank or financial institution except by cheque signed by two persons who are a National Secretary, National Assistant Secretary, National President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President or National Assistant Secretary. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

(viii) Any fines, penalties, damages, costs or other sum(s) ordered by a court against the Union is, if the conduct of a Division's officers, employees, agents or members made the Union liable for such amount(s), to be funded by that Division.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

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

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the National Secretary of a petition, signed by not less than 5% of the members of the Union, requesting that a general meeting of members of the Union be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the National Office, the National Secretary shall convene such meeting as soon as is practicable.

25 - ALTERATION OF RULES

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

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telegraphic, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Industrial Relations Act (Commonwealth) or the regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the Industrial Relations Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

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

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each division shall have autonomy in relation to its funds and property.

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

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

(vi) Divisions shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland, New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.202 of the Industrial Relations Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of state unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or National Assistant Secretary or any person authorised by a National Secretary or National President or National Assistant Secretary so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary or any person authorised by a Divisional Secretary or Divisional Assistant Secretary may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, Divisional Secretary or Divisional Assistant Secretary, or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests issued by a Divisional Secretary or Divisional Assistant Secretary or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National Assistant Secretary, National President, Divisional Secretary and/or Divisional Assistant Secretary shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.

(g) The taking of industrial action (within the meaning of the Workplace Relations Act 1996), building industrial action (within the meaning of the Building and Construction Industry Improvement Act 2005) or picketing by members is not authorised by the union without the consent of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof).

Provided however that the preceding paragraph shall not restrict the right of a person or body duly authorised by such a committee of management to authorise industrial action in accordance with s 446 (1)(a) of the Workplace Relations Act 1996, or any successor provisions thereto.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 361 Kent Street, Sydney in the State of New South Wales, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

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

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

35 - RECOVERY OF DUES

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

36 - LEVIES

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

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

(iii) A Division or Divisional Branch may impose a levy on its members.

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

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

37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

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

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

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

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

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

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

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

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

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

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

   If the votes are equal the question is resolved in the negative.

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

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

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

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

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

11. Any delegate or member speaking shall at once resume their seat -

(a) If the chairperson rises to speak; or
(b) If a point of order is raised.

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

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

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

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

CHAIRPERSON'S RULINGS

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

SUSPENSION OF ORDER OF BUSINESS

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

SITTING AS A COMMITTEE

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

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

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

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

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the Industrial Relations Act 1988, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, telex, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee, following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted

(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) deleted

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - Divisional Restructuring (FEDFA)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps which steps may deal with one Division at a time, Divisional Branches within a Division and/or the Divisional Office of any particular Division.

2. In relation to the above, the FEDFA Division shall be restructured in steps which shall involve:

(a) The abolition of full-time Divisional Officers at a national level and the allocation of responsibility for the FEDFA Division between the Building Unions Division and the UMW Division;

(b) The allocation of full-time Divisional Officers of the FEDFA Division to the Building Unions Division and the UMW Division;

(c) The continued operation of the Divisional Branches of the FEDFA Division with the intent, over time, of the restructuring of said Divisional Branches in accordance with Rule 42, into the Building Unions/Construction and General Division, UMW/Mining & Energy Division and the ATAIU/Forestry Division;

(d) The payment of capitation fees by FEDFA Divisional Branches to a designated fund which shall be administered by the Divisional Secretary of the FEDFA Division or, if or when that Office is abolished by the former Divisional Secretary and the Divisional Secretaries of the Building Unions and/or Construction and General Division and the UMW and/or Mining and Energy Division.

(e) The continued meeting of the Division Executive of the FEDFA Division for so long as is necessary before the complete restructuring of the FEDFA Division is effected in accordance with Rule 42.

3. On and from 27 September 1993, in accordance with the above procedure, the current Divisional Secretary of the FEDFA Division shall be and become the Divisional President of the Building Unions Division and the current Divisional Assistant Secretary of the FEDFA Division shall be and become a Divisional General Vice-President of the UMW Division and upon translation in accordance with Rule 42 (iii), shall hold the corresponding offices in the Construction and General Division and the Mining & Energy Division respectively.

4. The current Divisional Secretary and Divisional Assistant Secretary of the FEDFA Division shall continue to hold those positions in the FEDFA Division on an honorary basis until such time as the FEDFA Division no longer meets on a national basis.

5. This Rule shall come into force after its adoption by the National Executive and agreement thereto by the FEDFA Divisional Executive, UMW Divisional Executive and Building Unions Divisional Executive and thereupon shall be registered with the Australian Industrial Registry and shall take effect upon registration, or 27 September 1993, whichever is the later.

6. Further to the above provisions, and notwithstanding any other rule of the Union to the contrary, during the process of restructuring, any Divisional Branch of the FEDFA Division may reach agreement with any or all of the UMW Division/Mining & Energy Division and/or the Building Unions Division/Construction and General Division and/or the Forestry Division or the relevant Divisional Branches thereof to transfer members and officers of the FEDFA Division to any and/or all of the other aforementioned Divisions. Such agreement shall be reached with the approval of the Management Committee or its equivalent in each Divisional Branch and the officers concerned. Any such Divisional Branch may reach agreement on some or all of the matters relating to such transfer and, failing agreement on any or all of such matters, refer the matters by agreement to the National Executive for decision. Until such time as there no longer exists an FEDFA Division in accordance with the Rules of the Union, all such officers transferred shall, notwithstanding the holding of positions in other Divisions, continue to hold the office or position in the FEDFA Division on an honorary basis and shall, to the extent that the Rules require same, continue to perform the functions associated with that office in relation to the FEDFA Division. All agreements in relation to the transfer of members and officers shall be notified to the National Executive Committee and attached to the Minutes thereof. Such agreements shall have force and effect in accordance with the terms thereof and from the date of effect of that agreement as specified in that agreement, or failing any specification thereof, on the date of the agreement.

7. The following table shows the restructuring of the FEDFA Division, merging with the appropriate Union Division to create Industry Divisions:

	(	merged with	)
STATE	CONSTRUCTION AND GENERAL	MINING AND ENERGY	FORESTRY
National Office	27 Sept 1993	27 Sept 1993	
Queensland	4 Feb 1994	1 Jan 1993	
New South Wales		Northern 2/4/93 Southern 1/7/93 Western 8/4/93 Energy 21/7/93	
Tasmania	31 July 1996	24 August 1996	1 Jan 1994
Sth Aust	1 Aug 1993	1 Aug 1993	
West Aust	1 Sept 1993	1 Sept 1993	
Victoria	1 Aug 2003	2 Jan 2001	
Barrier		1 July 1996	

42B - Merger with ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts,

omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DIVISIONAL RESTRUCTURING (FFTS)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps, such steps may deal with one Division at a time and/or Divisional Branches within a restructured Division at a time.

2. In relation to the above, the FFTS Division shall on and from the 11th February 2002, be restructured in the first instance into the Forestry Division to form "The Forestry, Furnishing, Building Products and Manufacturing Division" (FFPD) which shall result in:

   (a) The abolition of full-time FFTS Divisional Officers at a national level and the allocation of responsibility for the FFTS Division to the restructured Division.

   (b) The allocation of Divisional/Branch Office Holders of the FFTS Division to the Office Holders positions of the restructured Division.

   (c) The continued operation of the Victorian and Queensland Divisional Branches of the FFTS Division within the restructured Division of up to four years beyond the expiration of the eight years referred to in sub-rule 42(xii). This sub-rule shall not otherwise affect the operation of sub-rule 42(xii). For the avoidance of doubt, the four years referred to in this sub-rule shall expire on 26 March 2005.

3. Further to the above provisions and notwithstanding any other rule of the Union to the contrary, the FFTS Victorian Branch shall unless otherwise agreed by the FFTS Victorian Branch Management Committee maintain its current structure and existence within the restructured Division up until 26 March 2005.

4. Prior to the 26 March 2005, the FFPD (which shall include representatives of the former FFTS Division) and the Construction & General Division (which shall include representatives from the National Office and all interested Branches) will meet under the chairpersonship of the National Secretary of the CFMEU to reach agreement to finalise translation/integration provisions intended by the respective Schemes of Amalgamation and the Rules of the Union in respect to the Forestry, FFTS and C&G Divisions.

5. Should agreement not be reached between the Divisions the matter shall be referred to the CFMEU National Executive to determine in accordance with the Schemes of Amalgamation and Rules of the Union.

6. Until the elections scheduled to be held in August 2004 the FFPD shall be constituted and represented as follows:-

   (a) Divisional Conference shall consist of:-

   (i) Forestry Division Representatives

Trevor Smith	SA	Jane Calvert	VIC
Paul Martinella	SA	Andy Laing	VIC
Mark Nicholls	SA	Ian Mullen	VIC
Brenton Lockwood	SA	Michael O'Connor	VIC
Scott McLean	TAS	Brad Platschinda	VIC
Colin Butler	TAS	Bevan Anderson	NSW
Gary Jaeschke	WA	Bruce CampbellNSW	
Christopher Northover	P&P	Craig Smith	NSW
Phillip Illidge	P&P	Eileen Anderson	NSW
Alex Millar	P&P	Kenneth Miller	NSW
Debbie Brennan	P&P		

(ii) FFTS Division Representation

Jim Emery	SA	Leo Skourdoumbis	VIC
David Kirner	SA	Frank Vari	VIC
Brad Parker	NSW	Joe Patti	VIC
Greg Williams	QLD	Cliff Palmer	VIC
John O'Brien	VIC	Alwin Seneviratne	VIC

(iii) Representation

Representation of the Forestry and FFTS Division Branches shall be in accordance with Rule 8 of the Forestry Division Rules.

(b) Divisional Executive shall consist of:-

(i)

Jane Calvert	Divisional President
Phillip Illidge	Divisional Snr V/President
Brad Parker	Divisional V/President
Craig Smith	Divisional V/President
Trevor Smith	Divisional Secretary
Chris Northover	Divisional Snr Assistant Secretary (Honorary)
Michael O'Connor	Divisional Assistant Secretary
Leo Skourdoumbis	Divisional Assistant Secretary (Honorary)
Kenneth Miller	Divisional Trustee
Dave Kirner	Divisional Trustee
Frank Vari	Divisional Trustee
Scott McLean	Divisional Trustee
Paul Martinella	Divisional Executive Member
Greg Williams	Divisional Executive Member
Gary Jaeschke	Divisional Executive Member

(c) FFPD NSW Branch Executive/Committee of Management

Brad Parker	Joint President (full-time)
Bevan Anderson	Joint President (Honorary)
Bruce Campbell	Snr V/President
Jayne Willet	Jnr V/President (AA)
Tom Abramovic	Jnr V/President
Craig Smith	Secretary
Sala Taalilil	Trustee
Eileen Anderson	Trustee (AA)
Peter Reilly	Trustee
Ronnie Watson	Trustee
Kenneth Miller	Trustee
Alan Lanyon	Committee Member
Barry Barrakett	Committee Member
Cheryl Hampton	Committee Member
Kerry Hickey	Committee Member
Mark Thompson	Committee Member
Michael Schuppan	Committee Member
Peter StClair	Committee Member
Anthony Ovington	Committee Member

(2 Vacant COM positions to be filled by FFTS)

(d) (a) FFPD VIC FFTS Branch Executive/Committee of Management

Joe Patti	President
Cliff Palmer	V/President

John O'Brien	V/President
Leo Skourdoumbis	Secretary
Frank Vari	Assistant Secretary
Michael Doran	Trustee
Ernie Landolt	Trustee
Les Ford	Trustee
Florencio P Carrion	Committee Member
Eric Maher	Committee Member
Jeffery Connor	Committee Member
Brenda Crawford	Committee Member
Penny Lintzos	Committee Member
James Maine	Committee Member
Alwin Seneviratne	Committee Member
Greg Wheeler	Committee Member
Chris Christou	Committee Member
Damian Cooke	Committee Member
Ian Morris	Committee Member

(b) FFPD VIC Forestry Branch Executive/Committee of Management

Andy Laing	President
Ian Mullen	Snr V/President
Andrew Wareham	V/President
Kim Mason	V/President (AA)
Jane Calvert	Secretary
Yorick Piper	Assistant Secretary
Kevin Wyley	Trustee
Clare Burford	Trustee (AA)
Ken Tonkin	Trustee
Mark Nelson	Trustee
Ricky Owens	Committee Member
Bob Salmnon	Committee Member
Wayne Smith	Committee Member
Neil Saunders	Committee Member
David Sheppard	Committee Member
Sunsera Verhoven	Committee Member
Anthony Jones	Committee Member
Duncan Ingram	Committee Member
Graeme Howe	Committee Member

(1 vacant COM AA position to be filled)

(e) FFPD Pulp & Paper Branch Executive/Committee of Management

Phillip Illidge	President
Robert Johnston	Snr V/President
Alex Millar	Jnr V/President
Chris Northover	Secretary/Treasurer
Grant Keys	Trustee
Chris Northover	Trustee
Alex Millar	Trustee
Geoff Gasperotti	Committee Member
Wayne Hardy	Committee Member
Andrew Ball	Committee Member
Greg Stewart	Committee Member
David Jessup	Committee Member
Mervyn Donoghue	Committee Member
Tom Blacka	Committee Member
Craig Waters	Committee Member
Ken Fraser	Committee Member

William Davey	Committee Member
Greg Godde	Committee Member
Trevor Sinclair	Committee Member
Marne Gurney	Committee Member

(f) FFPD SA Branch Executive & Committee of Management

Jim Emery	President
Mark Nicholls	Snr V/President
Tony Howlett	V/President
Maree Gale	V/President
Paul Martinella	Secretary
David Kirner	Assistant Secretary
Steve Crafter	Trustee
Tom Kenny	Trustee
Ross Bennetta	Trustee
Leonie Kiploks	Trustee (AA)
Karen Cory	Committee Member
Mark Vickers	Committee Member
Peter Nelson	Committee Member
Greg Muhovics	Committee Member
Andrew Sampson	Committee Member
Kym Isaacson	Committee Member
Peter Starr	Committee Member
Bill Burns	Committee Member
Bernie Maguire	Committee Member
Laurie Barbary	Committee Member

(1 Vacant COM AA position to be filled by FFTS)

(g) FFPD TAS Branch Executive & Committee of Management

Colin Butler	President
Angela Lord	Snr V/President
Narrelle Bassett	V/President (AA)
Anthony Clay	V/President
Scott McLean	Secretary
Shiralee Gillespie	Trustee (AA)
Ronald Brown	Trustee
Leanne Hardy	Trustee (AA)
Lindsay Hills	Trustee
Robert Bowden	Committee Member
Paul Worker	Committee Member
Peter Mason	Committee Member
Margaret Watson	Committee Member
Kylie Dundas	Committee Member
Joseph Kelly	Committee Member
Anthony Barnes	Committee Member
Adrian Littlejohn	Committee Member

(h) FFPD QLD Branch Executive/Committee of Management

Ursula Korableff	President
Desmond Flanagan	V/President
Stephan Williams	V/President
Greg Williams	Secretary
Rodney Black	Committee Member
Vincent Breen	Committee Member
John Forrest	Committee Member

(i) FFPD WA Branch Executive/Committee of Management

John Rudge	President
Vincent Preedy	Snr V/President
Douglas Ashcroft	V/President
Gary Jaeschke	Secretary (Honorary)
John Cleary	Trustee
Garry RamplingTrustee	

7. This rule shall come into force on and from 11 February 2002 in accordance with the unanimous decision of the National Executive and shall be registered with the Australian Industrial Registry.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State or Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS

(i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

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

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

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

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made pursuant thereto.

Upon receipt by the State Branch Secretary of a petition, signed by not less than 5% of the members of the State Branch, requesting that a general meeting of members of the State Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the State Branch, the State Branch Secretary shall convene such meeting as soon as is practicable.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

SCHEDULE OF OFFICERS REFERRED TO IN RULE 42 (xiv) (a)

POSITION	PERSON TO HOLD POSITION
NATIONAL UNION	
** Joint National Secretary	Stanley Sharkey
** Joint National Secretary	Vic Fitzgerald
** Joint National President	John Maitland
** Joint National President	Trevor Smith
** National Assistant Secretary	John Sutton
** National Senior Vice President	Lou Kyriacou
* National Senior Vice President	Albert Littler
National Senior Vice President	Bill Ethell
Joint National Vice President	Christopher Northover
Joint National Vice President	Kenneth Hawkins
Joint National Vice President	Malcolm McDonald
Joint National Vice President	Thomas Burke
* FEDFA Divisional Assistant Secretary	Tony Maher

* BWIU/Plasterers Divisional Assistant Secretary	Lindsay Fraser
* ATAIU Divisional Assistant Secretary	Chris Northover
* UMW Divisional General Secretary	Eric A Wilks
* UMW Divisional Vice President	Kenneth Hawkins

NATIONAL EXECUTIVE COMMITTEE shall consist of the six (6) principal officers (marked **) plus the other full-time Divisional Officers of each Division (marked *).

NATIONAL EXECUTIVE shall consist of the persons who constitute the National Executive Committee set out above and the Divisional Branch Secretary of each Divisional Branch of each Division set out herein and shall, in accordance with Rule 42 (viii) (a) include the National President and National Secretary of the former OPPWF. This body shall also include the Divisional Branch Secretaries from Victoria, New South Wales, South Australia and Queensland of the FFTS Union Division.

It also includes the South Australian, Victoria and Queensland Branch Secretaries and the NSW Branch Assistant Secretary of the former OPDU.

NATIONAL CONFERENCE shall consist of the persons listed as the members of the four (4) divisional executives set out herein until 2 January 1997, the following shall also be a delegate,

T. Richardson - Secretary of former OPPWF, Queensland Branch.

The National Conference shall also include the persons (as set out herein) comprising the Federal Executive of the FFTS Union Division while that Union Division remains autonomous.

BRANCHES OF THE UNION

NEW SOUTH WALES BRANCH

New South Wales State Officers

Joint NSW State Secretary	Dennis Matthews
Joint NSW State Secretary	Ian Peel
Joint NSW State President	Gavin Hillier
Joint NSW State President	Michael Watson
Joint NSW State Assistant Secretary	Andrew Ferguson
Joint NSW State Assistant Secretary	Alf Rankin
Joint NSW State Senior Vice President	Thomas Burke
Joint NSW State Senior Vice President	Peter McClelland
Joint NSW State Senior Vice President	Edward Curran
Joint NSW State Senior Vice President	Sid Wales
Joint NSW State Vice President	Bevan Anderson
Joint NSW State Vice President	Howard Fisher
Joint NSW State Vice President	Mick Smith
Joint NSW State Vice President	Gary McArthur

New South Wales State Executive

Shall consist of the abovenamed persons being the NSW State Officers together with the persons who are the full-time Divisional Branch officers, other than organisers, of each Divisional Branch, being,

ATAIU NSW Divisional State Assistant Secretary, Joyce Tuckwell
FEDFA NSW Divisional State Assistant Secretary, Scott Gartrell
FFTS NSW Union Divisional State Assistant Secretary, Rex Smith

New South Wales State Conference

Shall consist of the persons who constitute NSW State Executive as listed above (i.e. including NSW State Officers) and the persons being the other members of ATAIU NSW Divisional Branch Management Committee and the Building Unions NSW Divisional Branch Management Committee and the UMW Divisional Branch Management Committee, and the FEDFA NSW Divisional Branch Management Committee and the FFTS Union Division NSW Branch Management Committee listed herein.

VICTORIAN BRANCH

Victorian State Officers

Joint Vic State Secretary	John Van Camp
Joint Vic State Secretary	Vince Raffa
Joint Vic State President	Barry King
Joint Vic State President	Lou Kyriacou
Joint Vic State Assistant Secretary	Martin Kingham
Joint Vic State Assistant Secretary	Vacant
Vic State Senior Vice President	Frank O'Grady
Joint Vic State Vice President	Vilma Stargatt
Joint Vic State Vice President	Malcolm McDonald
Joint Vic State Vice President	Alex Findlay
Joint Vic State Vice President	Vacant

Victorian State Executive

Shall consist of the abovenamed persons being the Victorian Divisional Officers, Building Unions Victorian Divisional State Assistant Secretary and the FEDFA Victorian Divisional State Assistant Secretary plus FFTS Union Division Victorian Divisional Branch Senior Organiser.

Victorian State Conference

Shall consist of the persons who constitute the persons being the other members of the ATAIU Victorian Divisional Branch Management Committee, the BWIU Victorian Divisional Branch Management Committee and the FEDFA Victorian Branch Management Committee and the FFTS Union Division Victorian Divisional Branch Management Committee listed herein.

SOUTH AUSTRALIAN BRANCH

South Australian State Officers

SA State Secretary	Ben Carslake
SA State President	Quentin Cook
Joint SA Senior State Vice President	A. Johnson
Joint SA Senior State Vice President	D. Frater
Joint SA State Vice President	A. Young
Joint SA State Vice President	G. Bull
Joint SA State Vice President	D. Stapleton
Joint SA State Assistant Secretary	Terry Carrol
Joint SA State Assistant Secretary	Geoff Day
Joint SA State Assistant Secretary	J. McGirr

South Australian State Executive

Shall consist of the abovenamed persons being South Australian State Officers and

ATAIU SA Divisional Branch Assistant Secretary
FFTS SA Divisional Branch Assistant Secretary

South Australian State Conference

Shall consist of the persons who constitute South Australian State Executive set out above and the persons being the other members of the ATAIU South Australian Divisional Branch Management Committee, the Building Unions South Australian Divisional Branch Management Committee the FFTS Union Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee listed herein.

TASMANIAN BRANCH

Tasmanian State Officers

Joint Tas State Secretary	Max Cordwell
Joint Tas State Secretary	Mike Grey
Joint Tas State President	Shayne Murphy
Joint Tas State President	Leonard Miles
Tas State Senior Vice President	Stephen Hevey
Joint Tas State Vice President	J. Gill
Joint Tas State Vice President	Colin Butler
Joint Tas State Vice President	M. Collins
Joint Tas State Vice President	David Bean
Joint Tas State Vice President	Barry Bishop
Joint Tas State Vice President	Ray Carroll
Tas State Assistant Secretary	

Tasmanian State Executive

Shall consist of the Full Time Tasmanian State Officers.

Tasmanian State Conference

Shall consist of the persons listed as the Tasmanian State Executive set out above and, the other persons being the persons listed as members of the ATAIU Tasmanian Divisional Branch Management Committee, UMW Tasmanian Divisional Branch Management Committee, the Building Unions Tasmanian Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee and the FFTS Union Division Tasmanian Branch Management Committee listed herein.

AUSTRALIAN CAPITAL TERRITORY BRANCH

ACT State Officers

ACT State Secretary	George Wason
ACT State President	Rod Driver
Joint ACT State Vice President	Kate Lundy
Joint ACT State Vice President	J. McHugh
Joint ACT State Assistant Secretary	Trevor Zeltner
Joint ACT State Assistant Secretary	Stan Hambesis

ACT State Executive

Shall consist of the abovenamed persons listed as ACT State Officers.

ACT State Conference

Shall consist of those persons listed above as being the ACT State Executive and the other persons listed herein as members of the Building Unions ACT Divisional Branch Management Committee.

WESTERN AUSTRALIAN BRANCH

Western Australian State Officers

WA State Secretary	Bill Ethell
Joint WA State President	John Borlini
Joint WA State President	Alex A'Vard
Joint WA State Vice President	Gary Wood
Joint WA State Vice President	A. Baxter
Joint WA State Vice President	Ron Kielty
Joint WA State Vice President	A. Cook
Joint WA State Vice President	K. Reynolds
Joint WA State Assistant Secretary	Rick Todd
Joint WA State Assistant Secretary	Dave McIntyre

WA State Executive

Shall consist of the abovenamed persons listed as WA State Officers.

WA State Conference

Shall consist of those persons listed above as being the WA State Executive and the persons listed herein as members of the both Building Unions Divisional Branches' Management Committees, the members of the UMW WA District Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee.

QUEENSLAND BRANCH

Queensland State Officers

Joint Qld State Secretary	William Trohear
Joint Qld State Secretary	Greg Betts
Joint Qld State President	Andrew Vickers
Joint Qld State President	Peter Stone
Joint Qld State President	Des Holloway
Joint Qld State Senior Vice President	V. Robinson
Joint Qld State Vice President	B. Rushan
Joint Qld State Vice President	Kevin Anderson
Joint Qld State Vice President	Peter Neilson
Joint Qld State Assistant Secretary	Mark Hickey
Joint Qld State Assistant Secretary	Geoff Wilson
Joint Qld State Assistant Secretary	P. Waters

Queensland State Executive

Shall consist of the abovenamed persons listed as Queensland State Officers plus an additional person being the FFTS Union Division Qld Branch Assistant Secretary.

Queensland State Conference

Shall consist of those persons listed above as being the Queensland State Executive and the persons listed herein as members of the Building Unions Queensland Divisional Branch Management Committee, the members of the UMW Divisional Branch Management Committee and the

members of the FEDFA Divisional Branch Management Committee and members of the FFTS Union Division Qld Divisional Branch Management Committee.

BUILDING UNIONS DIVISION

DIVISIONAL OFFICERS

Joint Divisional President	A. Littler
Joint Divisional President	B. Ethell
Divisional Secretary	S. Sharkey
Joint Divisional Assistant Secretary	J. Sutton
Joint Divisional Assistant Secretary	L. Fraser
Joint Divisional Senior Vice President	D. McDonald
Joint Divisional Senior Vice President	J. McGirr
Joint Divisional Vice President	C. Bates
Joint Divisional Vice President	M. Bingham
Joint Divisional Vice President	T. Burke

BUILDING UNIONS DIVISIONAL EXECUTIVE

The Divisional Officers of Building Unions Division as set out above, and

W. Trohear	Queensland
M. Cordwell	Tasmania
B. Carslake	South Australia
V. Raffa	Victoria
D. Cafferty	Victoria
G. Wason	Australian Capital Territory
D. Matthews	New South Wales
A. Rankin	New South Wales
B. Ethell	Western Australia
T. Carroll	Plasterers
K. Reynolds	WA Plasterers

BUILDING UNIONS DIVISIONAL CONFERENCE

The Divisional Officers of Building Unions Division and the Divisional Executive as set out above, and the following delegates from Building Unions Divisional Branches:

A. Ferguson	(NSW)	A. Wigchert	(QLD)
P. Grainger	(NSW)	M. Hickey	(QLD)
J. Briggs	(NSW)	T. Richardson	(QLD)
T. Morrison	(NSW)		
T. Mawdsley	(NSW)	F. O'Grady	(VIC)
J. Taylor	(NSW)	R. Williams	(VIC)
I. Smith	(NSW)	M. Kingham	(VIC)
B. Woodham	(NSW)	J. Saddington	(VIC)
T. McDonald	(NSW)		
E. Boatswain	(NSW)	R. Todd	(WA)

- together with the OPDU Federal Council as at the date of amalgamation.

BUILDING UNIONS DIVISIONAL TRUSTEES

W. Trohear	(QLD)
R. Driver	(ACT)

BUILDING UNIONS NSW DIVISIONAL BRANCH

Divisional State President	P. McClelland

Divisional State Secretary	D. Matthews
Joint Divisional State Assistant Secretary	A. Ferguson
Joint Divisional State Assistant Secretary	T. Burke
Joint Divisional State Assistant Secretary	A. Rankin
Divisional State Vice President	G. McArthur

BUILDING UNIONS NSW DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners
T. Morrison
J. Pineiro
I. Smith
L. Strutzenberger
M. Barrios

Bridge & Wharf
A. Melnikoff

Tilelayer
L. Quill

Bricklayers
H.D. Eisenhammer
A. Baxter

Builders Labourers
J. Ashdown
P. Balcombe
I. Gavin
S. Green

Stonemason
S. Cafarella

Slater & Tiler
M. Murphy

Plasterer
C. Howarth

Painters
J. Anning
J. Foster
J. Hoddle

BUILDING UNIONS NSW DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and -

Sydney Zone

Sydney Carpenters & Joiners
H. Brazao
P. Bristow
T. Connolly
P. Eggers
E. Elder
G. Kelly
F. Malis
P. Leyden
A. Zdrilic

Sydney Bricklayers
V. Catania
J. Taylor
M. McAliney

Sydney Builders Labourers
B. Granata
E. Harbidge
G. Sheen
D. Stean
J. McGee
S. Whetter

Country Zone

Country Carpenters & Joiners
L. Allen
R. Wills

Country Bricklayer
D. Atkinson

Country Builders Labourer
W. Shipman

Bridge & Wharf
C. Ford

Tilelayers
L. Quill

Slaters & Tilers
M. French

Stonemasons
J. Robinson

Plasterer
K. Andrews

Newcastle Zone

Newcastle Carpenters & Joiners
J. Allen
P. Cuskelly

Newcastle Bricklayer
L. Deeks

Newcastle Builders Labourer
E. Purins

Wollongong Zone

Wollongong Carpenters & Joiners
T. Gray
G. Karry

Wollongong Bricklayer
W. Hall

Wollongong Builders Labourer
M. Ward

BUILDING UNIONS NSW DIVISIONAL BRANCH TRUSTEES

T. Morrison
L. Strutzenberger
S. Green
J. Anning

BUILDING UNIONS NSW DIVISIONAL BRANCH ORGANISERS

B. Miller
P. Grainger
W. Baker
J. Briggs
B. Cochrane
N. Fodor
J. Higgins
J. Curruthers
J. Prentice
J. McKee
T. Hunt
M. Lawler
P. Zaboyak
M. Lynch
S. Manna
T. Mawdsley
D. Sullivan
C. Bates
J. Adams
J. McGahan
B. Beasley

Newcastle: R. Jarman

BUILDING UNIONS NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

T. McDonald
S. Sharkey
D. McDonald
J. Briggs
I. Smith
P. Grainger
J. Taylor
J. Sutton
T. Burke
E. Boatswain
D. Matthews
L. Fraser
C. Bates
A. Ferguson
T. Morrison
T. Mawdsley
B. Woodham

BUILDING UNIONS QLD DIVISIONAL BRANCH

Divisional State President — P. Stone
Divisional State Secretary — W.W. Trohear
Divisional State Assistant Secretary — M. Hickey
Divisional State Assistant Secretary — P. Waters
Divisional State Vice President — K. Anderson
Divisional State Vice President — B. Rushan

BUILDING UNIONS QLD DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

B. Tucker
P. Stone
T. Richardson
R. Bostock
K. Marcus
K. Anderson
B. Hopton
K. Bull
R. Vanderhorst
A. Pountey
F. Pearson
J. Gruer
G. Federer
B. Hall
G. Horn
B. McGill
M. Edwards

BUILDING UNIONS QLD DIVISIONAL BRANCH TRUSTEES

P. Stone

T. Richardson
R. Bostock
R. Vanderhorst

BUILDING UNIONS QLD DIVISIONAL BRANCH ORGANISERS

W. Perrett
D. Kersey
T. Richardson
K. Murphy
K. Carroll
G. Howcroft
A. Wigchert

BUILDING UNIONS QLD DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. Trohear
A. Wigchert
M. Hickey
T. Richardson

BUILDING UNIONS WA DIVISIONAL BRANCH

Divisional State President	A. Baxter
Divisional State Secretary	B. Ethell
Divisional State Assistant Secretary	R. Todd

BWIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

N. Houston
P. Alcantara
B. Churchill
B. Freeman
T. Bird
H. Johnson
M. Banks
J. Giles

BWIU WA DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

Perth
G. Curtin
R. Gaskell
C. Knight
B. Waller
A. De Klerk
M. Floud
N. Drayton
A. Hughes
K. Bulloch
J. Fitzgerald

Fremantle/Medina
C. Gorham
A. Phillips
J. Allison
P. Fairbotham
J. Curran

South West
J. McDonell

BWIU WA DIVISIONAL BRANCH ORGANISERS

D. Wildgoose
J. Gallagher

BWIU WA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Ethell
R. Todd

BUILDING UNIONS WA PLASTERERS DIVISIONAL BRANCH

Divisional State President	Mark Hudston
Divisional State Secretary	Kevin Reynolds
Divisional Branch Delegate to National Conference	Kevin Reynolds
Divisional State Vice President	Roy Cox
Divisional Committee of Management	James Hamilton
	Michael Naughton
Divisional Branch Organiser	Robert Manwaring

BUILDING UNIONS TAS DIVISIONAL BRANCH

Divisional State President	Stephen Hevey
Divisional State Secretary	Max Cordwell
Divisional State Assistant Secretary	T. Benson
Joint Divisional State Vice President	Ray Browne
Joint Divisional State Vice President	Ray Carroll
Joint Divisional State Vice President	M. Collins

BUILDING UNIONS TAS DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Adrian Telha	Paul Ridgeway
Roy Smedley	Grant Jackson
Ray Carroll	Gary Taylor
R. Edwards	L. Verrell

BUILDING UNIONS TAS DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

002 Area	003 Area
C. Green	A.J. Smith
A. Currie	L. Edwards
R. Dillon	P. Harris

004 Area

W. Maloney
B. Knowles
R. Doe

BUILDING UNIONS TAS DIVISIONAL BRANCH TRUSTEES

Max Cordwell	Stephen Hevey
Ray Browne	Adrian Telha
R. C. Edwards	A. R. Benson

BUILDING UNIONS TAS DIVISIONAL BRANCH ORGANISERS

Mark Telha
Martin Clifford
Ray Carroll

BUILDING UNIONS TAS DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

M. Cordwell

BUILDING UNIONS VIC DIVISIONAL BRANCH

Divisional State President	F. O'Grady
Divisional State Secretary	V. Raffa
Divisional Branch Assistant Secretaries	M. Kingham M. Bingham
Divisional State Vice President	B. Oliver

BUILDING UNIONS VIC DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners	**Builders Labourers**	**Painters**
R. Williams	T. Sinclair	M. Baird
R. Carter	R. Ryan	M. Garcia
G. Lavery	J. Nicol	K. B. Hughes
D. Van Dam	P. Lennon	P. Boyle
M. Santana	M. Bingham	M. Evans
W. Torpey	M. Ratel	
D. Noonan		
B. Giagnacovo		

Tilelayer	**Stonemason**
Z. Prazac	M. Newham

BUILDING UNIONS VIC DIVISIONAL BRANCH COUNCIL

Carpenters & Joiners	**Builders Labourers**
V. Nicoli	T. Bockting
K. Green	G. Young
D. Black	G. Miles
A. Moore	D. Noonan
W. Oliver	K. Hughes
H. Kotsabis	J. Bruce
D. Jacobson	J. McPartlin
G. Preddy	C. Leatham
D. Shacklock	

Stonemasons	**Tilelayers**
A. Patience	O. Kypta
G. Slack	Z. Prazak

Zone Delegates

Ballarat	Bendigo
V. Broes	T. Coleman

L. Brown
N. Davidson
N. Pyle
L. Worme

Brunswick
M. Kingham
W. McConnel
F. Stradijot

Camberwell
J. Baysinger
R. Bentley
S. Mitchell

Clifton Hill
F. Amarante
R. Collins
S. West

Essendon
D. Deprisco
T. Hancy
V. Raffa

Footscray
P. Leckie
F. Lopez
R. Storey

Geelong
J. Cody
J. O'Mara
B. Roche

Goulburn Valley
C. Craig
A. Kerris
P. O'Flaherty

Latrobe Valley
V. Beaton
M. Smith
A. Nabulsi

Melbourne
R. Carter
M. Santana
G. Tsotsos

Mordialloc
G. Burleigh
I. Nichol
P. Sullivan

Murray Valley
L. Fahey
S. Masterson
J. Salinger

Oakleigh
L. Bacolas
J. Medlyn
B. Smith

Preston
M. Collingburn
R. Lucas
N. Porter

Prahran
B. Giagnacovo
A. Medina
S. Delaney

Richmond
D. Blake
C. Commons
R. Hakainsson

South Western
K. O'Connor
A. Sargent
G. Sullivan

Sunraysia
A. Boldock
D. Costa
M. Dawes

Wimmera
R. Nesibit
G. Scott
A. Patterson

BUILDING UNIONS VIC DIVISIONAL BRANCH TRUSTEES

M. Kingham
B. Oliver
Vacant
M. Bingham
F. O'Grady
M. Baird

BUILDING UNIONS VIC DIVISIONAL BRANCH ORGANISERS

R. Welsh
T. Sinclair
R. Storey
W. Bingham
A. Medina
D. Jacobson
D. Noonan
P. Muldeary
H. Kotsabis
R. Carter
T. O'Kane
D. Riddell
G. Young
M. Kingham
M. Garcia

BUILDING UNIONS VIC DIVISIONAL BRANCH DELEGATES DIVISIONAL CONFERENCE

F. O'Grady
M. Kingham
V. Raffa
R. Williams
J. Saddington
M. Bingham

BUILDING UNIONS SA DIVISIONAL BRANCH

Divisional State President	A. Johnson
Divisional State Secretary	B. Carslake
Divisional State Vice President	G. Millar
Divisional State Vice President	D. Stapleton
Divisional State Assistant Secretary/Treasurer	T. Carroll
Divisional State Assistant Secretary/Treasurer	J. McGirr

BUILDING UNIONS SA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

BWIU	PLASTERERS	PAINTERS
F. Gosden	G. Parrish	George Tilley
T. Karrandjis	R. Watson	Greg Tilley
C. Morton	R. Bennett	Lambden
D. Sellmann	A. Spano	Weir
T. Middleton	S. Kesisoglou	McEwan
		Evans

BUILDING UNIONS SA DIVISIONAL BRANCH ORGANISERS

M. Gnatenko
H. Koemecker
M. Bella

BUILDING UNIONS SA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Carslake

BUILDING UNIONS ACT DIVISIONAL BRANCH

Divisional State President	R. Driver
Divisional State Secretary	G. Wason
Joint Divisional State Assistant Secretary	S. Hambesis

Joint Divisional State Assistant Secretary	T. Zeltner
Divisional State Vice President	K. Lundy
Divisional State Vice President	J. McHugh

BUILDING UNIONS ACT DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Pyner	J. Grey Reitz
A. Dillon	D. Rail
J. Long	G. Roderick
T. Lagoya	L. Lancsar
J. Diamante	B. Larke
G. McGowan-Lay	G. Cleghorn
P. Johnstone	P. Trapani

BUILDING UNIONS ACT DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

D. Thompson	G. Kirkwood
B. Norman	G. Frasin
C. Kaskoutas	W. Thompson
M. Morgan	J. Clyde
T. Gooden	R. Hemsley

BUILDING UNIONS ACT DIVISIONAL BRANCH TRUSTEES

G. Wason	R. Driver
S. Hambesis	K. Lundy
G. McGowan-Lay	

BUILDING UNIONS ACT DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

G. Wason

ATAIU DIVISIONAL BRANCH OFFICE HOLDERS

ATAIU DIVISIONAL OFFICERS

Divisional President	G. Hillier
Divisional Secretary	T. Smith
Divisional Assistant Secretary	C. Northover
Divisional Senior Vice President	S. Murphy
Joint Divisional Vice President	P. Illidge
Joint Divisional Vice President	B. King

ATAIU DIVISIONAL TRUSTEES

J. Tuckwell	Q. Cook
V. Stargatt	

Who form the Divisional Executive, and who with the following form the Divisional Conference

A. Roberg (SA)
C. Butler (TAS)
J. Gallogley (NSW)
M. Schuppan (NSW)
J. Beeson (VIC)
E. Swainston (VIC)
A. Dunlop (Pulp & Paper)
M. St Clair (SA)
B. Anderson (NSW)
J. Quartermaine (NSW)
B. Campbell (NSW)
B. Murpy (VIC)
M. Graham (Pulp & Paper)

ATAIU SA DIVISIONAL BRANCH

ATAIU SA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Young
Divisional Branch Secretary	Q. Cook
Divisional Branch Vice Presidents	M. St Clair
	A. Roberg

ATAIU SA DIVISIONAL BRANCH TRUSTEES

E. Cathro
J. Nicks
P. Martinella

Who form the Executive.

ATAIU SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

L. Barry
L. Kilsby
G. Schultz
B. Lockwood
T. Goodrich
F. Beimans
L. Pelkonen

ATAIU SA DIVISIONAL COUNCIL DELEGATES

M. St Clair
T. Smith
A. Young
Q. Cook

ATAIU NSW DIVISIONAL BRANCH

ATAIU NSW DIVISIONAL BRANCH OFFICERS

Divisional President	B. Anderson
Divisional Secretary	G. Hillier
Divisional Assistant Secretary	J. Tuckwell
Divisional Vice Presidents	G. Sacco
	J. Gallogley

ATAIU NSW DIVISIONAL BRANCH TRUSTEES

S. McDonald
B. Campbell
M. Schuppan

Who are officers and form the Executive.

ATAIU NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

W. Englert
S. Hudson
W. Sentance
C. Brooks
K. Yelverton
J. Quartermain
C. McGowan

ATAIU NSW DIVISIONAL COUNCIL DELEGATES

G. Hillier
J. Gallogley
J. Quartermain
B. Campbell
B. Anderson
S. McDonald
K. Yvelton

ATAIU VIC DIVISIONAL BRANCH

ATAIU VIC DIVISIONAL OFFICERS

Divisional President	V. Stargatt
Divisional Secretary	B. King
Divisional Vice Presidents	V. Iluk
	E. Swainston

ATAIU VIC DIVISIONAL BRANCH TRUSTEES

J. Beeson
B. Murphy
T. Carley

ATAIU VIC DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

J. Browne
P. Love
T. Stinton
S. Wilson
B. Harms
R. Owens
C. Walkear
P. Tait

ATAIU VIC DIVISIONAL COUNCIL DELEGATES

V. Stargatt
J. Beeson
B. Murphy
M. Lynch
E. Swainston

ATAIU TAS DIVISIONAL BRANCH

ATAIU TAS DIVISIONAL BRANCH OFFICERS

Divisional President	C. Butler
Divisional Secretary	S. Murphy
Divisional Vice Presidents	R. Ford
	D. Turriff

ATAIU TAS DIVISIONAL BRANCH TRUSTEES

C. Butler
R. Smith
S. Cahoon

ATAIU TAS DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

M. Barber
R. Foster
D. Harkes
B. Riley
S. Cahoon
R. French
N. Lincoln
R. Smith

ATAIU TAS DIVISIONAL COUNCIL DELEGATES

C. Butler
S. Murphy

ATAIU WA DIVISIONAL BRANCH

ATAIU WA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Cook
Divisional Branch Secretary	A. A'Vard
Divisional Branch Vice President	D. Murie
Divisional Branch Treasurer	R. Taylor

ATAIU WA DIVISIONAL BRANCH TRUSTEES

P. McCarthy
R. Henry
K. Smith

ATAIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

R. J. Smith
R. Reiter
V. McGlinn
G. P. Jaeschke
W. J. Hall
C. Hagelund
K. Cameron
J. Savage
M. Bennett

ATAIU NO. 7 DIVISIONAL BRANCH

ATAIU NO. 7 DIVISIONAL BRANCH OFFICERS

Divisional Branch President	P. Illidge
Divisional Branch Secretary/Treasurer	C. Northover
Divisional Branch Assistant Secretary/Treasurer	M. Graham
Divisional Vice Presidents	A. Dunlop
	R. Johnson

ATAIU NO. 7 DIVISIONAL BRANCH TRUSTEES

C. Northover
M. Graham

ATAIU NO. 7 DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

D. Garlick
T. Mackerell
N. Anderson
N. Allen
M. Donoghue
J. Wright
G. Aston
G. Morley
C. Glaubitz
D. McKay
P. Graham
T. Kelly

W. Hardy	G. Lincoln
G. Draper	T. Dwyer

ATAIU NO. 7 DIVISIONAL COUNCIL DELEGATES

C. Northover	M. Graham
P. Illidge	

ATAIU NOWRA SUB-BRANCH

President	Peter Graham
Senior Vice President	Harry Knowles
Junior Vice President	Tim Cato
Secretary-Treasurer	Mervyn Donoghue
Committee of Management	Rhonda Shelley
	Jim Evans
	Ray Clarke
	Alan Whitton
Delegate to No. 7 Branch	
Committee of Management	Mervyn Donoghue
	Peter Graham

ATAIU BURNIE SUB-BRANCH

President	George Draper
Senior Vice President	Barry Connors
Junior Vice President	Eric Edwards
Secretary-Treasurer	Geoffrey Lincoln

Committee of Management

Alan Claridge	Graham Wells
Anthony Johnson	Andrew Crawn
Jack Wylie	Russell Norton
Danny Rowlands	Richard Troughton
Noel Stubbs	Rex Berry

Delegate to No. 7 Branch	
Committee of Management	Geoffrey Lincoln
	George Draper

ATAIU PORT HUON SUB-BRANCH

President	Barry Young
Senior Vice President	Colin McMullin
Junior Vice President	Jeff Parsons
Secretary-Treasurer	Wayne Hardy

Committee of Management

Neville Burgess	Graeme Goaman
David Greatbatch	Ricky Cowen

Delegate to No. 7 Branch	
Committee of Management	Wayne Hardy

ATAIU MYRTLEFORD SUB-BRANCH

President	Vacant
Senior Vice President	Bruce Dale
Junior Vice President	Paul Ryan
Secretary-Treasurer	Trevor Dwyer
Committee of Management	Oliver Evans
	Colin Richardson
	Trevor Davis
	Robert Arnold
	Christopher Stone
Delegate to No. 7 Branch Committee of Management	Trevor Dwyer

ATAIU MARYVALE SUB-BRANCH

President	Neville Anderson
Senior Vice Persident	Charles Glaubitz
Junior Vice President	Cidge Fabris
Secretary/Treasurer	Graeme Morley
Committee of Management	
Steven Gilham	Robert Brown
Vernon Jones	Charles Stuart
Geoffrey Dorling	Brian McNamara
Peter Morris	Steven Mason
Wayne Snell	Vincent Nabel
Delegates to No. 7 Branch Committee of Management	Neville Anderson
	Charles Glaubitz
	Graeme Morley
Delegates Gippsland Trades & Labour Council	Graeme Morley
	Vernon Jones
	Brian McNamara
	Robert Brown

ATAIU SYDNEY SUB-BRANCH

President	Donald McKay
Senior Vice Pesident	Ron McElhinney
Junior Vice President	Edward Pram
Secretary-Treasurer	Philip Illidge
Committee of Management	
William Daly	Les Smith
William Flowers	Anthony De Bono
Harry Marshall	Wayne Trewella
Mark Skennerton	Joseph Bodor
Delegates to No. 7 Branch Committee of Management	Philip Illidge
	Donald McKay

ATAIU BROADFORD SUB-BRANCH

President	Vacant
Senior Vice President	Vacant
Junior Vice President	Vacant
Secretary-Treasurer	Len Allen
Committee of Management	Garry Nesbitt
	Terry Hobson
	Alan Cole
	Craig Waters
Delegate to No. 7 Branch Committee of Management	Len Allen

ATAIU MILLICENT SUB-BRANCH

President	John Wright
Senior Vice Pesident	Trevor Kelly
Junior Vice President	Richard Watts
Secretary-Treasurer	Robert Johnston
Committee of Management	Michael King
	Graeme Richards
	Mavis Kloock
	Graeme Richardson
	Gilbert Mouat
	Helen Walker
Delegates to No. 7 Branch Committee of Management	John Wright
	Trevor Kelly
	Robert Johnston

ATAIU MELBOURNE SUB-BRANCH

President	David Garlick
Senior Vice President	George Ashton
Junior Vice President	Vacant
Secretary-Treasurer	Alexander Dunlop

Committee of Management

William Horton	Stan Mazur
Terry Mackerell	Steve Morris
Tom Donelly	Ian James
Alex Miller	Michael Adamopolous

Delegates to No. 7 Branch Committee of Management	Alexander Dunlop
	David Garlick
	George Aston

Delegates to Victorian Trades Hall Council	Alexander Dunlop William Horton Terry Mackerell Malcolm Graham

UMW DIVISION

In accordance with Rule 42 - Transitional Provisions of the Rules of the Union being the National Rules the officers of the previously existing Mining Division immediately prior to the date of effect of the amalgamation shall be, on and from the date of effect of amalgamation the officers of the UMW Division which is the new name for the previous Mining Division and the only change therein shall be, to the extent necessary, the change in the title of office to reflect the change in the name of the Division from Mining Division to UMW Division.

FEDFA DIVISION

DIVISIONAL OFFICERS

Divisional President	M. McDonald
Divisional Secretary	V. Fitzgerald
Divisional Assistant Secretary	T. Maher

FEDFA DIVISIONAL EXECUTIVE

The Divisional Officers of FEDFA Division as set out above, and

I. Peel	New South Wales
J. Van Camp	Victoria
G. Betts	Queensland
G. Day	South Australia
B. O'Neil	Barrier
M. Grey	Tasmania
D. McIntyre	Western Australia

FEDFA DIVISIONAL CONFERENCE

The Divisional Officers of FEDFA Division and the Divisional Executive as set out above, and the following delegates from FEDFA Divisional Branches:

T. Maher	(NSW)
P. Jordan	(NSW)
B. Neilson	(VIC)
M. Hill	(VIC)
D. Holloway	(QLD)
G. Purtill	(QLD)
L. Wilson	(QLD)
B. Samson	(Barrier)
M. Buckley	(SA)
B. Low	(WA)
R. Harrison	(TAS)

FEDFA NSW DIVISIONAL BRANCH

Divisional Branch President	M. Smith
Divisional Branch Secretary	I. Peel
Divisional Branch Assistant Secretary	S. Gartrell

FEDFA NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above,

FEDFA NSW DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and regional delegates and organisers stated below,

Metropolitan
P. Wormleaton
R. Johnson
B. Francis
D. Whitehead
D. Dunn

Northern Region
N. Rose
M. Sealby
G. Webb
D. Owens
J. Nixon

Southern Region
K. Anderson
B. Barnham
G. Freeman
T. Potter

Western Area
R. Fuller
W. Williams

FEDFA NSW DIVISIONAL BRANCH ORGANISERS

Metropolitian
G. Avouris
T. Grant
S. Cochran

Northern
M. Beehag
S. Harding
L. Sinclair

Riverina
S. King
J. Wilson

Western
G. Childs

Southern
H. Miller

Mining
P. Jordan

Energy
A. Drew

FEDFA NSW DIVISIONAL BRANCH TRUSTEES

D. Dunn
L. Robinson
J. Owens

FEDFA NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

V. Fitzgerald

T. Maher
P. Jordan
I. Peel

FEDFA VICTORIAN DIVISIONAL BRANCH

Divisional Branch President	M. McDonald
Divisional Branch Secretary	J. Van Camp
Divisional Branch Assistant Secretary	M. Greenbury
Divisional Branch Vice President	M. Hill

FEDFA VICTORIAN DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

M. French
D. McDonald
D. Baker
J. Kadziela
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional Officers as set out above, and -

SECV Yallourn
P. Wilson

SECV Morwell
G. Reid

SECV LaTrobe
(vacant)

Country Provisional
W. Fleet
M. French
T. McKenzie
P. Skinner

Metropolitian
D. Baker
J. Kadziela

Organisers Rep.
A. Riley
M. Hallett
D. McDonald
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH ORGANISERS

W. Fleet
M. French
R. Hallett
M. Hill
A. Riley

TRUSTEES

M. McDonald
J. Van Camp

FEDFA VICTORIAN DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

J. Van Camp
M. McDonald
M. Hill
B. Nielson

FEDFA BARRIER DIVISIONAL BRANCH

Divisional Branch President	B. Samson
Divisional Branch Secretary	W. O'Neil
Divisional Branch Vice President	R. Hunter

FEDFA BARRIER DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above,

FEDFA BARRIER DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

D. Brennan	R. Adams
A. Fraser	B. Sayers
E. Snaith	

FEDFA BARRIER DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. O'Neil	B. Samson

TRUSTEES

R. Adams	B. Sayer
E. Snaith	

FEDFA TASMANIAN DIVISIONAL BRANCH

Divisional Branch President	B. Bishop
Divisional Branch Secretary	M. Grey

FEDFA TASMANIAN DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and - D. Dawson

FEDFA TASMANIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

Launceston	**Hobart**
D. Dawson	M. Hyland
Devonport	**Tullah**
(vacant)	T. Jones
Burnie	**Savage River**
L. Britton	R. Harrison
Rosebery/Lyell	**Organisers**
N. Hartnell	D. Moncrieff
	B. Best

FEDFA TASMANIAN DIVISONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

M. Grey R. Harrison

FEDFA WA DIVISONAL BRANCH

Divisional Branch President (vacant)
Divisional Branch Secretary (vacant)

FEDFA WA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

FEDFA WA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

P. Bates I. Douglas
T. Feeney D. Hellyer

FEDFA WA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

B. Low
(vacant)

FEDFA SA DIVISIONAL BRANCH

Divisional Branch President G. Bull
Divisional Branch Secretary G. Day
Divisional Branch Vice President F. Stonys

FEDFA SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Rogers R. Brewer

FEDFA SA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

J. Rodgers K. Maywald
F. Grosso F. Harrison
R. Brewer

ORGANISER

R. Brewer

FEDFA SA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

G. Day
M. Buckley

FEDFA QUEENSLAND DIVISONAL BRANCH

Divisional Branch President	D. Holloway
Divisional Branch Secretary	G. Betts
Divisional Branch Assistant Secretary	G. Wilson

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

S. Douglas	B. Scheuber
C. Swift	R. Coleman
L. Wilson	J. Spencer

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch State Management Committee as set out above, and -

M. Dowvendans	T. Quaid
L. Genrich	N. Rampton
R. Beattie	H. Heumiller
J. Rossington	C. Price
(vacant)	

FEDFA QUEENSLAND DIVISIONAL BRANCH ORGANISERS

D. Bloxsom	H. Heumiller
G. Flack	C. Price
C. Gillespie	T. Rosier
J. Rossington	B. Stacker
R. Tremlin	

FEDFA QUEENSLAND DIVISIONAL BRANCH TRUSTEES

D. Holloway	S. Douglas
G. Betts	L. Wilson

FFTS UNION DIVISION

DIVISIONAL OFFICERS

Divisional President	A. Findlay
Divisional Secretary	L. Kyriacou
Divisional Assistant Secretary	M. Haritou
Divisional Senior Vice-President	S. Wales
Divisional Junior Vice-President	D. Frater

FFTS UNION DIVISIONAL EXECUTIVE

The Divisional Officers of the FFTS Union Division as set out above, and

A. Smith	New South Wales
V. Robinson	Queensland

FFTS UNION DIVISIONAL CONFERENCE

The Divisional Officers of the FFTS Union Division and the Divisional Executive as set out above, and the following delegates from the FFTS Union Divisional Branches;

W. Brown (VIC)
M. Findlay (VIC)
R. Smith (NSW)
R. Groat (SA)
A. Cookson (QLD)
R. Orange (TAS)

FFTS UNION VIC. DIVISIONAL BRANCH

Divisional Branch President	M. Mitten
Divisional Branch Secretary	L. Kyriacou
Divisional Branch Assistant Secretary	A. Findlay
Divisional Branch Senior Vice-President	W. Brown
Divisional Branch Junior Vice-President	C. Avent
Divisional Branch Organiser	M. Haritou
Divisional Branch Organiser	R. Shugg

FFTS UNION VIC. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch Officers as set out above and -

A. Frazer	N. Hazeldine
G. Lee	P. Linzos
J. Maines	J. O'Brien
J. Patti	J. Robins
I. Whitcroft	L. Zanandrea
J. Calvert	

FFTS UNION NSW DIVISIONAL BRANCH

Divisional Branch President	R. Smith
Divisional Branch Secretary	S. Wales
Divisional Branch Assistant Secretary	R. Smith
Divisional Branch Vice-President	J. Callaway
Divisional Branch Organiser	Jack Lawrence

FFTS UNION NSW DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

J. Campbell	R. Davies
K. Campbell	W. Kraan
Robert Cumbo (Trustee)	Harry Irvine (Trustee)

FFTS UNION S.A. DIVISIONAL BRANCH

Divisional Branch President	R. Groat
Divisional Branch Secretary	D. Frater
Divisional Branch Assistant Secretary	S. Rowe
Divisional Branch Senior Vice-President	J. Emery

Divisional Branch Junior Vice-President	A. Reeves
Divisional Branch Organiser	S. Rowe
Divisional Branch Organiser	P. Wong
Divisional Branch Organiser	T. Woods

FFTS UNION S.A. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

B. Billington	M. Brownlie
P. Crisanti	A. Czora
A. Howlett	J. Salter
G. Whitford	

FFTS UNION QLD DIVISIONAL BRANCH

Divisional Branch President	G. William
Divisional Branch Secretary	V. Robinson
Divisional Branch Vice-President	A. Amos
Divisional Branch Assistant Secretary	A. Cookson

FFTS UNION QLD. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and - G. Dawson

FFTS UNION TAS DIVISIONAL BRANCH

Divisional Branch President	S. Negus
Divisional Branch Secretary	J. Gill
Divisional Branch Assistant Secretary	R. Orange
Divisional Branch Vice-President	C. Schoenwald
Additional Divisional Branch Executive member	W. Picken
Additional Divisional Branch Executive member	P. Green

FFTS UNION TAS DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

C. Sproule
W. Bandlow

END OF RULES

[105N-FED: incorporates alterations of 29/08/2008 in matter R2008/316

I CERTIFY under section 161 of Schedule 1 of the Workplace Relations Act 1996 that the pages herein numbered 1 to 92 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

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1 - NAME

The name of the Union shall be the "Construction, Forestry, Mining and Energy Union".

2 - CONSTITUTION

(A)(A) The following unlimited number of persons, whether male or female, are eligible to be members of the Union

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in

paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;
(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, shall be eligible to be members of the Union including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

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

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker

Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due

south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:

(i) All persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) An unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board, strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) Such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members are eligible to be members of the Union.

(E) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:-

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

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

(b) Further, provided that, without limiting the generality of the foregoing the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building are eligible to be members of the Union. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other sub-rule or paragraph or being limited thereby an unlimited number of persons who are employed in, or competent to be employed in or in connection with the following industries or trades are eligible to be members of the Union:
Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and

employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland are eligible to be members of the Union.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the following are eligible to be members of the Union: an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation

and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work

Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler,

generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery

and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

4 - OBJECTS

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

2. To regulate the conditions under which all members, of the Union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or association, or association of Trades Unions or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Branches, Divisions, Divisional Branches, Sub-Branches, Districts or Sections of the Union throughout the Commonwealth of Australia.

7. To further any scheme that has for its object the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labour and Trade Union newspapers and wireless broadcasting and television stations, and to invest in shares in such newspapers and radio and television stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide labour or Trade Union Organisation or Association.

10. To establish and manage a Union Journal or Journals.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

14. To render legal and other assistance to members, to protect the interests of the Union in all its Branches and to assist other trade unions by any legal method.

15. To obtain such other objects as the National Conference or National Executive shall from time to time determine.

16. To organise the education of members.

17. To establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Divisional or Divisional Branches.

18. The advancement of members intellectually, morally and socially and to do all things which, in the opinion of the Union, is in the interest of members including donations to political parties, the achievement of compulsory unionism, preference in employment, retrenchment, promotion, demotion and transfer in employment, the production and distribution of newspapers, journals and the like.

19. To achieve such other objects as may be lawfully adopted by any Division of the Union.

20. To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"PROPORTIONAL REPRESENTATION" shall mean a system of representation at Committees, Conferences, Executives or the like which, as far as practicable, will provide for voting on a basis which

reflects the number or percentage of financial members, as calculated in accordance with these rules, that each person on such Committee, Conference, Executive or the like, represents.

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

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

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

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

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

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

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

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Mining and Energy Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Workplace Relations Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

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

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v)(a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of

application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

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

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be

reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

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

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.202 of the

Industrial Relations Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

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

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

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

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

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

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from

amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.
Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one

calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telegram or telex.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, telephonic, telegraphic, telex, verbal and/or written vote (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) (a) The National Executive Committee shall consist of the National Principal Officers, being the National Secretary of the CFMEU, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Forestry, Furnishing, Building Products and Manufacturing Division, the General President of the Mining and Energy Division; together with the fulltime elected Officers of each Division who are fulltime at the National level and are not already one of the aforementioned National Principal Officers; two (2) Divisional Assistant Secretaries of the Forestry, Furnishing, Building Products and Manufacturing Division, one of whom shall be the Principal Officer of the Pulp and Paper Industry Sector and the other of whom shall be the Principal Officer of the Furnishing Industry Sector; and the Divisional President, and two (2) Divisional Assistant Secretaries of the Construction and General Division if not otherwise included.

(b) Without affecting the term of office of persons holding office as National Executive Committee members immediately prior to the date of certification of this sub-rule, the National Executive Committee shall, on and from 1 July, 2006 consist of the National Principal Officers, being the National Secretary, National President, National Assistant Secretary and an additional National Assistant Secretary of the union together with such of the following elected officers of each Division at a National level namely:-

- in the case of the Construction and General Division, the Divisional Secretary, two (2) Divisional Assistant Secretaries, the Divisional President and the full time Divisional Senior Vice-President

- in the case of the Forestry, Furnishing, Building Products and Manufacturing Division, the Divisional Secretary, two (2) Divisional Assistant Secretaries and the Divisional President

- in the case of the Mining and Energy Division, the General President, the General Secretary, the General Vice-President and the Senior Vice-President

who are not one of the aforementioned National Principal Officers.

Provided however that in addition to the above the Construction and General Division shall be entitled to two (2) additional National Executive Committee members elected by and from the Construction and General Division Divisional Conference.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive and National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six (6). A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a facsimile, telephonic, email, written and/or postal vote of members of the National Executive or National Executive Committee at any time. Members of the National Executive or National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or facsimile or email or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or email.

15 - NATIONAL EXECUTIVE

(i) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

(ii) The National officers shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

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

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Industrial Relations Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

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

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

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

16 - ELECTION OF NATIONAL OFFICERS

(i) The National Secretary, National Assistant Secretary and National President (and on and from 1 July, 2006, an additional National Assistant Secretary) shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, for Divisions with more than one Divisional Branch, each Division shall be represented by at least one Officer who shall be the principal officer of that Division.

Further provided that until 30 June, 2006, for Divisions with more than one Divisional Branch, each Division shall hold at least one position of Joint Vice President as follows:

* Joint Vice President (Construction and General Division)
* Joint Vice President (FFPD Division)
* Joint Vice President (Mining & Energy Division)

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions by resolution from that Division's Divisional Conference.

Further provided that until 30 June, 2006**,** there shall be a Principal Officer of the FFPD Division representing the former FFTS Division who shall be a National Senior Vice-President. Such officer shall be and remain a member of the National Executive and the National Executive Committee.

Further provided that the Construction & General Division Senior Vice-President (former National Secretary of the OPDU) shall be a National Vice-President and shall be and remain a member of the National Executive and National Executive Committee.

Until 30 June, 2006 all existing full-time officers of each Division, not otherwise elected to any of the foregoing positions, shall be and remain members of the National Executive Committee.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office

or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office. Further provided that in the case of a vacancy in one or more of the National Principal Officer positions, the National Executive may fill such office by appointment from the National Conference delegates. Provided however that any such appointment/s shall ensure that each Division shall have at least one representative amongst the four National Principal Officers.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by post, letter, telegram, telephone, telex, facsimile and/or verbally as soon as the count is completed.

(ix) In any ballot of the National Collegiate for the election of National Officers, the representatives of each of the Divisions shall cast votes proportionate to the membership of their respective Divisions determined in the same way, the necessary changes being made, as votes cast by delegates to the National Conference in accordance with Rule 13(iii) and (iv) herein.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(ii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iii) Except in the case of the Mining & Energy Division and the Forestry, Furnishing, Building Products and Manufacturing Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) That nominations are called in accordance with the rules of the Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) That the nominations process, closure and receiving of, are in accordance with the rules of the Division.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) Officers of all Divisional Branches holding such office at the date of amalgamation shall remain in office until the general election of officers held in 1996 and shall be eligible to nominate in that election. In this paragraph officers of all Divisional Branches shall mean officers of branches of the amalgamating unions being the persons listed in the schedule hereto.

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall, in accordance with the Rules of the Division, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only:-

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) The candidate's statement provided for in accordance with sub-rule (h) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail all ballot papers, in accordance with the Rules of the Division.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed closed in accordance with the rules of the Division.

(r) That the opening and closing of the ballot shall be in accordance with the rules of the Division.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any

Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

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

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

fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preference shall be the same as is above prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except Mining and Energy Division and Forestry, Furnishing, Building Products and Manufacturing Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(ii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iii) The Divisional Officers at a national level shall be members of that Divisional Executive.

(iv) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

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

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

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

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the

Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

National Executive shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS/MEMBERS

1. The following sets out the duties of the National Officers outlined herein. The National Secretary shall be a full time position. The wages and costs relating to the office of the full time officer shall be borne by the Union.

2. National President:

The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

The National President shall have a deliberative vote only.

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

3. National Secretary:

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

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

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

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

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

The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretaries:

National Assistant Secretaries shall perform all duties assigned to them by National Conference and National Executive. They shall attend all meetings of National Conference and National Executive.

5. Vice-President/s:

The Vice-President shall assist the National President in the conduct of meetings and in the absence of the National President, shall act as President.

He/She shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

6. Members of National Executive and Delegates to National Conference:

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

7. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

8. No officers, employees, delegates or members shall be required to do, or required to omit to do, any act in breach of legislation applicable to the CFMEU.

9. Except as provided for by resolution of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof), it shall not be part of the duties of any delegate/steward, officer or employee, including organisers, whether temporary or not, to threaten, initiate, counsel, procure, induce, be involved in, engage in or be party to industrial action as defined by the Workplace Relations Act 1996 or building industrial action as defined by the Building and Construction Industry Improvement Act 2005.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

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

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. No funds shall be drawn from the Bank or financial institution except by cheque signed by two persons who are a National Secretary, National Assistant Secretary, National President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President or National Assistant Secretary. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

(viii) Any fines, penalties, damages, costs or other sum(s) ordered by a court against the Union is, if the conduct of a Division's officers, employees, agents or members made the Union liable for such amount(s), to be funded by that Division.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

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

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the National Secretary of a petition, signed by not less than 5% of the members of the Union, requesting that a general meeting of members of the Union be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the National Office, the National Secretary shall convene such meeting as soon as is practicable.

25 - ALTERATION OF RULES

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

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telegraphic, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Industrial Relations Act (Commonwealth) or the regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the Industrial Relations Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

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

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each division shall have autonomy in relation to its funds and property.

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

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

(vi) Divisions shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland, New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.202 of the Industrial Relations Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of state unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or National Assistant Secretary or any person authorised by a National Secretary or National President or National Assistant Secretary so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary or any person authorised by a Divisional Secretary or Divisional Assistant Secretary may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, Divisional Secretary or Divisional Assistant Secretary, or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests issued by a Divisional Secretary or Divisional Assistant Secretary or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National Assistant Secretary, National President, Divisional Secretary and/or Divisional Assistant Secretary shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.

(g) The taking of industrial action (within the meaning of the Workplace Relations Act 1996), building industrial action (within the meaning of the Building and Construction Industry Improvement Act 2005) or picketing by members is not authorised by the union without the consent of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof).

Provided however that the preceding paragraph shall not restrict the right of a person or body duly authorised by such a committee of management to authorise industrial action in accordance with s 446 (1)(a) of the Workplace Relations Act 1996, or any successor provisions thereto.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 361 Kent Street, Sydney in the State of New South Wales, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

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

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

35 - RECOVERY OF DUES

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

36 - LEVIES

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

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

(iii) A Division or Divisional Branch may impose a levy on its members.

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

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

37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

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

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

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

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

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

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

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

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

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

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

   If the votes are equal the question is resolved in the negative.

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

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

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

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

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

11. Any delegate or member speaking shall at once resume their seat -

(a) If the chairperson rises to speak; or
(b) If a point of order is raised.

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

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

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

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

CHAIRPERSON'S RULINGS

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

SUSPENSION OF ORDER OF BUSINESS

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

SITTING AS A COMMITTEE

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

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

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

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

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the Industrial Relations Act 1988, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, telex, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee, following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted

(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) deleted

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - Divisional Restructuring (FEDFA)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps which steps may deal with one Division at a time, Divisional Branches within a Division and/or the Divisional Office of any particular Division.

2. In relation to the above, the FEDFA Division shall be restructured in steps which shall involve:

(a) The abolition of full-time Divisional Officers at a national level and the allocation of responsibility for the FEDFA Division between the Building Unions Division and the UMW Division;

(b) The allocation of full-time Divisional Officers of the FEDFA Division to the Building Unions Division and the UMW Division;

(c) The continued operation of the Divisional Branches of the FEDFA Division with the intent, over time, of the restructuring of said Divisional Branches in accordance with Rule 42, into the Building Unions/Construction and General Division, UMW/Mining & Energy Division and the ATAIU/Forestry Division;

(d) The payment of capitation fees by FEDFA Divisional Branches to a designated fund which shall be administered by the Divisional Secretary of the FEDFA Division or, if or when that Office is abolished by the former Divisional Secretary and the Divisional Secretaries of the Building Unions and/or Construction and General Division and the UMW and/or Mining and Energy Division.

(e) The continued meeting of the Division Executive of the FEDFA Division for so long as is necessary before the complete restructuring of the FEDFA Division is effected in accordance with Rule 42.

3. On and from 27 September 1993, in accordance with the above procedure, the current Divisional Secretary of the FEDFA Division shall be and become the Divisional President of the Building Unions Division and the current Divisional Assistant Secretary of the FEDFA Division shall be and become a Divisional General Vice-President of the UMW Division and upon translation in accordance with Rule 42 (iii), shall hold the corresponding offices in the Construction and General Division and the Mining & Energy Division respectively.

4. The current Divisional Secretary and Divisional Assistant Secretary of the FEDFA Division shall continue to hold those positions in the FEDFA Division on an honorary basis until such time as the FEDFA Division no longer meets on a national basis.

5. This Rule shall come into force after its adoption by the National Executive and agreement thereto by the FEDFA Divisional Executive, UMW Divisional Executive and Building Unions Divisional Executive and thereupon shall be registered with the Australian Industrial Registry and shall take effect upon registration, or 27 September 1993, whichever is the later.

6. Further to the above provisions, and notwithstanding any other rule of the Union to the contrary, during the process of restructuring, any Divisional Branch of the FEDFA Division may reach agreement with any or all of the UMW Division/Mining & Energy Division and/or the Building Unions Division/Construction and General Division and/or the Forestry Division or the relevant Divisional Branches thereof to transfer members and officers of the FEDFA Division to any and/or all of the other aforementioned Divisions. Such agreement shall be reached with the approval of the Management Committee or its equivalent in each Divisional Branch and the officers concerned. Any such Divisional Branch may reach agreement on some or all of the matters relating to such transfer and, failing agreement on any or all of such matters, refer the matters by agreement to the National Executive for decision. Until such time as there no longer exists an FEDFA Division in accordance with the Rules of the Union, all such officers transferred shall, notwithstanding the holding of positions in other Divisions, continue to hold the office or position in the FEDFA Division on an honorary basis and shall, to the extent that the Rules require same, continue to perform the functions associated with that office in relation to the FEDFA Division. All agreements in relation to the transfer of members and officers shall be notified to the National Executive Committee and attached to the Minutes thereof. Such agreements shall have force and effect in accordance with the terms thereof and from the date of effect of that agreement as specified in that agreement, or failing any specification thereof, on the date of the agreement.

7. The following table shows the restructuring of the FEDFA Division, merging with the appropriate Union Division to create Industry Divisions:

	(	merged with	)
STATE	CONSTRUCTION AND GENERAL	MINING AND ENERGY	FORESTRY
National Office	27 Sept 1993	27 Sept 1993	
Queensland	4 Feb 1994	1 Jan 1993	
New South Wales		Northern 2/4/93 Southern 1/7/93 Western 8/4/93 Energy 21/7/93	
Tasmania	31 July 1996	24 August 1996	1 Jan 1994
Sth Aust	1 Aug 1993	1 Aug 1993	
West Aust	1 Sept 1993	1 Sept 1993	
Victoria	1 Aug 2003	2 Jan 2001	
Barrier		1 July 1996	

42B - Merger with ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts,

omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DIVISIONAL RESTRUCTURING (FFTS)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps, such steps may deal with one Division at a time and/or Divisional Branches within a restructured Division at a time.

2. In relation to the above, the FFTS Division shall on and from the 11th February 2002, be restructured in the first instance into the Forestry Division to form "The Forestry, Furnishing, Building Products and Manufacturing Division" (FFPD) which shall result in:

   (a) The abolition of full-time FFTS Divisional Officers at a national level and the allocation of responsibility for the FFTS Division to the restructured Division.

   (b) The allocation of Divisional/Branch Office Holders of the FFTS Division to the Office Holders positions of the restructured Division.

   (c) The continued operation of the Victorian and Queensland Divisional Branches of the FFTS Division within the restructured Division of up to four years beyond the expiration of the eight years referred to in sub-rule 42(xii). This sub-rule shall not otherwise affect the operation of sub-rule 42(xii). For the avoidance of doubt, the four years referred to in this sub-rule shall expire on 26 March 2005.

3. Further to the above provisions and notwithstanding any other rule of the Union to the contrary, the FFTS Victorian Branch shall unless otherwise agreed by the FFTS Victorian Branch Management Committee maintain its current structure and existence within the restructured Division up until 26 March 2005.

4. Prior to the 26 March 2005, the FFPD (which shall include representatives of the former FFTS Division) and the Construction & General Division (which shall include representatives from the National Office and all interested Branches) will meet under the chairpersonship of the National Secretary of the CFMEU to reach agreement to finalise translation/integration provisions intended by the respective Schemes of Amalgamation and the Rules of the Union in respect to the Forestry, FFTS and C&G Divisions.

5. Should agreement not be reached between the Divisions the matter shall be referred to the CFMEU National Executive to determine in accordance with the Schemes of Amalgamation and Rules of the Union.

6. Until the elections scheduled to be held in August 2004 the FFPD shall be constituted and represented as follows:-

   (a) Divisional Conference shall consist of:-

   (i) Forestry Division Representatives

Trevor Smith	SA	Jane Calvert	VIC
Paul Martinella	SA	Andy Laing	VIC
Mark Nicholls	SA	Ian Mullen	VIC
Brenton Lockwood	SA	Michael O'Connor	VIC
Scott McLean	TAS	Brad Platschinda	VIC
Colin Butler	TAS	Bevan Anderson	NSW
Gary Jaeschke	WA	Bruce CampbellNSW	
Christopher Northover	P&P	Craig Smith	NSW
Phillip Illidge	P&P	Eileen Anderson	NSW
Alex Millar	P&P	Kenneth Miller	NSW
Debbie Brennan	P&P		

(ii) FFTS Division Representation

Jim Emery	SA	Leo Skourdoumbis	VIC
David Kirner	SA	Frank Vari	VIC
Brad Parker	NSW	Joe Patti	VIC
Greg Williams	QLD	Cliff Palmer	VIC
John O'Brien	VIC	Alwin Seneviratne	VIC

(iii) Representation

Representation of the Forestry and FFTS Division Branches shall be in accordance with Rule 8 of the Forestry Division Rules.

(b) Divisional Executive shall consist of:-

(i)

Jane Calvert	Divisional President
Phillip Illidge	Divisional Snr V/President
Brad Parker	Divisional V/President
Craig Smith	Divisional V/President
Trevor Smith	Divisional Secretary
Chris Northover	Divisional Snr Assistant Secretary (Honorary)
Michael O'Connor	Divisional Assistant Secretary
Leo Skourdoumbis	Divisional Assistant Secretary (Honorary)
Kenneth Miller	Divisional Trustee
Dave Kirner	Divisional Trustee
Frank Vari	Divisional Trustee
Scott McLean	Divisional Trustee
Paul Martinella	Divisional Executive Member
Greg Williams	Divisional Executive Member
Gary Jaeschke	Divisional Executive Member

(c) FFPD NSW Branch Executive/Committee of Management

Brad Parker	Joint President (full-time)
Bevan Anderson	Joint President (Honorary)
Bruce Campbell	Snr V/President
Jayne Willet	Jnr V/President (AA)
Tom Abramovic	Jnr V/President
Craig Smith	Secretary
Sala Taalilil	Trustee
Eileen Anderson	Trustee (AA)
Peter Reilly	Trustee
Ronnie Watson	Trustee
Kenneth Miller	Trustee
Alan Lanyon	Committee Member
Barry Barrakett	Committee Member
Cheryl Hampton	Committee Member
Kerry Hickey	Committee Member
Mark Thompson	Committee Member
Michael Schuppan	Committee Member
Peter StClair	Committee Member
Anthony Ovington	Committee Member

(2 Vacant COM positions to be filled by FFTS)

(d) (a) FFPD VIC FFTS Branch Executive/Committee of Management

Joe Patti	President
Cliff Palmer	V/President

John O'Brien	V/President
Leo Skourdoumbis	Secretary
Frank Vari	Assistant Secretary
Michael Doran	Trustee
Ernie Landolt	Trustee
Les Ford	Trustee
Florencio P Carrion	Committee Member
Eric Maher	Committee Member
Jeffery Connor	Committee Member
Brenda Crawford	Committee Member
Penny Lintzos	Committee Member
James Maine	Committee Member
Alwin Seneviratne	Committee Member
Greg Wheeler	Committee Member
Chris Christou	Committee Member
Damian Cooke	Committee Member
Ian Morris	Committee Member

(b) FFPD VIC Forestry Branch Executive/Committee of Management

Andy Laing	President
Ian Mullen	Snr V/President
Andrew Wareham	V/President
Kim Mason	V/President (AA)
Jane Calvert	Secretary
Yorick Piper	Assistant Secretary
Kevin Wyley	Trustee
Clare Burford	Trustee (AA)
Ken Tonkin	Trustee
Mark Nelson	Trustee
Ricky Owens	Committee Member
Bob Salmnon	Committee Member
Wayne Smith	Committee Member
Neil Saunders	Committee Member
David Sheppard	Committee Member
Sunsera Verhoven	Committee Member
Anthony Jones	Committee Member
Duncan Ingram	Committee Member
Graeme Howe	Committee Member

(1 vacant COM AA position to be filled)

(e) FFPD Pulp & Paper Branch Executive/Committee of Management

Phillip Illidge	President
Robert Johnston	Snr V/President
Alex Millar	Jnr V/President
Chris Northover	Secretary/Treasurer
Grant Keys	Trustee
Chris Northover	Trustee
Alex Millar	Trustee
Geoff Gasperotti	Committee Member
Wayne Hardy	Committee Member
Andrew Ball	Committee Member
Greg Stewart	Committee Member
David Jessup	Committee Member
Mervyn Donoghue	Committee Member
Tom Blacka	Committee Member
Craig Waters	Committee Member
Ken Fraser	Committee Member

William Davey	Committee Member
Greg Godde	Committee Member
Trevor Sinclair	Committee Member
Marne Gurney	Committee Member

(f) FFPD SA Branch Executive & Committee of Management

Jim Emery	President
Mark Nicholls	Snr V/President
Tony Howlett	V/President
Maree Gale	V/President
Paul Martinella	Secretary
David Kirner	Assistant Secretary
Steve Crafter	Trustee
Tom Kenny	Trustee
Ross Bennetta	Trustee
Leonie Kiploks	Trustee (AA)
Karen Cory	Committee Member
Mark Vickers	Committee Member
Peter Nelson	Committee Member
Greg Muhovics	Committee Member
Andrew Sampson	Committee Member
Kym Isaacson	Committee Member
Peter Starr	Committee Member
Bill Burns	Committee Member
Bernie Maguire	Committee Member
Laurie Barbary	Committee Member

(1 Vacant COM AA position to be filled by FFTS)

(g) FFPD TAS Branch Executive & Committee of Management

Colin Butler	President
Angela Lord	Snr V/President
Narrelle Bassett	V/President (AA)
Anthony Clay	V/President
Scott McLean	Secretary
Shiralee Gillespie	Trustee (AA)
Ronald Brown	Trustee
Leanne Hardy	Trustee (AA)
Lindsay Hills	Trustee
Robert Bowden	Committee Member
Paul Worker	Committee Member
Peter Mason	Committee Member
Margaret Watson	Committee Member
Kylie Dundas	Committee Member
Joseph Kelly	Committee Member
Anthony Barnes	Committee Member
Adrian Littlejohn	Committee Member

(h) FFPD QLD Branch Executive/Committee of Management

Ursula Korableff	President
Desmond Flanagan	V/President
Stephan Williams	V/President
Greg Williams	Secretary
Rodney Black	Committee Member
Vincent Breen	Committee Member
John Forrest	Committee Member

(i) FFPD WA Branch Executive/Committee of Management

John Rudge	President
Vincent Preedy	Snr V/President
Douglas Ashcroft	V/President
Gary Jaeschke	Secretary (Honorary)
John Cleary	Trustee
Garry RamplingTrustee	

7. This rule shall come into force on and from 11 February 2002 in accordance with the unanimous decision of the National Executive and shall be registered with the Australian Industrial Registry.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State or Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS

(i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

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

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

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

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made pursuant thereto.

Upon receipt by the State Branch Secretary of a petition, signed by not less than 5% of the members of the State Branch, requesting that a general meeting of members of the State Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the State Branch, the State Branch Secretary shall convene such meeting as soon as is practicable.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

SCHEDULE OF OFFICERS REFERRED TO IN RULE 42 (xiv) (a)

POSITION	PERSON TO HOLD POSITION
NATIONAL UNION	
** Joint National Secretary	Stanley Sharkey
** Joint National Secretary	Vic Fitzgerald
** Joint National President	John Maitland
** Joint National President	Trevor Smith
** National Assistant Secretary	John Sutton
** National Senior Vice President	Lou Kyriacou
* National Senior Vice President	Albert Littler
National Senior Vice President	Bill Ethell
Joint National Vice President	Christopher Northover
Joint National Vice President	Kenneth Hawkins
Joint National Vice President	Malcolm McDonald
Joint National Vice President	Thomas Burke
* FEDFA Divisional Assistant Secretary	Tony Maher

* BWIU/Plasterers Divisional Assistant Secretary	Lindsay Fraser
* ATAIU Divisional Assistant Secretary	Chris Northover
* UMW Divisional General Secretary	Eric A Wilks
* UMW Divisional Vice President	Kenneth Hawkins

NATIONAL EXECUTIVE COMMITTEE shall consist of the six (6) principal officers (marked **) plus the other full-time Divisional Officers of each Division (marked *).

NATIONAL EXECUTIVE shall consist of the persons who constitute the National Executive Committee set out above and the Divisional Branch Secretary of each Divisional Branch of each Division set out herein and shall, in accordance with Rule 42 (viii) (a) include the National President and National Secretary of the former OPPWF. This body shall also include the Divisional Branch Secretaries from Victoria, New South Wales, South Australia and Queensland of the FFTS Union Division.

It also includes the South Australian, Victoria and Queensland Branch Secretaries and the NSW Branch Assistant Secretary of the former OPDU.

NATIONAL CONFERENCE shall consist of the persons listed as the members of the four (4) divisional executives set out herein until 2 January 1997, the following shall also be a delegate,

T. Richardson - Secretary of former OPPWF, Queensland Branch.

The National Conference shall also include the persons (as set out herein) comprising the Federal Executive of the FFTS Union Division while that Union Division remains autonomous.

BRANCHES OF THE UNION

NEW SOUTH WALES BRANCH

New South Wales State Officers

Joint NSW State Secretary	Dennis Matthews
Joint NSW State Secretary	Ian Peel
Joint NSW State President	Gavin Hillier
Joint NSW State President	Michael Watson
Joint NSW State Assistant Secretary	Andrew Ferguson
Joint NSW State Assistant Secretary	Alf Rankin
Joint NSW State Senior Vice President	Thomas Burke
Joint NSW State Senior Vice President	Peter McClelland
Joint NSW State Senior Vice President	Edward Curran
Joint NSW State Senior Vice President	Sid Wales
Joint NSW State Vice President	Bevan Anderson
Joint NSW State Vice President	Howard Fisher
Joint NSW State Vice President	Mick Smith
Joint NSW State Vice President	Gary McArthur

New South Wales State Executive

Shall consist of the abovenamed persons being the NSW State Officers together with the persons who are the full-time Divisional Branch officers, other than organisers, of each Divisional Branch, being,

ATAIU NSW Divisional State Assistant Secretary, Joyce Tuckwell
FEDFA NSW Divisional State Assistant Secretary, Scott Gartrell
FFTS NSW Union Divisional State Assistant Secretary, Rex Smith

New South Wales State Conference

Shall consist of the persons who constitute NSW State Executive as listed above (i.e. including NSW State Officers) and the persons being the other members of ATAIU NSW Divisional Branch Management Committee and the Building Unions NSW Divisional Branch Management Committee and the UMW Divisional Branch Management Committee, and the FEDFA NSW Divisional Branch Management Committee and the FFTS Union Division NSW Branch Management Committee listed herein.

VICTORIAN BRANCH

Victorian State Officers

Joint Vic State Secretary	John Van Camp
Joint Vic State Secretary	Vince Raffa
Joint Vic State President	Barry King
Joint Vic State President	Lou Kyriacou
Joint Vic State Assistant Secretary	Martin Kingham
Joint Vic State Assistant Secretary	Vacant
Vic State Senior Vice President	Frank O'Grady
Joint Vic State Vice President	Vilma Stargatt
Joint Vic State Vice President	Malcolm McDonald
Joint Vic State Vice President	Alex Findlay
Joint Vic State Vice President	Vacant

Victorian State Executive

Shall consist of the abovenamed persons being the Victorian Divisional Officers, Building Unions Victorian Divisional State Assistant Secretary and the FEDFA Victorian Divisional State Assistant Secretary plus FFTS Union Division Victorian Divisional Branch Senior Organiser.

Victorian State Conference

Shall consist of the persons who constitute the persons being the other members of the ATAIU Victorian Divisional Branch Management Committee, the BWIU Victorian Divisional Branch Management Committee and the FEDFA Victorian Branch Management Committee and the FFTS Union Division Victorian Divisional Branch Management Committee listed herein.

SOUTH AUSTRALIAN BRANCH

South Australian State Officers

SA State Secretary	Ben Carslake
SA State President	Quentin Cook
Joint SA Senior State Vice President	A. Johnson
Joint SA Senior State Vice President	D. Frater
Joint SA State Vice President	A. Young
Joint SA State Vice President	G. Bull
Joint SA State Vice President	D. Stapleton
Joint SA State Assistant Secretary	Terry Carrol
Joint SA State Assistant Secretary	Geoff Day
Joint SA State Assistant Secretary	J. McGirr

South Australian State Executive

Shall consist of the abovenamed persons being South Australian State Officers and

ATAIU SA Divisional Branch Assistant Secretary
FFTS SA Divisional Branch Assistant Secretary

South Australian State Conference

Shall consist of the persons who constitute South Australian State Executive set out above and the persons being the other members of the ATAIU South Australian Divisional Branch Management Committee, the Building Unions South Australian Divisional Branch Management Committee the FFTS Union Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee listed herein.

TASMANIAN BRANCH

Tasmanian State Officers

Joint Tas State Secretary	Max Cordwell
Joint Tas State Secretary	Mike Grey
Joint Tas State President	Shayne Murphy
Joint Tas State President	Leonard Miles
Tas State Senior Vice President	Stephen Hevey
Joint Tas State Vice President	J. Gill
Joint Tas State Vice President	Colin Butler
Joint Tas State Vice President	M. Collins
Joint Tas State Vice President	David Bean
Joint Tas State Vice President	Barry Bishop
Joint Tas State Vice President	Ray Carroll
Tas State Assistant Secretary	

Tasmanian State Executive

Shall consist of the Full Time Tasmanian State Officers.

Tasmanian State Conference

Shall consist of the persons listed as the Tasmanian State Executive set out above and, the other persons being the persons listed as members of the ATAIU Tasmanian Divisional Branch Management Committee, UMW Tasmanian Divisional Branch Management Committee, the Building Unions Tasmanian Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee and the FFTS Union Division Tasmanian Branch Management Committee listed herein.

AUSTRALIAN CAPITAL TERRITORY BRANCH

ACT State Officers

ACT State Secretary	George Wason
ACT State President	Rod Driver
Joint ACT State Vice President	Kate Lundy
Joint ACT State Vice President	J. McHugh
Joint ACT State Assistant Secretary	Trevor Zeltner
Joint ACT State Assistant Secretary	Stan Hambesis

ACT State Executive

Shall consist of the abovenamed persons listed as ACT State Officers.

ACT State Conference

Shall consist of those persons listed above as being the ACT State Executive and the other persons listed herein as members of the Building Unions ACT Divisional Branch Management Committee.

WESTERN AUSTRALIAN BRANCH

Western Australian State Officers

WA State Secretary	Bill Ethell
Joint WA State President	John Borlini
Joint WA State President	Alex A'Vard
Joint WA State Vice President	Gary Wood
Joint WA State Vice President	A. Baxter
Joint WA State Vice President	Ron Kielty
Joint WA State Vice President	A. Cook
Joint WA State Vice President	K. Reynolds
Joint WA State Assistant Secretary	Rick Todd
Joint WA State Assistant Secretary	Dave McIntyre

WA State Executive

Shall consist of the abovenamed persons listed as WA State Officers.

WA State Conference

Shall consist of those persons listed above as being the WA State Executive and the persons listed herein as members of the both Building Unions Divisional Branches' Management Committees, the members of the UMW WA District Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee.

QUEENSLAND BRANCH

Queensland State Officers

Joint Qld State Secretary	William Trohear
Joint Qld State Secretary	Greg Betts
Joint Qld State President	Andrew Vickers
Joint Qld State President	Peter Stone
Joint Qld State President	Des Holloway
Joint Qld State Senior Vice President	V. Robinson
Joint Qld State Vice President	B. Rushan
Joint Qld State Vice President	Kevin Anderson
Joint Qld State Vice President	Peter Neilson
Joint Qld State Assistant Secretary	Mark Hickey
Joint Qld State Assistant Secretary	Geoff Wilson
Joint Qld State Assistant Secretary	P. Waters

Queensland State Executive

Shall consist of the abovenamed persons listed as Queensland State Officers plus an additional person being the FFTS Union Division Qld Branch Assistant Secretary.

Queensland State Conference

Shall consist of those persons listed above as being the Queensland State Executive and the persons listed herein as members of the Building Unions Queensland Divisional Branch Management Committee, the members of the UMW Divisional Branch Management Committee and the

members of the FEDFA Divisional Branch Management Committee and members of the FFTS Union Division Qld Divisional Branch Management Committee.

BUILDING UNIONS DIVISION

DIVISIONAL OFFICERS

Joint Divisional President	A. Littler
Joint Divisional President	B. Ethell
Divisional Secretary	S. Sharkey
Joint Divisional Assistant Secretary	J. Sutton
Joint Divisional Assistant Secretary	L. Fraser
Joint Divisional Senior Vice President	D. McDonald
Joint Divisional Senior Vice President	J. McGirr
Joint Divisional Vice President	C. Bates
Joint Divisional Vice President	M. Bingham
Joint Divisional Vice President	T. Burke

BUILDING UNIONS DIVISIONAL EXECUTIVE

The Divisional Officers of Building Unions Division as set out above, and

W. Trohear	Queensland
M. Cordwell	Tasmania
B. Carslake	South Australia
V. Raffa	Victoria
D. Cafferty	Victoria
G. Wason	Australian Capital Territory
D. Matthews	New South Wales
A. Rankin	New South Wales
B. Ethell	Western Australia
T. Carroll	Plasterers
K. Reynolds	WA Plasterers

BUILDING UNIONS DIVISIONAL CONFERENCE

The Divisional Officers of Building Unions Division and the Divisional Executive as set out above, and the following delegates from Building Unions Divisional Branches:

A. Ferguson	(NSW)	A. Wigchert	(QLD)
P. Grainger	(NSW)	M. Hickey	(QLD)
J. Briggs	(NSW)	T. Richardson	(QLD)
T. Morrison	(NSW)		
T. Mawdsley	(NSW)	F. O'Grady	(VIC)
J. Taylor	(NSW)	R. Williams	(VIC)
I. Smith	(NSW)	M. Kingham	(VIC)
B. Woodham	(NSW)	J. Saddington	(VIC)
T. McDonald	(NSW)		
E. Boatswain	(NSW)	R. Todd	(WA)

- together with the OPDU Federal Council as at the date of amalgamation.

BUILDING UNIONS DIVISIONAL TRUSTEES

W. Trohear	(QLD)
R. Driver	(ACT)

BUILDING UNIONS NSW DIVISIONAL BRANCH

Divisional State President	P. McClelland

Divisional State Secretary	D. Matthews
Joint Divisional State Assistant Secretary	A. Ferguson
Joint Divisional State Assistant Secretary	T. Burke
Joint Divisional State Assistant Secretary	A. Rankin
Divisional State Vice President	G. McArthur

BUILDING UNIONS NSW DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners
T. Morrison
J. Pineiro
I. Smith
L. Strutzenberger
M. Barrios

Bridge & Wharf
A. Melnikoff

Tilelayer
L. Quill

Bricklayers
H.D. Eisenhammer
A. Baxter

Builders Labourers
J. Ashdown
P. Balcombe
I. Gavin
S. Green

Stonemason
S. Cafarella

Slater & Tiler
M. Murphy

Plasterer
C. Howarth

Painters
J. Anning
J. Foster
J. Hoddle

BUILDING UNIONS NSW DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and -

Sydney Zone

Sydney Carpenters & Joiners
H. Brazao
P. Bristow
T. Connolly
P. Eggers
E. Elder
G. Kelly
F. Malis
P. Leyden
A. Zdrilic

Sydney Bricklayers
V. Catania
J. Taylor
M. McAliney

Sydney Builders Labourers
B. Granata
E. Harbidge
G. Sheen
D. Stean
J. McGee
S. Whetter

Country Zone

Country Carpenters & Joiners
L. Allen
R. Wills

Country Bricklayer
D. Atkinson

Country Builders Labourer
W. Shipman

Bridge & Wharf
C. Ford

Tilelayers
L. Quill

Slaters & Tilers
M. French

Stonemasons
J. Robinson

Plasterer
K. Andrews

Newcastle Zone

Newcastle Carpenters & Joiners
J. Allen
P. Cuskelly

Newcastle Bricklayer
L. Deeks

Newcastle Builders Labourer
E. Purins

Wollongong Zone

Wollongong Carpenters & Joiners
T. Gray
G. Karry

Wollongong Bricklayer
W. Hall

Wollongong Builders Labourer
M. Ward

BUILDING UNIONS NSW DIVISIONAL BRANCH TRUSTEES

T. Morrison
L. Strutzenberger
S. Green
J. Anning

BUILDING UNIONS NSW DIVISIONAL BRANCH ORGANISERS

B. Miller
P. Grainger
W. Baker
J. Briggs
B. Cochrane
N. Fodor
J. Higgins
J. Curruthers
J. Prentice
J. McKee
T. Hunt
M. Lawler
P. Zaboyak
M. Lynch
S. Manna
T. Mawdsley
D. Sullivan
C. Bates
J. Adams
J. McGahan
B. Beasley

Newcastle: R. Jarman

BUILDING UNIONS NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

T. McDonald
S. Sharkey
D. McDonald
J. Briggs
I. Smith
P. Grainger
J. Taylor
J. Sutton
T. Burke
E. Boatswain
D. Matthews
L. Fraser
C. Bates
A. Ferguson
T. Morrison
T. Mawdsley
B. Woodham

BUILDING UNIONS QLD DIVISIONAL BRANCH

Divisional State President — P. Stone
Divisional State Secretary — W.W. Trohear
Divisional State Assistant Secretary — M. Hickey
Divisional State Assistant Secretary — P. Waters
Divisional State Vice President — K. Anderson
Divisional State Vice President — B. Rushan

BUILDING UNIONS QLD DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

B. Tucker
P. Stone
T. Richardson
R. Bostock
K. Marcus
K. Anderson
B. Hopton
K. Bull
R. Vanderhorst
A. Pountey
F. Pearson
J. Gruer
G. Federer
B. Hall
G. Horn
B. McGill
M. Edwards

BUILDING UNIONS QLD DIVISIONAL BRANCH TRUSTEES

P. Stone

T. Richardson
R. Bostock
R. Vanderhorst

BUILDING UNIONS QLD DIVISIONAL BRANCH ORGANISERS

W. Perrett
D. Kersey
T. Richardson
K. Murphy
K. Carroll
G. Howcroft
A. Wigchert

BUILDING UNIONS QLD DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. Trohear
A. Wigchert
M. Hickey
T. Richardson

BUILDING UNIONS WA DIVISIONAL BRANCH

Divisional State President	A. Baxter
Divisional State Secretary	B. Ethell
Divisional State Assistant Secretary	R. Todd

BWIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

N. Houston
P. Alcantara
B. Churchill
B. Freeman
T. Bird
H. Johnson
M. Banks
J. Giles

BWIU WA DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

Perth
G. Curtin
R. Gaskell
C. Knight
B. Waller
A. De Klerk
M. Floud
N. Drayton
A. Hughes
K. Bulloch
J. Fitzgerald

Fremantle/Medina
C. Gorham
A. Phillips
J. Allison
P. Fairbotham
J. Curran

South West
J. McDonell

BWIU WA DIVISIONAL BRANCH ORGANISERS

D. Wildgoose
J. Gallagher

BWIU WA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Ethell
R. Todd

BUILDING UNIONS WA PLASTERERS DIVISIONAL BRANCH

Divisional State President	Mark Hudston
Divisional State Secretary	Kevin Reynolds
Divisional Branch Delegate to National Conference	Kevin Reynolds
Divisional State Vice President	Roy Cox
Divisional Committee of Management	James Hamilton
	Michael Naughton
Divisional Branch Organiser	Robert Manwaring

BUILDING UNIONS TAS DIVISIONAL BRANCH

Divisional State President	Stephen Hevey
Divisional State Secretary	Max Cordwell
Divisional State Assistant Secretary	T. Benson
Joint Divisional State Vice President	Ray Browne
Joint Divisional State Vice President	Ray Carroll
Joint Divisional State Vice President	M. Collins

BUILDING UNIONS TAS DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Adrian Telha	Paul Ridgeway
Roy Smedley	Grant Jackson
Ray Carroll	Gary Taylor
R. Edwards	L. Verrell

BUILDING UNIONS TAS DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

002 Area	003 Area
C. Green	A.J. Smith
A. Currie	L. Edwards
R. Dillon	P. Harris

004 Area

W. Maloney
B. Knowles
R. Doe

BUILDING UNIONS TAS DIVISIONAL BRANCH TRUSTEES

Max Cordwell	Stephen Hevey
Ray Browne	Adrian Telha
R. C. Edwards	A. R. Benson

BUILDING UNIONS TAS DIVISIONAL BRANCH ORGANISERS

Mark Telha
Martin Clifford
Ray Carroll

BUILDING UNIONS TAS DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

M. Cordwell

BUILDING UNIONS VIC DIVISIONAL BRANCH

Divisional State President	F. O'Grady
Divisional State Secretary	V. Raffa
Divisional Branch Assistant Secretaries	M. Kingham M. Bingham
Divisional State Vice President	B. Oliver

BUILDING UNIONS VIC DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners	**Builders Labourers**	**Painters**
R. Williams	T. Sinclair	M. Baird
R. Carter	R. Ryan	M. Garcia
G. Lavery	J. Nicol	K. B. Hughes
D. Van Dam	P. Lennon	P. Boyle
M. Santana	M. Bingham	M. Evans
W. Torpey	M. Ratel	
D. Noonan		
B. Giagnacovo		

Tilelayer	**Stonemason**
Z. Prazac	M. Newham

BUILDING UNIONS VIC DIVISIONAL BRANCH COUNCIL

Carpenters & Joiners	**Builders Labourers**
V. Nicoli	T. Bockting
K. Green	G. Young
D. Black	G. Miles
A. Moore	D. Noonan
W. Oliver	K. Hughes
H. Kotsabis	J. Bruce
D. Jacobson	J. McPartlin
G. Preddy	C. Leatham
D. Shacklock	

Stonemasons	**Tilelayers**
A. Patience	O. Kypta
G. Slack	Z. Prazak

Zone Delegates

Ballarat	Bendigo
V. Broes	T. Coleman

L. Brown
N. Davidson
N. Pyle
L. Worme

Brunswick
M. Kingham
W. McConnel
F. Stradijot

Camberwell
J. Baysinger
R. Bentley
S. Mitchell

Clifton Hill
F. Amarante
R. Collins
S. West

Essendon
D. Deprisco
T. Hancy
V. Raffa

Footscray
P. Leckie
F. Lopez
R. Storey

Geelong
J. Cody
J. O'Mara
B. Roche

Goulburn Valley
C. Craig
A. Kerris
P. O'Flaherty

Latrobe Valley
V. Beaton
M. Smith
A. Nabulsi

Melbourne
R. Carter
M. Santana
G. Tsotsos

Mordialloc
G. Burleigh
I. Nichol
P. Sullivan

Murray Valley
L. Fahey
S. Masterson
J. Salinger

Oakleigh
L. Bacolas
J. Medlyn
B. Smith

Preston
M. Collingburn
R. Lucas
N. Porter

Prahran
B. Giagnacovo
A. Medina
S. Delaney

Richmond
D. Blake
C. Commons
R. Hakainsson

South Western
K. O'Connor
A. Sargent
G. Sullivan

Sunraysia
A. Boldock
D. Costa
M. Dawes

Wimmera
R. Nesibit
G. Scott
A. Patterson

BUILDING UNIONS VIC DIVISIONAL BRANCH TRUSTEES

M. Kingham
B. Oliver
Vacant
M. Bingham
F. O'Grady
M. Baird

BUILDING UNIONS VIC DIVISIONAL BRANCH ORGANISERS

R. Welsh
T. Sinclair
R. Storey
W. Bingham
A. Medina
D. Jacobson
D. Noonan
P. Muldeary
H. Kotsabis
R. Carter
T. O'Kane
D. Riddell
G. Young
M. Kingham
M. Garcia

BUILDING UNIONS VIC DIVISIONAL BRANCH DELEGATES DIVISIONAL CONFERENCE

F. O'Grady
M. Kingham
V. Raffa
R. Williams
J. Saddington
M. Bingham

BUILDING UNIONS SA DIVISIONAL BRANCH

Divisional State President	A. Johnson
Divisional State Secretary	B. Carslake
Divisional State Vice President	G. Millar
Divisional State Vice President	D. Stapleton
Divisional State Assistant Secretary/Treasurer	T. Carroll
Divisional State Assistant Secretary/Treasurer	J. McGirr

BUILDING UNIONS SA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

BWIU	PLASTERERS	PAINTERS
F. Gosden	G. Parrish	George Tilley
T. Karrandjis	R. Watson	Greg Tilley
C. Morton	R. Bennett	Lambden
D. Sellmann	A. Spano	Weir
T. Middleton	S. Kesisoglou	McEwan
		Evans

BUILDING UNIONS SA DIVISIONAL BRANCH ORGANISERS

M. Gnatenko
H. Koemecker
M. Bella

BUILDING UNIONS SA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Carslake

BUILDING UNIONS ACT DIVISIONAL BRANCH

Divisional State President	R. Driver
Divisional State Secretary	G. Wason
Joint Divisional State Assistant Secretary	S. Hambesis

Joint Divisional State Assistant Secretary	T. Zeltner
Divisional State Vice President	K. Lundy
Divisional State Vice President	J. McHugh

BUILDING UNIONS ACT DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Pyner	J. Grey Reitz
A. Dillon	D. Rail
J. Long	G. Roderick
T. Lagoya	L. Lancsar
J. Diamante	B. Larke
G. McGowan-Lay	G. Cleghorn
P. Johnstone	P. Trapani

BUILDING UNIONS ACT DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

D. Thompson	G. Kirkwood
B. Norman	G. Frasin
C. Kaskoutas	W. Thompson
M. Morgan	J. Clyde
T. Gooden	R. Hemsley

BUILDING UNIONS ACT DIVISIONAL BRANCH TRUSTEES

G. Wason	R. Driver
S. Hambesis	K. Lundy
G. McGowan-Lay	

BUILDING UNIONS ACT DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

G. Wason

ATAIU DIVISIONAL BRANCH OFFICE HOLDERS

ATAIU DIVISIONAL OFFICERS

Divisional President	G. Hillier
Divisional Secretary	T. Smith
Divisional Assistant Secretary	C. Northover
Divisional Senior Vice President	S. Murphy
Joint Divisional Vice President	P. Illidge
Joint Divisional Vice President	B. King

ATAIU DIVISIONAL TRUSTEES

J. Tuckwell	Q. Cook
V. Stargatt	

Who form the Divisional Executive, and who with the following form the Divisional Conference

A. Roberg (SA)
C. Butler (TAS)
J. Gallogley (NSW)
M. Schuppan (NSW)
J. Beeson (VIC)
E. Swainston (VIC)
A. Dunlop (Pulp & Paper)
M. St Clair (SA)
B. Anderson (NSW)
J. Quartermaine (NSW)
B. Campbell (NSW)
B. Murpy (VIC)
M. Graham (Pulp & Paper)

ATAIU SA DIVISIONAL BRANCH

ATAIU SA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Young
Divisional Branch Secretary	Q. Cook
Divisional Branch Vice Presidents	M. St Clair
	A. Roberg

ATAIU SA DIVISIONAL BRANCH TRUSTEES

E. Cathro
J. Nicks
P. Martinella

Who form the Executive.

ATAIU SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

L. Barry
L. Kilsby
G. Schultz
B. Lockwood
T. Goodrich
F. Beimans
L. Pelkonen

ATAIU SA DIVISIONAL COUNCIL DELEGATES

M. St Clair
T. Smith
A. Young
Q. Cook

ATAIU NSW DIVISIONAL BRANCH

ATAIU NSW DIVISIONAL BRANCH OFFICERS

Divisional President	B. Anderson
Divisional Secretary	G. Hillier
Divisional Assistant Secretary	J. Tuckwell
Divisional Vice Presidents	G. Sacco
	J. Gallogley

ATAIU NSW DIVISIONAL BRANCH TRUSTEES

S. McDonald
B. Campbell
M. Schuppan

Who are officers and form the Executive.

ATAIU NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

W. Englert
S. Hudson
W. Sentance
C. Brooks
K. Yelverton
J. Quartermain
C. McGowan

ATAIU NSW DIVISIONAL COUNCIL DELEGATES

G. Hillier
J. Gallogley
J. Quartermain
B. Campbell
B. Anderson
S. McDonald
K. Yvelton

ATAIU VIC DIVISIONAL BRANCH

ATAIU VIC DIVISIONAL OFFICERS

Divisional President — V. Stargatt
Divisional Secretary — B. King
Divisional Vice Presidents — V. Iluk, E. Swainston

ATAIU VIC DIVISIONAL BRANCH TRUSTEES

J. Beeson
B. Murphy
T. Carley

ATAIU VIC DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

J. Browne
P. Love
T. Stinton
S. Wilson
B. Harms
R. Owens
C. Walkear
P. Tait

ATAIU VIC DIVISIONAL COUNCIL DELEGATES

V. Stargatt
J. Beeson
B. Murphy
M. Lynch
E. Swainston

ATAIU TAS DIVISIONAL BRANCH

ATAIU TAS DIVISIONAL BRANCH OFFICERS

Divisional President — C. Butler
Divisional Secretary — S. Murphy
Divisional Vice Presidents — R. Ford, D. Turriff

ATAIU TAS DIVISIONAL BRANCH TRUSTEES

C. Butler
R. Smith
S. Cahoon

ATAIU TAS DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

M. Barber
R. Foster
D. Harkes
B. Riley
S. Cahoon
R. French
N. Lincoln
R. Smith

ATAIU TAS DIVISIONAL COUNCIL DELEGATES

C. Butler
S. Murphy

ATAIU WA DIVISIONAL BRANCH

ATAIU WA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Cook
Divisional Branch Secretary	A. A'Vard
Divisional Branch Vice President	D. Murie
Divisional Branch Treasurer	R. Taylor

ATAIU WA DIVISIONAL BRANCH TRUSTEES

P. McCarthy
R. Henry
K. Smith

ATAIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

R. J. Smith
R. Reiter
V. McGlinn
G. P. Jaeschke
W. J. Hall
C. Hagelund
K. Cameron
J. Savage
M. Bennett

ATAIU NO. 7 DIVISIONAL BRANCH

ATAIU NO. 7 DIVISIONAL BRANCH OFFICERS

Divisional Branch President	P. Illidge
Divisional Branch Secretary/Treasurer	C. Northover
Divisional Branch Assistant Secretary/Treasurer	M. Graham
Divisional Vice Presidents	A. Dunlop
	R. Johnson

ATAIU NO. 7 DIVISIONAL BRANCH TRUSTEES

C. Northover
M. Graham

ATAIU NO. 7 DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

D. Garlick
T. Mackerell
N. Anderson
N. Allen
M. Donoghue
J. Wright
G. Aston
G. Morley
C. Glaubitz
D. McKay
P. Graham
T. Kelly

W. Hardy	G. Lincoln
G. Draper	T. Dwyer

ATAIU NO. 7 DIVISIONAL COUNCIL DELEGATES

C. Northover	M. Graham
P. Illidge	

ATAIU NOWRA SUB-BRANCH

President	Peter Graham
Senior Vice President	Harry Knowles
Junior Vice President	Tim Cato
Secretary-Treasurer	Mervyn Donoghue
Committee of Management	Rhonda Shelley
	Jim Evans
	Ray Clarke
	Alan Whitton
Delegate to No. 7 Branch	
Committee of Management	Mervyn Donoghue
	Peter Graham

ATAIU BURNIE SUB-BRANCH

President	George Draper
Senior Vice President	Barry Connors
Junior Vice President	Eric Edwards
Secretary-Treasurer	Geoffrey Lincoln

Committee of Management

Alan Claridge	Graham Wells
Anthony Johnson	Andrew Crawn
Jack Wylie	Russell Norton
Danny Rowlands	Richard Troughton
Noel Stubbs	Rex Berry

Delegate to No. 7 Branch	
Committee of Management	Geoffrey Lincoln
	George Draper

ATAIU PORT HUON SUB-BRANCH

President	Barry Young
Senior Vice President	Colin McMullin
Junior Vice President	Jeff Parsons
Secretary-Treasurer	Wayne Hardy

Committee of Management

Neville Burgess	Graeme Goaman
David Greatbatch	Ricky Cowen

Delegate to No. 7 Branch	
Committee of Management	Wayne Hardy

ATAIU MYRTLEFORD SUB-BRANCH

President	Vacant
Senior Vice President	Bruce Dale
Junior Vice President	Paul Ryan
Secretary-Treasurer	Trevor Dwyer
Committee of Management	Oliver Evans
	Colin Richardson
	Trevor Davis
	Robert Arnold
	Christopher Stone
Delegate to No. 7 Branch	
Committee of Management	Trevor Dwyer

ATAIU MARYVALE SUB-BRANCH

President	Neville Anderson
Senior Vice Persident	Charles Glaubitz
Junior Vice President	Cidge Fabris
Secretary/Treasurer	Graeme Morley
Committee of Management	
Steven Gilham	Robert Brown
Vernon Jones	Charles Stuart
Geoffrey Dorling	Brian McNamara
Peter Morris	Steven Mason
Wayne Snell	Vincent Nabel
Delegates to No. 7 Branch	
Committee of Management	Neville Anderson
	Charles Glaubitz
	Graeme Morley
Delegates Gippsland Trades &	
Labour Council	Graeme Morley
	Vernon Jones
	Brian McNamara
	Robert Brown

ATAIU SYDNEY SUB-BRANCH

President	Donald McKay
Senior Vice Pesident	Ron McElhinney
Junior Vice President	Edward Pram
Secretary-Treasurer	Philip Illidge
Committee of Management	
William Daly	Les Smith
William Flowers	Anthony De Bono
Harry Marshall	Wayne Trewella
Mark Skennerton	Joseph Bodor
Delegates to No. 7 Branch	
Committee of Management	Philip Illidge
	Donald McKay

ATAIU BROADFORD SUB-BRANCH

President	Vacant
Senior Vice President	Vacant
Junior Vice President	Vacant
Secretary-Treasurer	Len Allen
Committee of Management	Garry Nesbitt
	Terry Hobson
	Alan Cole
	Craig Waters
Delegate to No. 7 Branch Committee of Management	Len Allen

ATAIU MILLICENT SUB-BRANCH

President	John Wright
Senior Vice Pesident	Trevor Kelly
Junior Vice President	Richard Watts
Secretary-Treasurer	Robert Johnston
Committee of Management	Michael King
	Graeme Richards
	Mavis Kloock
	Graeme Richardson
	Gilbert Mouat
	Helen Walker
Delegates to No. 7 Branch Committee of Management	John Wright
	Trevor Kelly
	Robert Johnston

ATAIU MELBOURNE SUB-BRANCH

President	David Garlick
Senior Vice President	George Ashton
Junior Vice President	Vacant
Secretary-Treasurer	Alexander Dunlop

Committee of Management

William Horton	Stan Mazur
Terry Mackerell	Steve Morris
Tom Donelly	Ian James
Alex Miller	Michael Adamopolous

Delegates to No. 7 Branch Committee of Management	Alexander Dunlop
	David Garlick
	George Aston

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Delegates to Victorian Trades Hall Council	Alexander Dunlop William Horton Terry Mackerell Malcolm Graham

UMW DIVISION

In accordance with Rule 42 - Transitional Provisions of the Rules of the Union being the National Rules the officers of the previously existing Mining Division immediately prior to the date of effect of the amalgamation shall be, on and from the date of effect of amalgamation the officers of the UMW Division which is the new name for the previous Mining Division and the only change therein shall be, to the extent necessary, the change in the title of office to reflect the change in the name of the Division from Mining Division to UMW Division.

FEDFA DIVISION

DIVISIONAL OFFICERS

Divisional President	M. McDonald
Divisional Secretary	V. Fitzgerald
Divisional Assistant Secretary	T. Maher

FEDFA DIVISIONAL EXECUTIVE

The Divisional Officers of FEDFA Division as set out above, and

I. Peel	New South Wales
J. Van Camp	Victoria
G. Betts	Queensland
G. Day	South Australia
B. O'Neil	Barrier
M. Grey	Tasmania
D. McIntyre	Western Australia

FEDFA DIVISIONAL CONFERENCE

The Divisional Officers of FEDFA Division and the Divisional Executive as set out above, and the following delegates from FEDFA Divisional Branches:

T. Maher	(NSW)
P. Jordan	(NSW)
B. Neilson	(VIC)
M. Hill	(VIC)
D. Holloway	(QLD)
G. Purtill	(QLD)
L. Wilson	(QLD)
B. Samson	(Barrier)
M. Buckley	(SA)
B. Low	(WA)
R. Harrison	(TAS)

FEDFA NSW DIVISIONAL BRANCH

Divisional Branch President	M. Smith
Divisional Branch Secretary	I. Peel
Divisional Branch Assistant Secretary	S. Gartrell

FEDFA NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above,

FEDFA NSW DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and regional delegates and organisers stated below,

Metropolitan
P. Wormleaton
R. Johnson
B. Francis
D. Whitehead
D. Dunn

Northern Region
N. Rose
M. Sealby
G. Webb
D. Owens
J. Nixon

Southern Region
K. Anderson
B. Barnham
G. Freeman
T. Potter

Western Area
R. Fuller
W. Williams

FEDFA NSW DIVISIONAL BRANCH ORGANISERS

Metropolitian
G. Avouris
T. Grant
S. Cochran

Northern
M. Beehag
S. Harding
L. Sinclair

Riverina
S. King
J. Wilson

Western
G. Childs

Southern
H. Miller

Mining
P. Jordan

Energy
A. Drew

FEDFA NSW DIVISIONAL BRANCH TRUSTEES

D. Dunn
L. Robinson
J. Owens

FEDFA NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

V. Fitzgerald

T. Maher
P. Jordan
I. Peel

FEDFA VICTORIAN DIVISIONAL BRANCH

Divisional Branch President	M. McDonald
Divisional Branch Secretary	J. Van Camp
Divisional Branch Assistant Secretary	M. Greenbury
Divisional Branch Vice President	M. Hill

FEDFA VICTORIAN DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

M. French
D. McDonald
D. Baker
J. Kadziela
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional Officers as set out above, and -

SECV Yallourn
P. Wilson

SECV Morwell
G. Reid

SECV LaTrobe
(vacant)

Country Provisional
W. Fleet
M. French
T. McKenzie
P. Skinner

Metropolitian
D. Baker
J. Kadziela

Organisers Rep.
A. Riley
M. Hallett
D. McDonald
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH ORGANISERS

W. Fleet
M. French
R. Hallett
M. Hill
A. Riley

TRUSTEES

M. McDonald
J. Van Camp

FEDFA VICTORIAN DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

J. Van Camp
M. McDonald
M. Hill
B. Nielson

FEDFA BARRIER DIVISIONAL BRANCH

Divisional Branch President	B. Samson
Divisional Branch Secretary	W. O'Neil
Divisional Branch Vice President	R. Hunter

FEDFA BARRIER DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above,

FEDFA BARRIER DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

D. Brennan	R. Adams
A. Fraser	B. Sayers
E. Snaith	

FEDFA BARRIER DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. O'Neil	B. Samson

TRUSTEES

R. Adams	B. Sayer
E. Snaith	

FEDFA TASMANIAN DIVISIONAL BRANCH

Divisional Branch President	B. Bishop
Divisional Branch Secretary	M. Grey

FEDFA TASMANIAN DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and - D. Dawson

FEDFA TASMANIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

Launceston	**Hobart**
D. Dawson	M. Hyland
Devonport	**Tullah**
(vacant)	T. Jones
Burnie	**Savage River**
L. Britton	R. Harrison
Rosebery/Lyell	**Organisers**
N. Hartnell	D. Moncrieff
	B. Best

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FEDFA TASMANIAN DIVISONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

M. Grey
R. Harrison

FEDFA WA DIVISONAL BRANCH

Divisional Branch President (vacant)
Divisional Branch Secretary (vacant)

FEDFA WA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

FEDFA WA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

P. Bates
T. Feeney
I. Douglas
D. Hellyer

FEDFA WA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

B. Low
(vacant)

FEDFA SA DIVISIONAL BRANCH

Divisional Branch President G. Bull
Divisional Branch Secretary G. Day
Divisional Branch Vice President F. Stonys

FEDFA SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Rogers
R. Brewer

FEDFA SA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

J. Rodgers
F. Grosso
R. Brewer
K. Maywald
F. Harrison

ORGANISER

R. Brewer

FEDFA SA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

G. Day
M. Buckley

FEDFA QUEENSLAND DIVISONAL BRANCH

Divisional Branch President	D. Holloway
Divisional Branch Secretary	G. Betts
Divisional Branch Assistant Secretary	G. Wilson

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

S. Douglas	B. Scheuber
C. Swift	R. Coleman
L. Wilson	J. Spencer

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch State Management Committee as set out above, and -

M. Dowvendans	T. Quaid
L. Genrich	N. Rampton
R. Beattie	H. Heumiller
J. Rossington	C. Price
(vacant)	

FEDFA QUEENSLAND DIVISIONAL BRANCH ORGANISERS

D. Bloxsom	H. Heumiller
G. Flack	C. Price
C. Gillespie	T. Rosier
J. Rossington	B. Stacker
R. Tremlin	

FEDFA QUEENSLAND DIVISIONAL BRANCH TRUSTEES

D. Holloway	S. Douglas
G. Betts	L. Wilson

FFTS UNION DIVISION

DIVISIONAL OFFICERS

Divisional President	A. Findlay
Divisional Secretary	L. Kyriacou
Divisional Assistant Secretary	M. Haritou
Divisional Senior Vice-President	S. Wales
Divisional Junior Vice-President	D. Frater

FFTS UNION DIVISIONAL EXECUTIVE

The Divisional Officers of the FFTS Union Division as set out above, and

A. Smith	New South Wales
V. Robinson	Queensland

FFTS UNION DIVISIONAL CONFERENCE

The Divisional Officers of the FFTS Union Division and the Divisional Executive as set out above, and the following delegates from the FFTS Union Divisional Branches;

W. Brown (VIC)
M. Findlay (VIC)
R. Smith (NSW)
R. Groat (SA)
A. Cookson (QLD)
R. Orange (TAS)

FFTS UNION VIC. DIVISIONAL BRANCH

Divisional Branch President	M. Mitten
Divisional Branch Secretary	L. Kyriacou
Divisional Branch Assistant Secretary	A. Findlay
Divisional Branch Senior Vice-President	W. Brown
Divisional Branch Junior Vice-President	C. Avent
Divisional Branch Organiser	M. Haritou
Divisional Branch Organiser	R. Shugg

FFTS UNION VIC. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch Officers as set out above and -

A. Frazer	N. Hazeldine
G. Lee	P. Linzos
J. Maines	J. O'Brien
J. Patti	J. Robins
I. Whitcroft	L. Zanandrea
J. Calvert	

FFTS UNION NSW DIVISIONAL BRANCH

Divisional Branch President	R. Smith
Divisional Branch Secretary	S. Wales
Divisional Branch Assistant Secretary	R. Smith
Divisional Branch Vice-President	J. Callaway
Divisional Branch Organiser	Jack Lawrence

FFTS UNION NSW DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

J. Campbell	R. Davies
K. Campbell	W. Kraan
Robert Cumbo (Trustee)	Harry Irvine (Trustee)

FFTS UNION S.A. DIVISIONAL BRANCH

Divisional Branch President	R. Groat
Divisional Branch Secretary	D. Frater
Divisional Branch Assistant Secretary	S. Rowe
Divisional Branch Senior Vice-President	J. Emery

Divisional Branch Junior Vice-President	A. Reeves
Divisional Branch Organiser	S. Rowe
Divisional Branch Organiser	P. Wong
Divisional Branch Organiser	T. Woods

FFTS UNION S.A. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

B. Billington	M. Brownlie
P. Crisanti	A. Czora
A. Howlett	J. Salter
G. Whitford	

FFTS UNION QLD DIVISIONAL BRANCH

Divisional Branch President	G. William
Divisional Branch Secretary	V. Robinson
Divisional Branch Vice-President	A. Amos
Divisional Branch Assistant Secretary	A. Cookson

FFTS UNION QLD. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and - G. Dawson

FFTS UNION TAS DIVISIONAL BRANCH

Divisional Branch President	S. Negus
Divisional Branch Secretary	J. Gill
Divisional Branch Assistant Secretary	R. Orange
Divisional Branch Vice-President	C. Schoenwald
Additional Divisional Branch Executive member	W. Picken
Additional Divisional Branch Executive member	P. Green

FFTS UNION TAS DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

C. Sproule
W. Bandlow

END OF RULES

[105N-FED: incorporates alterations of 27/09/2010 in matter R2010/90

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 90 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union.

DELEGATE OF GENERAL MANAGER

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of Fair Work Australia.]

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1 - NAME

The name of the Union shall be the "Construction, Forestry, Mining and Energy Union".

2 - CONSTITUTION

(A)(A) The following unlimited number of persons, whether male or female, are eligible to be members of the Union

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

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engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in

paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;
(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, shall be eligible to be members of the Union including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

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

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker

Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due

south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:

(i) All persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) An unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board, strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) Such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members are eligible to be members of the Union.

(E) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:-

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

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

(b) Further, provided that, without limiting the generality of the foregoing the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building are eligible to be members of the Union. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other sub-rule or paragraph or being limited thereby an unlimited number of persons who are employed in, or competent to be employed in or in connection with the following industries or trades are eligible to be members of the Union:
Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and

employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland are eligible to be members of the Union.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the following are eligible to be members of the Union: an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation

and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work

Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler,

generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery

and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

4 - OBJECTS

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

2. To regulate the conditions under which all members, of the Union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or association, or association of Trades Unions or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Branches, Divisions, Divisional Branches, Sub-Branches, Districts or Sections of the Union throughout the Commonwealth of Australia.

7. To further any scheme that has for its object the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labour and Trade Union newspapers and wireless broadcasting and television stations, and to invest in shares in such newspapers and radio and television stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide labour or Trade Union Organisation or Association.

10. To establish and manage a Union Journal or Journals.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

14. To render legal and other assistance to members, to protect the interests of the Union in all its Branches and to assist other trade unions by any legal method.

15. To obtain such other objects as the National Conference or National Executive shall from time to time determine.

16. To organise the education of members.

17. To establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Divisional or Divisional Branches.

18. The advancement of members intellectually, morally and socially and to do all things which, in the opinion of the Union, is in the interest of members including donations to political parties, the achievement of compulsory unionism, preference in employment, retrenchment, promotion, demotion and transfer in employment, the production and distribution of newspapers, journals and the like.

19. To achieve such other objects as may be lawfully adopted by any Division of the Union.

20. To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"PROPORTIONAL REPRESENTATION" shall mean a system of representation at Committees, Conferences, Executives or the like which, as far as practicable, will provide for voting on a basis which

reflects the number or percentage of financial members, as calculated in accordance with these rules, that each person on such Committee, Conference, Executive or the like, represents.

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

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

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

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

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

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

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

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Mining and Energy Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Workplace Relations Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

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

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v)(a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of

application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

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

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be

reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

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

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.202 of the

Industrial Relations Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

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

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

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

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

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

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from

amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.
Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one

calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telegram or telex.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, telephonic, telegraphic, telex, verbal and/or written vote (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) The National Executive Committee shall, on and from the first election for National Officers held after July 2010, consist of the National Officers, being the National Secretary, National President, National Assistant Secretary and three (3) National Vice Presidents of the Union together with such of the following elected officers of each Division at a National level namely:-

- in the case of the Construction and General Division, the Divisional Secretary, two (2) Divisional Assistant Secretaries, the Divisional President and three (3) additional National Executive Committee members elected by and from the Construction and General Division Divisional Conference.

- in the case of the Forestry, Furnishing, Building Products and Manufacturing Division, the Divisional Secretary, two (2) Divisional Assistant Secretaries and the Divisional President.

- in the case of the Mining and Energy Division, the General President, the General Secretary and two (2) additional National Executive Committee members elected by and from the Mining and Energy Divisional Conference.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive and National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six (6). A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a facsimile, telephonic, email, written and/or postal vote of members of the National Executive or National Executive Committee at any time. Members of the National Executive or National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or facsimile or email or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or email.

15 - NATIONAL EXECUTIVE

(i) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

(ii) The National Officers shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

Provided that, the National Principal Officers holding office at 16 July 2010 shall, unless they resign or are removed from office in accordance with these rules, continue to hold office until 31 December 2010.

The National Officers elected in 2010 shall commence office on 1 January 2011.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

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

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Industrial Relations Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National

Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

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

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

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

16 - ELECTION OF NATIONAL OFFICERS

(i) The National Officers shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union (howsoever described in the Divisional Rules) and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Forestry Division and the General President of the Mining and Energy Division shall between them hold the positions of National Secretary, National Assistant Secretary and National President.

Further provided that, there shall be one Vice President from each Division who shall be nominated by and from their own Divisional Conference.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office. Further provided that in the case of a vacancy in one or more of the National Officer positions, the National Executive may fill such office by appointment from those members of the National Executive Committee who are otherwise eligible to hold the vacant office.

Provided however that any such appointment/s shall ensure that each Division maintains its representation of two (2) officers amongst the National Officers.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by post, letter, telegram, telephone, telex, facsimile and/or verbally as soon as the count is completed.

(ix) In any ballot of the National Collegiate for the election of National Officers, the representatives of each of the Divisions shall cast votes proportionate to the membership of their respective Divisions determined in the same way, the necessary changes being made, as votes cast by delegates to the National Conference in accordance with Rule 13(iii) and (iv) herein.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(ii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iii) Except in the case of the Mining & Energy Division and the Forestry, Furnishing, Building Products and Manufacturing Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) That nominations are called in accordance with the rules of the Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) That the nominations process, closure and receiving of, are in accordance with the rules of the Division.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) Officers of all Divisional Branches holding such office at the date of amalgamation shall remain in office until the general election of officers held in 1996 and shall be eligible to nominate in that election. In this paragraph officers of all Divisional Branches shall mean officers of branches of the amalgamating unions being the persons listed in the schedule hereto.

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall, in accordance with the Rules of the Division, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only:-

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) The candidate's statement provided for in accordance with sub-rule (h) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail all ballot papers, in accordance with the Rules of the Division.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed closed in accordance with the rules of the Division.

(r) That the opening and closing of the ballot shall be in accordance with the rules of the Division.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

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

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

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except Mining and Energy Division and Forestry, Furnishing, Building Products and Manufacturing Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(ii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iii) The Divisional Officers at a national level shall be members of that Divisional Executive.

(iv) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

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

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

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

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

   National Executive shall:

   Determine the question to be submitted to the members and the form of the ballot paper.

   Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

   Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

   No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

   In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS/MEMBERS

1. The following sets out the duties of the National Officers outlined herein. The National Secretary shall be a full time position. The wages and costs relating to the office of the full time officer shall be borne by the Union.

2. National President:

   The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

   The National President shall have a deliberative vote only.

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

3. National Secretary:

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

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

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

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

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

   The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretaries:

   National Assistant Secretaries shall perform all duties assigned to them by National Conference and National Executive. They shall attend all meetings of National Conference and National Executive.

5. National Vice-Presidents:

   The National Vice-Presidents shall assist the National President in the conduct of meetings and in the absence of the National President, shall act as President.

   He/she shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

6. Members of National Executive and Delegates to National Conference:

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

7. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

8. No officers, employees, delegates or members shall be required to do, or required to omit to do, any act in breach of legislation applicable to the CFMEU.

9. Except as provided for by resolution of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof), it shall not be part of the duties of any delegate/steward, officer or employee, including organisers, whether temporary or not, to threaten, initiate, counsel, procure, induce, be involved in, engage in or be party to industrial action as defined by the Workplace Relations Act 1996 or building industrial action as defined by the Building and Construction Industry Improvement Act 2005.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

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

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. No funds shall be drawn from the Bank or financial institution except by cheque signed by two persons who are a National Secretary, National Assistant Secretary, National President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary

and either the National President or National Assistant Secretary. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

(viii) Any fines, penalties, damages, costs or other sum(s) ordered by a court against the Union is, if the conduct of a Division's officers, employees, agents or members made the Union liable for such amount(s), to be funded by that Division.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

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

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the National Secretary of a petition, signed by not less than 5% of the members of the Union, requesting that a general meeting of members of the Union be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the National Office, the National Secretary shall convene such meeting as soon as is practicable.

25 - ALTERATION OF RULES

(a) The rules of the Union, or any of them, may be altered, rescinded, varied or made by the National Conference and/or National Executive. Proposals for alterations of rules may be forwarded by Divisions, Branches or any member of the National Executive or delegate to the National Conference and shall be forwarded to members and/or delegates with the notice calling the National Conference or National Executive, as the case may be, or so soon thereafter as is

practicable. Provided that National Conference or National Executive may, in session, alter rules of which previous notice has not been given.

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telegraphic, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Industrial Relations Act (Commonwealth) or the regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the Industrial Relations Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

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

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each division shall have autonomy in relation to its funds and property.

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

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

(vi) Divisions shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland, New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.202 of the Industrial Relations Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of state unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or National Assistant Secretary or any person authorised by a National Secretary or National President or National Assistant Secretary so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary or any person authorised by a Divisional Secretary or Divisional Assistant Secretary may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, Divisional Secretary or Divisional Assistant Secretary, or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests issued by a Divisional Secretary or Divisional Assistant Secretary or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National Assistant Secretary, National President, Divisional Secretary and/or Divisional Assistant Secretary shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.

(g) The taking of industrial action (within the meaning of the Workplace Relations Act 1996), building industrial action (within the meaning of the Building and Construction Industry Improvement Act 2005) or picketing by members is not authorised by the union without the consent of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof).

Provided however that the preceding paragraph shall not restrict the right of a person or body duly authorised by such a committee of management to authorise industrial action in accordance with s 446 (1)(a) of the Workplace Relations Act 1996, or any successor provisions thereto.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 361 Kent Street, Sydney in the State of New South Wales, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

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

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

35 - RECOVERY OF DUES

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

36 - LEVIES

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

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

(iii) A Division or Divisional Branch may impose a levy on its members.

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

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

37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

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

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

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

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

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

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

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

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

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

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

   If the votes are equal the question is resolved in the negative.

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

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

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

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

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

11. Any delegate or member speaking shall at once resume their seat -

   (a) If the chairperson rises to speak; or
   (b) If a point of order is raised.

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

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

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

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

CHAIRPERSON'S RULINGS

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

SUSPENSION OF ORDER OF BUSINESS

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

SITTING AS A COMMITTEE

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

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

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

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

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the Industrial Relations Act 1988, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, telex, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee, following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted

(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) deleted

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - Divisional Restructuring (FEDFA)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps which steps may deal with one Division at a time, Divisional Branches within a Division and/or the Divisional Office of any particular Division.

2. In relation to the above, the FEDFA Division shall be restructured in steps which shall involve:

(a) The abolition of full-time Divisional Officers at a national level and the allocation of responsibility for the FEDFA Division between the Building Unions Division and the UMW Division;

(b) The allocation of full-time Divisional Officers of the FEDFA Division to the Building Unions Division and the UMW Division;

(c) The continued operation of the Divisional Branches of the FEDFA Division with the intent, over time, of the restructuring of said Divisional Branches in accordance with Rule 42, into the Building Unions/Construction and General Division, UMW/Mining & Energy Division and the ATAIU/Forestry Division;

(d) The payment of capitation fees by FEDFA Divisional Branches to a designated fund which shall be administered by the Divisional Secretary of the FEDFA Division or, if or when that Office is abolished by the former Divisional Secretary and the Divisional Secretaries of the Building Unions and/or Construction and General Division and the UMW and/or Mining and Energy Division.

(e) The continued meeting of the Division Executive of the FEDFA Division for so long as is necessary before the complete restructuring of the FEDFA Division is effected in accordance with Rule 42.

3. On and from 27 September 1993, in accordance with the above procedure, the current Divisional Secretary of the FEDFA Division shall be and become the Divisional President of the Building Unions Division and the current Divisional Assistant Secretary of the FEDFA Division shall be and become a Divisional General Vice-President of the UMW Division and upon translation in accordance with Rule 42 (iii), shall hold the corresponding offices in the Construction and General Division and the Mining & Energy Division respectively.

4. The current Divisional Secretary and Divisional Assistant Secretary of the FEDFA Division shall continue to hold those positions in the FEDFA Division on an honorary basis until such time as the FEDFA Division no longer meets on a national basis.

5. This Rule shall come into force after its adoption by the National Executive and agreement thereto by the FEDFA Divisional Executive, UMW Divisional Executive and Building Unions Divisional Executive and thereupon shall be registered with the Australian Industrial Registry and shall take effect upon registration, or 27 September 1993, whichever is the later.

6. Further to the above provisions, and notwithstanding any other rule of the Union to the contrary, during the process of restructuring, any Divisional Branch of the FEDFA Division may reach agreement with any or all of the UMW Division/Mining & Energy Division and/or the Building Unions Division/Construction and General Division and/or the Forestry Division or the relevant Divisional Branches thereof to transfer members and officers of the FEDFA Division to any and/or all of the other aforementioned Divisions. Such agreement shall be reached with the approval of the Management Committee or its equivalent in each Divisional Branch and the officers concerned. Any such Divisional Branch may reach agreement on some or all of the matters relating to such transfer and, failing agreement on any or all of such matters, refer the matters by agreement to the National Executive for decision. Until such time as there no longer exists an FEDFA Division in accordance with the Rules of the Union, all such officers transferred shall, notwithstanding the holding of positions in other Divisions, continue to hold the office or position in the FEDFA Division on an honorary basis and shall, to the extent that the Rules require same, continue to perform the functions associated with that office in relation to the FEDFA Division. All agreements in relation to the transfer of members and officers shall be notified to the National Executive Committee and attached to the Minutes thereof. Such agreements shall have force and effect in accordance with the terms thereof and from the date of effect of that agreement as specified in that agreement, or failing any specification thereof, on the date of the agreement.

7. The following table shows the restructuring of the FEDFA Division, merging with the appropriate Union Division to create Industry Divisions:

	(	merged with	)
STATE	CONSTRUCTION AND GENERAL	MINING AND ENERGY	FORESTRY
National Office	27 Sept 1993	27 Sept 1993	
Queensland	4 Feb 1994	1 Jan 1993	
New South Wales		Northern 2/4/93 Southern 1/7/93 Western 8/4/93 Energy 21/7/93	
Tasmania	31 July 1996	24 August 1996	1 Jan 1994
Sth Aust	1 Aug 1993	1 Aug 1993	
West Aust	1 Sept 1993	1 Sept 1993	
Victoria	1 Aug 2003	2 Jan 2001	
Barrier		1 July 1996	

42B - Merger with ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or

Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived

from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DIVISIONAL RESTRUCTURING (FFTS)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps, such steps may deal with one Division at a time and/or Divisional Branches within a restructured Division at a time.

2. In relation to the above, the FFTS Division shall on and from the 11th February 2002, be restructured in the first instance into the Forestry Division to form "The Forestry, Furnishing, Building Products and Manufacturing Division" (FFPD) which shall result in:

   (a) The abolition of full-time FFTS Divisional Officers at a national level and the allocation of responsibility for the FFTS Division to the restructured Division.

   (b) The allocation of Divisional/Branch Office Holders of the FFTS Division to the Office Holders positions of the restructured Division.

   (c) The continued operation of the Victorian and Queensland Divisional Branches of the FFTS Division within the restructured Division of up to four years beyond the expiration of the eight years referred to in sub-rule 42(xii). This sub-rule shall not otherwise affect the operation of sub-rule 42(xii). For the avoidance of doubt, the four years referred to in this sub-rule shall expire on 26 March 2005.

3. Further to the above provisions and notwithstanding any other rule of the Union to the contrary, the FFTS Victorian Branch shall unless otherwise agreed by the FFTS Victorian Branch Management Committee maintain its current structure and existence within the restructured Division up until 26 March 2005.

4. Prior to the 26 March 2005, the FFPD (which shall include representatives of the former FFTS Division) and the Construction & General Division (which shall include representatives from the National Office and all interested Branches) will meet under the chairpersonship of the National Secretary of the CFMEU to reach agreement to finalise translation/integration provisions intended by the respective Schemes of Amalgamation and the Rules of the Union in respect to the Forestry, FFTS and C&G Divisions.

5. Should agreement not be reached between the Divisions the matter shall be referred to the CFMEU National Executive to determine in accordance with the Schemes of Amalgamation and Rules of the Union.

6. Until the elections scheduled to be held in August 2004 the FFPD shall be constituted and represented as follows:-

(a) Divisional Conference shall consist of:-

(i) Forestry Division Representatives

Trevor Smith	SA	Jane Calvert	VIC
Paul Martinella	SA	Andy Laing	VIC
Mark Nicholls	SA	Ian Mullen	VIC
Brenton Lockwood	SA	Michael O'Connor	VIC
Scott McLean	TAS	Brad Platschinda	VIC
Colin Butler	TAS	Bevan Anderson	NSW
Gary Jaeschke	WA	Bruce CampbellNSW	
Christopher Northover	P&P	Craig Smith	NSW
Phillip Illidge	P&P	Eileen Anderson	NSW
Alex Millar	P&P	Kenneth Miller	NSW
Debbie Brennan	P&P		

(ii) FFTS Division Representation

Jim Emery	SA	Leo Skourdoumbis	VIC
David Kirner	SA	Frank Vari	VIC
Brad Parker	NSW	Joe Patti	VIC
Greg Williams	QLD	Cliff Palmer	VIC
John O'Brien	VIC	Alwin Seneviratne	VIC

(iii) Representation

Representation of the Forestry and FFTS Division Branches shall be in accordance with Rule 8 of the Forestry Division Rules.

(b) Divisional Executive shall consist of:-

(i)

Jane Calvert	Divisional President
Phillip Illidge	Divisional Snr V/President
Brad Parker	Divisional V/President
Craig Smith	Divisional V/President
Trevor Smith	Divisional Secretary
Chris Northover	Divisional Snr Assistant Secretary (Honorary)
Michael O'Connor	Divisional Assistant Secretary
Leo Skourdoumbis	Divisional Assistant Secretary (Honorary)
Kenneth Miller	Divisional Trustee
Dave Kirner	Divisional Trustee
Frank Vari	Divisional Trustee
Scott McLean	Divisional Trustee
Paul Martinella	Divisional Executive Member
Greg Williams	Divisional Executive Member
Gary Jaeschke	Divisional Executive Member

(c) FFPD NSW Branch Executive/Committee of Management

Brad Parker	Joint President (full-time)
Bevan Anderson	Joint President (Honorary)
Bruce Campbell	Snr V/President
Jayne Willet	Jnr V/President (AA)
Tom Abramovic	Jnr V/President
Craig Smith	Secretary
Sala Taalilil	Trustee

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Eileen Anderson	Trustee (AA)
Peter Reilly	Trustee
Ronnie Watson	Trustee
Kenneth Miller	Trustee
Alan Lanyon	Committee Member
Barry Barrakett	Committee Member
Cheryl Hampton	Committee Member
Kerry Hickey	Committee Member
Mark Thompson	Committee Member
Michael Schuppan	Committee Member
Peter StClair	Committee Member
Anthony Ovington	Committee Member

(2 Vacant COM positions to be filled by FFTS)

(d) (a) <u>FFPD VIC FFTS Branch Executive/Committee of Management</u>

Joe Patti	President
Cliff Palmer	V/President
John O'Brien	V/President
Leo Skourdoumbis	Secretary
Frank Vari	Assistant Secretary
Michael Doran	Trustee
Ernie Landolt	Trustee
Les Ford	Trustee
Florencio P Carrion	Committee Member
Eric Maher	Committee Member
Jeffery Connor	Committee Member
Brenda Crawford	Committee Member
Penny Lintzos	Committee Member
James Maine	Committee Member
Alwin Seneviratne	Committee Member
Greg Wheeler	Committee Member
Chris Christou	Committee Member
Damian Cooke	Committee Member
Ian Morris	Committee Member

(b) <u>FFPD VIC Forestry Branch Executive/Committee of Management</u>

Andy Laing	President
Ian Mullen	Snr V/President
Andrew Wareham	V/President
Kim Mason	V/President (AA)
Jane Calvert	Secretary
Yorick Piper	Assistant Secretary
Kevin Wyley	Trustee
Clare Burford	Trustee (AA)
Ken Tonkin	Trustee
Mark Nelson	Trustee
Ricky Owens	Committee Member
Bob Salmnon	Committee Member
Wayne Smith	Committee Member
Neil Saunders	Committee Member
David Sheppard	Committee Member
Sunsera Verhoven	Committee Member
Anthony Jones	Committee Member
Duncan Ingram	Committee Member
Graeme Howe	Committee Member

(1 vacant COM AA position to be filled)

(e) FFPD Pulp & Paper Branch Executive/Committee of Management

Phillip Illidge	President
Robert Johnston	Snr V/President
Alex Millar	Jnr V/President
Chris Northover	Secretary/Treasurer
Grant Keys	Trustee
Chris Northover	Trustee
Alex Millar	Trustee
Geoff Gasperotti	Committee Member
Wayne Hardy	Committee Member
Andrew Ball	Committee Member
Greg Stewart	Committee Member
David Jessup	Committee Member
Mervyn Donoghue	Committee Member
Tom Blacka	Committee Member
Craig Waters	Committee Member
Ken Fraser	Committee Member
William Davey	Committee Member
Greg Godde	Committee Member
Trevor Sinclair	Committee Member
Marne Gurney	Committee Member

(f) FFPD SA Branch Executive & Committee of Management

Jim Emery	President
Mark Nicholls	Snr V/President
Tony Howlett	V/President
Maree Gale	V/President
Paul Martinella	Secretary
David Kirner	Assistant Secretary
Steve Crafter	Trustee
Tom Kenny	Trustee
Ross Bennetta	Trustee
Leonie Kiploks	Trustee (AA)
Karen Cory	Committee Member
Mark Vickers	Committee Member
Peter Nelson	Committee Member
Greg Muhovics	Committee Member
Andrew Sampson	Committee Member
Kym Isaacson	Committee Member
Peter Starr	Committee Member
Bill Burns	Committee Member
Bernie Maguire	Committee Member
Laurie Barbary	Committee Member

(1 Vacant COM AA position to be filled by FFTS)

(g) FFPD TAS Branch Executive & Committee of Management

Colin Butler	President
Angela Lord	Snr V/President
Narrelle Bassett	V/President (AA)
Anthony Clay	V/President
Scott McLean	Secretary
Shiralee Gillespie	Trustee (AA)
Ronald Brown	Trustee
Leanne Hardy	Trustee (AA)
Lindsay Hills	Trustee
Robert Bowden	Committee Member

Paul Worker	Committee Member
Peter Mason	Committee Member
Margaret Watson	Committee Member
Kylie Dundas	Committee Member
Joseph Kelly	Committee Member
Anthony Barnes	Committee Member
Adrian Littlejohn	Committee Member

(h) FFPD QLD Branch Executive/Committee of Management

Ursula Korableff	President
Desmond Flanagan	V/President
Stephan Williams	V/President
Greg Williams	Secretary
Rodney Black	Committee Member
Vincent Breen	Committee Member
John Forrest	Committee Member

(i) FFPD WA Branch Executive/Committee of Management

John Rudge	President
Vincent Preedy	Snr V/President
Douglas Ashcroft	V/President
Gary Jaeschke	Secretary (Honorary)
John Cleary	Trustee
Garry Rampling	Trustee

7. This rule shall come into force on and from 11 February 2002 in accordance with the unanimous decision of the National Executive and shall be registered with the Australian Industrial Registry.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State or Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS

(i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

Nothing in this Rule prevents the Branch from entering into an agreement with a Trade or Industrial Union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or on a basis on which the funds are

held in common or jointly so long as the funds are treated, for all purposes, insofar as they relate to members of the Branch, as funds of the Branch.

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

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

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made pursuant thereto.

Upon receipt by the State Branch Secretary of a petition, signed by not less than 5% of the members of the State Branch, requesting that a general meeting of members of the State Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the State Branch, the State Branch Secretary shall convene such meeting as soon as is practicable.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

SCHEDULE OF OFFICERS REFERRED TO IN RULE 42 (xiv) (a)

POSITION	PERSON TO HOLD POSITION
NATIONAL UNION	
** Joint National Secretary	Stanley Sharkey
** Joint National Secretary	Vic Fitzgerald
** Joint National President	John Maitland
** Joint National President	Trevor Smith
** National Assistant Secretary	John Sutton
** National Senior Vice President	Lou Kyriacou
* National Senior Vice President	Albert Littler

National Senior Vice President	Bill Ethell
Joint National Vice President	Christopher Northover
Joint National Vice President	Kenneth Hawkins
Joint National Vice President	Malcolm McDonald
Joint National Vice President	Thomas Burke
* FEDFA Divisional Assistant Secretary	Tony Maher
* BWIU/Plasterers Divisional Assistant Secretary	Lindsay Fraser
* ATAIU Divisional Assistant Secretary	Chris Northover
* UMW Divisional General Secretary	Eric A Wilks
* UMW Divisional Vice President	Kenneth Hawkins

NATIONAL EXECUTIVE COMMITTEE shall consist of the six (6) principal officers (marked **) plus the other full-time Divisional Officers of each Division (marked *).

NATIONAL EXECUTIVE shall consist of the persons who constitute the National Executive Committee set out above and the Divisional Branch Secretary of each Divisional Branch of each Division set out herein and shall, in accordance with Rule 42 (viii) (a) include the National President and National Secretary of the former OPPWF. This body shall also include the Divisional Branch Secretaries from Victoria, New South Wales, South Australia and Queensland of the FFTS Union Division.

It also includes the South Australian, Victoria and Queensland Branch Secretaries and the NSW Branch Assistant Secretary of the former OPDU.

NATIONAL CONFERENCE shall consist of the persons listed as the members of the four (4) divisional executives set out herein until 2 January 1997, the following shall also be a delegate,

T. Richardson - Secretary of former OPPWF, Queensland Branch.

The National Conference shall also include the persons (as set out herein) comprising the Federal Executive of the FFTS Union Division while that Union Division remains autonomous.

BRANCHES OF THE UNION

NEW SOUTH WALES BRANCH

New South Wales State Officers

Joint NSW State Secretary	Dennis Matthews
Joint NSW State Secretary	Ian Peel
Joint NSW State President	Gavin Hillier
Joint NSW State President	Michael Watson
Joint NSW State Assistant Secretary	Andrew Ferguson
Joint NSW State Assistant Secretary	Alf Rankin
Joint NSW State Senior Vice President	Thomas Burke
Joint NSW State Senior Vice President	Peter McClelland

Joint NSW State Senior Vice President	Edward Curran
Joint NSW State Senior Vice President	Sid Wales
Joint NSW State Vice President	Bevan Anderson
Joint NSW State Vice President	Howard Fisher
Joint NSW State Vice President	Mick Smith
Joint NSW State Vice President	Gary McArthur

New South Wales State Executive

Shall consist of the abovenamed persons being the NSW State Officers together with the persons who are the full-time Divisional Branch officers, other than organisers, of each Divisional Branch, being,

ATAIU NSW Divisional State Assistant Secretary, Joyce Tuckwell
FEDFA NSW Divisional State Assistant Secretary, Scott Gartrell
FFTS NSW Union Divisional State Assistant Secretary, Rex Smith

New South Wales State Conference

Shall consist of the persons who constitute NSW State Executive as listed above (i.e. including NSW State Officers) and the persons being the other members of ATAIU NSW Divisional Branch Management Committee and the Building Unions NSW Divisional Branch Management Committee and the UMW Divisional Branch Management Committee, and the FEDFA NSW Divisional Branch Management Committee and the FFTS Union Division NSW Branch Management Committee listed herein.

VICTORIAN BRANCH

Victorian State Officers

Joint Vic State Secretary	John Van Camp
Joint Vic State Secretary	Vince Raffa
Joint Vic State President	Barry King
Joint Vic State President	Lou Kyriacou
Joint Vic State Assistant Secretary	Martin Kingham
Joint Vic State Assistant Secretary	Vacant
Vic State Senior Vice President	Frank O'Grady
Joint Vic State Vice President	Vilma Stargatt
Joint Vic State Vice President	Malcolm McDonald
Joint Vic State Vice President	Alex Findlay
Joint Vic State Vice President	Vacant

Victorian State Executive

Shall consist of the abovenamed persons being the Victorian Divisional Officers, Building Unions Victorian Divisional State Assistant Secretary and the FEDFA Victorian Divisional State Assistant Secretary plus FFTS Union Division Victorian Divisional Branch Senior Organiser.

Victorian State Conference

Shall consist of the persons who constitute the persons being the other members of the ATAIU Victorian Divisional Branch Management Committee, the BWIU Victorian Divisional Branch Management Committee and the FEDFA Victorian Branch Management Committee and the FFTS Union Division Victorian Divisional Branch Management Committee listed herein.

SOUTH AUSTRALIAN BRANCH

South Australian State Officers

SA State Secretary	Ben Carslake
SA State President	Quentin Cook
Joint SA Senior State Vice President	A. Johnson
Joint SA Senior State Vice President	D. Frater
Joint SA State Vice President	A. Young
Joint SA State Vice President	G. Bull
Joint SA State Vice President	D. Stapleton
Joint SA State Assistant Secretary	Terry Carrol
Joint SA State Assistant Secretary	Geoff Day
Joint SA State Assistant Secretary	J. McGirr

South Australian State Executive

Shall consist of the abovenamed persons being South Australian State Officers and

ATAIU SA Divisional Branch Assistant Secretary
FFTS SA Divisional Branch Assistant Secretary

South Australian State Conference

Shall consist of the persons who constitute South Australian State Executive set out above and the persons being the other members of the ATAIU South Australian Divisional Branch Management Committee, the Building Unions South Australian Divisional Branch Management Committee the FFTS Union Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee listed herein.

TASMANIAN BRANCH

Tasmanian State Officers

Joint Tas State Secretary	Max Cordwell
Joint Tas State Secretary	Mike Grey
Joint Tas State President	Shayne Murphy
Joint Tas State President	Leonard Miles
Tas State Senior Vice President	Stephen Hevey
Joint Tas State Vice President	J. Gill
Joint Tas State Vice President	Colin Butler
Joint Tas State Vice President	M. Collins
Joint Tas State Vice President	David Bean
Joint Tas State Vice President	Barry Bishop
Joint Tas State Vice President	Ray Carroll
Tas State Assistant Secretary	

Tasmanian State Executive

Shall consist of the Full Time Tasmanian State Officers.

Tasmanian State Conference

Shall consist of the persons listed as the Tasmanian State Executive set out above and, the other persons being the persons listed as members of the ATAIU Tasmanian Divisional Branch Management Committee, UMW Tasmanian Divisional Branch Management Committee, the Building Unions Tasmanian Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee and the FFTS Union Division Tasmanian Branch Management Committee listed herein.

AUSTRALIAN CAPITAL TERRITORY BRANCH

ACT State Officers

ACT State Secretary	George Wason
ACT State President	Rod Driver
Joint ACT State Vice President	Kate Lundy
Joint ACT State Vice President	J. McHugh
Joint ACT State Assistant Secretary	Trevor Zeltner
Joint ACT State Assistant Secretary	Stan Hambesis

ACT State Executive

Shall consist of the abovenamed persons listed as ACT State Officers.

ACT State Conference

Shall consist of those persons listed above as being the ACT State Executive and the other persons listed herein as members of the Building Unions ACT Divisional Branch Management Committee.

WESTERN AUSTRALIAN BRANCH

Western Australian State Officers

WA State Secretary	Bill Ethell
Joint WA State President	John Borlini
Joint WA State President	Alex A'Vard
Joint WA State Vice President	Gary Wood
Joint WA State Vice President	A. Baxter
Joint WA State Vice President	Ron Kielty
Joint WA State Vice President	A. Cook
Joint WA State Vice President	K. Reynolds
Joint WA State Assistant Secretary	Rick Todd
Joint WA State Assistant Secretary	Dave McIntyre

WA State Executive

Shall consist of the abovenamed persons listed as WA State Officers.

WA State Conference

Shall consist of those persons listed above as being the WA State Executive and the persons listed herein as members of the both Building Unions Divisional Branches' Management Committees, the members of the UMW WA District Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee.

QUEENSLAND BRANCH

Queensland State Officers

Joint Qld State Secretary	William Trohear
Joint Qld State Secretary	Greg Betts
Joint Qld State President	Andrew Vickers
Joint Qld State President	Peter Stone
Joint Qld State President	Des Holloway
Joint Qld State Senior Vice President	V. Robinson
Joint Qld State Vice President	B. Rushan
Joint Qld State Vice President	Kevin Anderson
Joint Qld State Vice President	Peter Neilson
Joint Qld State Assistant Secretary	Mark Hickey
Joint Qld State Assistant Secretary	Geoff Wilson

Joint Qld State Assistant Secretary	P. Waters

Queensland State Executive

Shall consist of the abovenamed persons listed as Queensland State Officers plus an additional person being the FFTS Union Division Qld Branch Assistant Secretary.

Queensland State Conference

Shall consist of those persons listed above as being the Queensland State Executive and the persons listed herein as members of the Building Unions Queensland Divisional Branch Management Committee, the members of the UMW Divisional Branch Management Committee and the members of the FEDFA Divisional Branch Management Committee and members of the FFTS Union Division Qld Divisional Branch Management Committee.

BUILDING UNIONS DIVISION

DIVISIONAL OFFICERS

Joint Divisional President	A. Littler
Joint Divisional President	B. Ethell
Divisional Secretary	S. Sharkey
Joint Divisional Assistant Secretary	J. Sutton
Joint Divisional Assistant Secretary	L. Fraser
Joint Divisional Senior Vice President	D. McDonald
Joint Divisional Senior Vice President	J. McGirr
Joint Divisional Vice President	C. Bates
Joint Divisional Vice President	M. Bingham
Joint Divisional Vice President	T. Burke

BUILDING UNIONS DIVISIONAL EXECUTIVE

The Divisional Officers of Building Unions Division as set out above, and

W. Trohear	Queensland
M. Cordwell	Tasmania
B. Carslake	South Australia
V. Raffa	Victoria
D. Cafferty	Victoria
G. Wason	Australian Capital Territory
D. Matthews	New South Wales
A. Rankin	New South Wales
B. Ethell	Western Australia
T. Carroll	Plasterers
K. Reynolds	WA Plasterers

BUILDING UNIONS DIVISIONAL CONFERENCE

The Divisional Officers of Building Unions Division and the Divisional Executive as set out above, and the following delegates from Building Unions Divisional Branches:

A. Ferguson	(NSW)	A. Wigchert	(QLD)
P. Grainger	(NSW)	M. Hickey	(QLD)
J. Briggs	(NSW)	T. Richardson	(QLD)
T. Morrison	(NSW)		
T. Mawdsley	(NSW)	F. O'Grady	(VIC)
J. Taylor	(NSW)	R. Williams	(VIC)
I. Smith	(NSW)	M. Kingham	(VIC)
B. Woodham	(NSW)	J. Saddington	(VIC)
T. McDonald	(NSW)		

E. Boatswain (NSW) R. Todd (WA)

- together with the OPDU Federal Council as at the date of amalgamation.

BUILDING UNIONS DIVISIONAL TRUSTEES

W. Trohear (QLD)
R. Driver (ACT)

BUILDING UNIONS NSW DIVISIONAL BRANCH

Divisional State President	P. McClelland
Divisional State Secretary	D. Matthews
Joint Divisional State Assistant Secretary	A. Ferguson
Joint Divisional State Assistant Secretary	T. Burke
Joint Divisional State Assistant Secretary	A. Rankin
Divisional State Vice President	G. McArthur

BUILDING UNIONS NSW DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners
T. Morrison
J. Pineiro
I. Smith
L. Strutzenberger
M. Barrios

Bridge & Wharf
A. Melnikoff

Tilelayer
L. Quill

Slater & Tiler
M. Murphy

Painters
J. Anning
J. Foster
J. Hoddle

Bricklayers
H.D. Eisenhammer
A. Baxter

Builders Labourers
J. Ashdown
P. Balcombe
I. Gavin
S. Green

Stonemason
S. Cafarella

Plasterer
C. Howarth

BUILDING UNIONS NSW DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and -

Sydney Zone

Sydney Carpenters & Joiners
H. Brazao
P. Bristow
T. Connolly
P. Eggers
E. Elder
G. Kelly
F. Malis
P. Leyden

Country Zone

Country Carpenters & Joiners
L. Allen
R. Wills

Country Bricklayer
D. Atkinson

Country Builders Labourer
W. Shipman

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A. Zdrilic

Sydney Bricklayers
V. Catania
J. Taylor
M. McAliney

Sydney Builders Labourers
B. Granata
E. Harbidge
G. Sheen
D. Stean
J. McGee
S. Whetter

Bridge & Wharf
C. Ford

Tilelayers
L. Quill

Slaters & Tilers
M. French

Stonemasons
J. Robinson

Plasterer
K. Andrews

Newcastle Zone

Newcastle Carpenters & Joiners
J. Allen
P. Cuskelly

Newcastle Bricklayer
L. Deeks

Newcastle Builders Labourer
E. Purins

Wollongong Zone

Wollongong Carpenters & Joiners
T. Gray
G. Karry

Wollongong Bricklayer
W. Hall

Wollongong Builders Labourer
M. Ward

BUILDING UNIONS NSW DIVISIONAL BRANCH TRUSTEES

T. Morrison
L. Strutzenberger
S. Green
J. Anning

BUILDING UNIONS NSW DIVISIONAL BRANCH ORGANISERS

B. Miller
P. Grainger
W. Baker
J. Briggs
B. Cochrane
N. Fodor
J. Higgins
J. Curruthers
J. Prentice
J. McKee
T. Hunt
M. Lawler
P. Zaboyak
M. Lynch
S. Manna
T. Mawdsley
D. Sullivan
C. Bates
J. Adams
J. McGahan
B. Beasley

Newcastle: R. Jarman

BUILDING UNIONS NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

T. McDonald
S. Sharkey
D. McDonald
J. Briggs
I. Smith
P. Grainger
E. Boatswain
D. Matthews
L. Fraser
C. Bates
A. Ferguson
T. Morrison

J. Taylor
J. Sutton
T. Burke
T. Mawdsley
B. Woodham

BUILDING UNIONS QLD DIVISIONAL BRANCH

Divisional State President	P. Stone
Divisional State Secretary	W.W. Trohear
Divisional State Assistant Secretary	M. Hickey
Divisional State Assistant Secretary	P. Waters
Divisional State Vice President	K. Anderson
Divisional State Vice President	B. Rushan

BUILDING UNIONS QLD DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

B. Tucker
P. Stone
T. Richardson
R. Bostock
K. Marcus
K. Anderson
B. Hopton
K. Bull
R. Vanderhorst
A. Pountey
F. Pearson
J. Gruer
G. Federer
B. Hall
G. Horn
B. McGill
M. Edwards

BUILDING UNIONS QLD DIVISIONAL BRANCH TRUSTEES

P. Stone
T. Richardson
R. Bostock
R. Vanderhorst

BUILDING UNIONS QLD DIVISIONAL BRANCH ORGANISERS

W. Perrett
D. Kersey
T. Richardson
K. Murphy
K. Carroll
G. Howcroft
A. Wigchert

BUILDING UNIONS QLD DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. Trohear
A. Wigchert
M. Hickey
T. Richardson

BUILDING UNIONS WA DIVISIONAL BRANCH

Divisional State President	A. Baxter
Divisional State Secretary	B. Ethell
Divisional State Assistant Secretary	R. Todd

BWIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

N. Houston
P. Alcantara
B. Churchill
B. Freeman
T. Bird
H. Johnson
M. Banks
J. Giles

BWIU WA DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

Perth
G. Curtin
R. Gaskell
C. Knight
B. Waller
A. De Klerk
M. Floud
N. Drayton
A. Hughes
K. Bulloch
J. Fitzgerald

Fremantle/Medina
C. Gorham
A. Phillips
J. Allison
P. Fairbotham
J. Curran

South West
J. McDonell

BWIU WA DIVISIONAL BRANCH ORGANISERS

D. Wildgoose
J. Gallagher

BWIU WA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Ethell
R. Todd

BUILDING UNIONS WA PLASTERERS DIVISIONAL BRANCH

Divisional State President	Mark Hudston
Divisional State Secretary	Kevin Reynolds
Divisional Branch Delegate to National Conference	Kevin Reynolds
Divisional State Vice President	Roy Cox
Divisional Committee of Management	James Hamilton
	Michael Naughton
Divisional Branch Organiser	Robert Manwaring

BUILDING UNIONS TAS DIVISIONAL BRANCH

Divisional State President	Stephen Hevey
Divisional State Secretary	Max Cordwell
Divisional State Assistant Secretary	T. Benson
Joint Divisional State Vice President	Ray Browne
Joint Divisional State Vice President	Ray Carroll
Joint Divisional State Vice President	M. Collins

BUILDING UNIONS TAS DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Adrian Telha
Roy Smedley
Ray Carroll
R. Edwards
Paul Ridgeway
Grant Jackson
Gary Taylor
L. Verrell

BUILDING UNIONS TAS DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

002 Area

C. Green
A. Currie
R. Dillon

003 Area

A.J. Smith
L. Edwards
P. Harris

004 Area

W. Maloney
B. Knowles
R. Doe

BUILDING UNIONS TAS DIVISIONAL BRANCH TRUSTEES

Max Cordwell
Ray Browne
R. C. Edwards
Stephen Hevey
Adrian Telha
A. R. Benson

BUILDING UNIONS TAS DIVISIONAL BRANCH ORGANISERS

Mark Telha
Martin Clifford
Ray Carroll

BUILDING UNIONS TAS DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

M. Cordwell

BUILDING UNIONS VIC DIVISIONAL BRANCH

Divisional State President	F. O'Grady
Divisional State Secretary	V. Raffa
Divisional Branch Assistant Secretaries	M. Kingham M. Bingham
Divisional State Vice President	B. Oliver

BUILDING UNIONS VIC DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners	**Builders Labourers**	**Painters**
R. Williams	T. Sinclair	M. Baird
R. Carter	R. Ryan	M. Garcia
G. Lavery	J. Nicol	K. B. Hughes
D. Van Dam	P. Lennon	P. Boyle
M. Santana	M. Bingham	M. Evans
W. Torpey	M. Ratel	
D. Noonan		
B. Giagnacovo		

Tilelayer	**Stonemason**
Z. Prazac	M. Newham

BUILDING UNIONS VIC DIVISIONAL BRANCH COUNCIL

Carpenters & Joiners
V. Nicoli
K. Green
D. Black
A. Moore
W. Oliver
H. Kotsabis
D. Jacobson
G. Preddy
D. Shacklock

Builders Labourers
T. Bockting
G. Young
G. Miles
D. Noonan
K. Hughes
J. Bruce
J. McPartlin
C. Leatham

Stonemasons
A. Patience
G. Slack

Tilelayers
O. Kypta
Z. Prazak

Zone Delegates

Ballarat
V. Broes
L. Brown
N. Davidson

Bendigo
T. Coleman
N. Pyle
L. Worme

Brunswick
M. Kingham
W. McConnel
F. Stradijot

Camberwell
J. Baysinger
R. Bentley
S. Mitchell

Clifton Hill
F. Amarante
R. Collins
S. West

Essendon
D. Deprisco
T. Hancy
V. Raffa

Footscray
P. Leckie
F. Lopez
R. Storey

Geelong
J. Cody
J. O'Mara
B. Roche

Goulburn Valley
C. Craig
A. Kerris
P. O'Flaherty

Latrobe Valley
V. Beaton
M. Smith
A. Nabulsi

Melbourne
R. Carter
M. Santana
G. Tsotsos

Mordialloc
G. Burleigh
I. Nichol
P. Sullivan

Murray Valley
L. Fahey
S. Masterson
J. Salinger

Oakleigh
L. Bacolas
J. Medlyn
B. Smith

Preston
M. Collingburn
R. Lucas
N. Porter

Prahran
B. Giagnacovo
A. Medina
S. Delaney

Richmond	South Western
D. Blake	K. O'Connor
C. Commons	A. Sargent
R. Hakainsson	G. Sullivan
Sunraysia	Wimmera
A. Boldock	R. Nesibit
D. Costa	G. Scott
M. Dawes	A. Patterson

BUILDING UNIONS VIC DIVISIONAL BRANCH TRUSTEES

M. Kingham	M. Bingham
B. Oliver	F. O'Grady
Vacant	M. Baird

BUILDING UNIONS VIC DIVISIONAL BRANCH ORGANISERS

R. Welsh	H. Kotsabis
T. Sinclair	R. Carter
R. Storey	T. O'Kane
W. Bingham	D. Riddell
A. Medina	G. Young
D. Jacobson	M. Kingham
D. Noonan	M. Garcia
P. Muldeary	

BUILDING UNIONS VIC DIVISIONAL BRANCH DELEGATES DIVISIONAL CONFERENCE

F. O'Grady	R. Williams
M. Kingham	J. Saddington
V. Raffa	M. Bingham

BUILDING UNIONS SA DIVISIONAL BRANCH

Divisional State President	A. Johnson
Divisional State Secretary	B. Carslake
Divisional State Vice President	G. Millar
Divisional State Vice President	D. Stapleton
Divisional State Assistant Secretary/Treasurer	T. Carroll
Divisional State Assistant Secretary/Treasurer	J. McGirr

BUILDING UNIONS SA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

BWIU	PLASTERERS	PAINTERS
F. Gosden	G. Parrish	George Tilley
T. Karrandjis	R. Watson	Greg Tilley
C. Morton	R. Bennett	Lambden
D. Sellmann	A. Spano	Weir
T. Middleton	S. Kesisoglou	McEwan
		Evans

BUILDING UNIONS SA DIVISIONAL BRANCH ORGANISERS

M. Gnatenko

06348

H. Koemecker
M. Bella

BUILDING UNIONS SA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Carslake

BUILDING UNIONS ACT DIVISIONAL BRANCH

Divisional State President	R. Driver
Divisional State Secretary	G. Wason
Joint Divisional State Assistant Secretary	S. Hambesis
Joint Divisional State Assistant Secretary	T. Zeltner
Divisional State Vice President	K. Lundy
Divisional State Vice President	J. McHugh

BUILDING UNIONS ACT DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Pyner	J. Grey Reitz
A. Dillon	D. Rail
J. Long	G. Roderick
T. Lagoya	L. Lancsar
J. Diamante	B. Larke
G. McGowan-Lay	G. Cleghorn
P. Johnstone	P. Trapani

BUILDING UNIONS ACT DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

D. Thompson	G. Kirkwood
B. Norman	G. Frasin
C. Kaskoutas	W. Thompson
M. Morgan	J. Clyde
T. Gooden	R. Hemsley

BUILDING UNIONS ACT DIVISIONAL BRANCH TRUSTEES

G. Wason	R. Driver
S. Hambesis	K. Lundy
G. McGowan-Lay	

BUILDING UNIONS ACT DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

G. Wason

ATAIU DIVISIONAL BRANCH OFFICE HOLDERS

ATAIU DIVISIONAL OFFICERS

Divisional President	G. Hillier
Divisional Secretary	T. Smith
Divisional Assistant Secretary	C. Northover
Divisional Senior Vice President	S. Murphy

Joint Divisional Vice President	P. Illidge
Joint Divisional Vice President	B. King

ATAIU DIVISIONAL TRUSTEES

J. Tuckwell	Q. Cook
V. Stargatt	

Who form the Divisional Executive, and who with the following form the Divisional Conference

A. Roberg (SA)	M. St Clair (SA)
C. Butler (TAS)	B. Anderson (NSW)
J. Gallogley (NSW)	J. Quartermaine (NSW)
M. Schuppan (NSW)	B. Campbell (NSW)
J. Beeson (VIC)	B. Murpy (VIC)
E. Swainston (VIC)	M. Graham (Pulp & Paper)
A. Dunlop (Pulp & Paper)	

ATAIU SA DIVISIONAL BRANCH

ATAIU SA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Young
Divisional Branch Secretary	Q. Cook
Divisional Branch Vice Presidents	M. St Clair
	A. Roberg

ATAIU SA DIVISIONAL BRANCH TRUSTEES

E. Cathro	P. Martinella
J. Nicks	

Who form the Executive.

ATAIU SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

L. Barry	T. Goodrich
L. Kilsby	F. Beimans
G. Schultz	L. Pelkonen
B. Lockwood	

ATAIU SA DIVISIONAL COUNCIL DELEGATES

M. St Clair	A. Young
T. Smith	Q. Cook

ATAIU NSW DIVISIONAL BRANCH

ATAIU NSW DIVISIONAL BRANCH OFFICERS

Divisional President	B. Anderson
Divisional Secretary	G. Hillier
Divisional Assistant Secretary	J. Tuckwell
Divisional Vice Presidents	G. Sacco
	J. Gallogley

ATAIU NSW DIVISIONAL BRANCH TRUSTEES

S. McDonald
M. Schuppan
B. Campbell

Who are officers and form the Executive.

ATAIU NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

W. Englert
K. Yelverton
S. Hudson
J. Quartermain
W. Sentance
C. McGowan
C. Brooks

ATAIU NSW DIVISIONAL COUNCIL DELEGATES

G. Hillier
B. Anderson
J. Gallogley
S. McDonald
J. Quartermain
K. Yvelton
B. Campbell

ATAIU VIC DIVISIONAL BRANCH

ATAIU VIC DIVISIONAL OFFICERS

Divisional President	V. Stargatt
Divisional Secretary	B. King
Divisional Vice Presidents	V. Iluk
	E. Swainston

ATAIU VIC DIVISIONAL BRANCH TRUSTEES

J. Beeson
T. Carley
B. Murphy

ATAIU VIC DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

J. Browne
B. Harms
P. Love
R. Owens
T. Stinton
C. Walkear
S. Wilson
P. Tait

ATAIU VIC DIVISIONAL COUNCIL DELEGATES

V. Stargatt
M. Lynch
J. Beeson
E. Swainston
B. Murphy

ATAIU TAS DIVISIONAL BRANCH

ATAIU TAS DIVISIONAL BRANCH OFFICERS

Divisional President	C. Butler
Divisional Secretary	S. Murphy
Divisional Vice Presidents	R. Ford
	D. Turriff

ATAIU TAS DIVISIONAL BRANCH TRUSTEES

C. Butler
S. Cahoon

R. Smith

ATAIU TAS DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

M. Barber	S. Cahoon
R. Foster	R. French
D. Harkes	N. Lincoln
B. Riley	R. Smith

ATAIU TAS DIVISIONAL COUNCIL DELEGATES

C. Butler	S. Murphy

ATAIU WA DIVISIONAL BRANCH

ATAIU WA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Cook
Divisional Branch Secretary	A. A'Vard
Divisional Branch Vice President	D. Murie
Divisional Branch Treasurer	R. Taylor

ATAIU WA DIVISIONAL BRANCH TRUSTEES

P. McCarthy	K. Smith
R. Henry	

ATAIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

R. J. Smith	C. Hagelund
R. Reiter	K. Cameron
V. McGlinn	J. Savage
G. P. Jaeschke	M. Bennett
W. J. Hall	

ATAIU NO. 7 DIVISIONAL BRANCH

ATAIU NO. 7 DIVISIONAL BRANCH OFFICERS

Divisional Branch President	P. Illidge
Divisional Branch Secretary/Treasurer	C. Northover
Divisional Branch Assistant Secretary/Treasurer	M. Graham
Divisional Vice Presidents	A. Dunlop
	R. Johnson

ATAIU NO. 7 DIVISIONAL BRANCH TRUSTEES

C. Northover	M. Graham

ATAIU NO. 7 DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

D. Garlick	G. Aston
T. Mackerell	G. Morley
N. Anderson	C. Glaubitz
N. Allen	D. McKay
M. Donoghue	P. Graham
J. Wright	T. Kelly

W. Hardy	G. Lincoln
G. Draper	T. Dwyer

ATAIU NO. 7 DIVISIONAL COUNCIL DELEGATES

C. Northover	M. Graham
P. Illidge	

ATAIU NOWRA SUB-BRANCH

President	Peter Graham
Senior Vice President	Harry Knowles
Junior Vice President	Tim Cato
Secretary-Treasurer	Mervyn Donoghue
Committee of Management	Rhonda Shelley
	Jim Evans
	Ray Clarke
	Alan Whitton
Delegate to No. 7 Branch	
Committee of Management	Mervyn Donoghue
	Peter Graham

ATAIU BURNIE SUB-BRANCH

President	George Draper
Senior Vice President	Barry Connors
Junior Vice President	Eric Edwards
Secretary-Treasurer	Geoffrey Lincoln

Committee of Management

Alan Claridge	Graham Wells
Anthony Johnson	Andrew Crawn
Jack Wylie	Russell Norton
Danny Rowlands	Richard Troughton
Noel Stubbs	Rex Berry

Delegate to No. 7 Branch	
Committee of Management	Geoffrey Lincoln
	George Draper

ATAIU PORT HUON SUB-BRANCH

President	Barry Young
Senior Vice President	Colin McMullin
Junior Vice President	Jeff Parsons
Secretary-Treasurer	Wayne Hardy

Committee of Management

Neville Burgess	Graeme Goaman
David Greatbatch	Ricky Cowen

Delegate to No. 7 Branch	
Committee of Management	Wayne Hardy

ATAIU MYRTLEFORD SUB-BRANCH

President	Vacant
Senior Vice President	Bruce Dale
Junior Vice President	Paul Ryan
Secretary-Treasurer	Trevor Dwyer
Committee of Management	Oliver Evans
	Colin Richardson
	Trevor Davis
	Robert Arnold
	Christopher Stone
Delegate to No. 7 Branch Committee of Management	Trevor Dwyer

ATAIU MARYVALE SUB-BRANCH

President	Neville Anderson
Senior Vice Persident	Charles Glaubitz
Junior Vice President	Cidge Fabris
Secretary/Treasurer	Graeme Morley
Committee of Management	
Steven Gilham	Robert Brown
Vernon Jones	Charles Stuart
Geoffrey Dorling	Brian McNamara
Peter Morris	Steven Mason
Wayne Snell	Vincent Nabel
Delegates to No. 7 Branch Committee of Management	Neville Anderson
	Charles Glaubitz
	Graeme Morley
Delegates Gippsland Trades & Labour Council	Graeme Morley
	Vernon Jones
	Brian McNamara
	Robert Brown

ATAIU SYDNEY SUB-BRANCH

President	Donald McKay
Senior Vice Pesident	Ron McElhinney
Junior Vice President	Edward Pram
Secretary-Treasurer	Philip Illidge
Committee of Management	
William Daly	Les Smith
William Flowers	Anthony De Bono
Harry Marshall	Wayne Trewella
Mark Skennerton	Joseph Bodor
Delegates to No. 7 Branch Committee of Management	Philip Illidge
	Donald McKay

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ATAIU BROADFORD SUB-BRANCH

President	Vacant
Senior Vice President	Vacant
Junior Vice President	Vacant
Secretary-Treasurer	Len Allen
Committee of Management	Garry Nesbitt
	Terry Hobson
	Alan Cole
	Craig Waters
Delegate to No. 7 Branch Committee of Management	Len Allen

ATAIU MILLICENT SUB-BRANCH

President	John Wright
Senior Vice Pesident	Trevor Kelly
Junior Vice President	Richard Watts
Secretary-Treasurer	Robert Johnston
Committee of Management	Michael King
	Graeme Richards
	Mavis Kloock
	Graeme Richardson
	Gilbert Mouat
	Helen Walker
Delegates to No. 7 Branch Committee of Management	John Wright
	Trevor Kelly
	Robert Johnston

ATAIU MELBOURNE SUB-BRANCH

President	David Garlick
Senior Vice President	George Ashton
Junior Vice President	Vacant
Secretary-Treasurer	Alexander Dunlop

Committee of Management

William Horton	Stan Mazur
Terry Mackerell	Steve Morris
Tom Donelly	Ian James
Alex Miller	Michael Adamopolous

Delegates to No. 7 Branch Committee of Management	Alexander Dunlop
	David Garlick
	George Aston

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Delegates to Victorian Trades Hall Council	Alexander Dunlop William Horton Terry Mackerell Malcolm Graham

UMW DIVISION

In accordance with Rule 42 - Transitional Provisions of the Rules of the Union being the National Rules the officers of the previously existing Mining Division immediately prior to the date of effect of the amalgamation shall be, on and from the date of effect of amalgamation the officers of the UMW Division which is the new name for the previous Mining Division and the only change therein shall be, to the extent necessary, the change in the title of office to reflect the change in the name of the Division from Mining Division to UMW Division.

FEDFA DIVISION

DIVISIONAL OFFICERS

Divisional President	M. McDonald
Divisional Secretary	V. Fitzgerald
Divisional Assistant Secretary	T. Maher

FEDFA DIVISIONAL EXECUTIVE

The Divisional Officers of FEDFA Division as set out above, and

I. Peel	New South Wales
J. Van Camp	Victoria
G. Betts	Queensland
G. Day	South Australia
B. O'Neil	Barrier
M. Grey	Tasmania
D. McIntyre	Western Australia

FEDFA DIVISIONAL CONFERENCE

The Divisional Officers of FEDFA Division and the Divisional Executive as set out above, and the following delegates from FEDFA Divisional Branches:

T. Maher	(NSW)
P. Jordan	(NSW)
B. Neilson	(VIC)
M. Hill	(VIC)
D. Holloway	(QLD)
G. Purtill	(QLD)
L. Wilson	(QLD)
B. Samson	(Barrier)
M. Buckley	(SA)
B. Low	(WA)
R. Harrison	(TAS)

FEDFA NSW DIVISIONAL BRANCH

Divisional Branch President	M. Smith
Divisional Branch Secretary	I. Peel
Divisional Branch Assistant Secretary	S. Gartrell

FEDFA NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above,

FEDFA NSW DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and regional delegates and organisers stated below,

Metropolitan
P. Wormleaton
R. Johnson
B. Francis
D. Whitehead
D. Dunn

Northern Region
N. Rose
M. Sealby
G. Webb
D. Owens
J. Nixon

Southern Region
K. Anderson
B. Barnham
G. Freeman
T. Potter

Western Area
R. Fuller
W. Williams

FEDFA NSW DIVISIONAL BRANCH ORGANISERS

Metropolitian
G. Avouris
T. Grant
S. Cochran

Northern
M. Beehag
S. Harding
L. Sinclair

Riverina
S. King
J. Wilson

Western
G. Childs

Southern
H. Miller

Mining
P. Jordan

Energy
A. Drew

FEDFA NSW DIVISIONAL BRANCH TRUSTEES

D. Dunn
L. Robinson
J. Owens

FEDFA NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

V. Fitzgerald

T. Maher
P. Jordan
I. Peel

FEDFA VICTORIAN DIVISIONAL BRANCH

Divisional Branch President	M. McDonald
Divisional Branch Secretary	J. Van Camp
Divisional Branch Assistant Secretary	M. Greenbury
Divisional Branch Vice President	M. Hill

FEDFA VICTORIAN DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

M. French
D. McDonald
D. Baker
J. Kadziela
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional Officers as set out above, and -

SECV Yallourn
P. Wilson

SECV Morwell
G. Reid

SECV LaTrobe
(vacant)

Country Provisional
W. Fleet
M. French
T. McKenzie
P. Skinner

Metropolitian
D. Baker
J. Kadziela

Organisers Rep.
A. Riley
M. Hallett
D. McDonald
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH ORGANISERS

W. Fleet
M. French
R. Hallett
M. Hill
A. Riley

TRUSTEES

M. McDonald
J. Van Camp

FEDFA VICTORIAN DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

J. Van Camp
M. McDonald
M. Hill
B. Nielson

FEDFA BARRIER DIVISIONAL BRANCH

Divisional Branch President	B. Samson
Divisional Branch Secretary	W. O'Neil
Divisional Branch Vice President	R. Hunter

FEDFA BARRIER DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above,

FEDFA BARRIER DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

D. Brennan	R. Adams
A. Fraser	B. Sayers
E. Snaith	

FEDFA BARRIER DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. O'Neil	B. Samson

TRUSTEES

R. Adams	B. Sayer
E. Snaith	

FEDFA TASMANIAN DIVISIONAL BRANCH

Divisional Branch President	B. Bishop
Divisional Branch Secretary	M. Grey

FEDFA TASMANIAN DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and - D. Dawson

FEDFA TASMANIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

Launceston	**Hobart**
D. Dawson	M. Hyland
Devonport	**Tullah**
(vacant)	T. Jones
Burnie	**Savage River**
L. Britton	R. Harrison
Rosebery/Lyell	**Organisers**
N. Hartnell	D. Moncrieff
	B. Best

FEDFA TASMANIAN DIVISONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

M. Grey R. Harrison

FEDFA WA DIVISONAL BRANCH

Divisional Branch President (vacant)
Divisional Branch Secretary (vacant)

FEDFA WA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

FEDFA WA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

P. Bates I. Douglas
T. Feeney D. Hellyer

FEDFA WA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

B. Low
(vacant)

FEDFA SA DIVISIONAL BRANCH

Divisional Branch President G. Bull
Divisional Branch Secretary G. Day
Divisional Branch Vice President F. Stonys

FEDFA SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Rogers R. Brewer

FEDFA SA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

J. Rodgers K. Maywald
F. Grosso F. Harrison
R. Brewer

ORGANISER

R. Brewer

FEDFA SA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

G. Day
M. Buckley

FEDFA QUEENSLAND DIVISONAL BRANCH

Divisional Branch President	D. Holloway
Divisional Branch Secretary	G. Betts
Divisional Branch Assistant Secretary	G. Wilson

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

S. Douglas	B. Scheuber
C. Swift	R. Coleman
L. Wilson	J. Spencer

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch State Management Committee as set out above, and -

M. Dowvendans	T. Quaid
L. Genrich	N. Rampton
R. Beattie	H. Heumiller
J. Rossington	C. Price
(vacant)	

FEDFA QUEENSLAND DIVISIONAL BRANCH ORGANISERS

D. Bloxsom	H. Heumiller
G. Flack	C. Price
C. Gillespie	T. Rosier
J. Rossington	B. Stacker
R. Tremlin	

FEDFA QUEENSLAND DIVISIONAL BRANCH TRUSTEES

D. Holloway	S. Douglas
G. Betts	L. Wilson

FFTS UNION DIVISION

DIVISIONAL OFFICERS

Divisional President	A. Findlay
Divisional Secretary	L. Kyriacou
Divisional Assistant Secretary	M. Haritou
Divisional Senior Vice-President	S. Wales
Divisional Junior Vice-President	D. Frater

FFTS UNION DIVISIONAL EXECUTIVE

The Divisional Officers of the FFTS Union Division as set out above, and

A. Smith	New South Wales
V. Robinson	Queensland

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FFTS UNION DIVISIONAL CONFERENCE

The Divisional Officers of the FFTS Union Division and the Divisional Executive as set out above, and the following delegates from the FFTS Union Divisional Branches;

W. Brown (VIC)
M. Findlay (VIC)
R. Smith (NSW)
R. Groat (SA)
A. Cookson (QLD)
R. Orange (TAS)

FFTS UNION VIC. DIVISIONAL BRANCH

Divisional Branch President	M. Mitten
Divisional Branch Secretary	L. Kyriacou
Divisional Branch Assistant Secretary	A. Findlay
Divisional Branch Senior Vice-President	W. Brown
Divisional Branch Junior Vice-President	C. Avent
Divisional Branch Organiser	M. Haritou
Divisional Branch Organiser	R. Shugg

FFTS UNION VIC. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch Officers as set out above and -

A. Frazer	N. Hazeldine
G. Lee	P. Linzos
J. Maines	J. O'Brien
J. Patti	J. Robins
I. Whitcroft	L. Zanandrea
J. Calvert	

FFTS UNION NSW DIVISIONAL BRANCH

Divisional Branch President	R. Smith
Divisional Branch Secretary	S. Wales
Divisional Branch Assistant Secretary	R. Smith
Divisional Branch Vice-President	J. Callaway
Divisional Branch Organiser	Jack Lawrence

FFTS UNION NSW DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

J. Campbell	R. Davies
K. Campbell	W. Kraan
Robert Cumbo (Trustee)	Harry Irvine (Trustee)

FFTS UNION S.A. DIVISIONAL BRANCH

Divisional Branch President	R. Groat
Divisional Branch Secretary	D. Frater
Divisional Branch Assistant Secretary	S. Rowe
Divisional Branch Senior Vice-President	J. Emery

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Divisional Branch Junior Vice-President	A. Reeves
Divisional Branch Organiser	S. Rowe
Divisional Branch Organiser	P. Wong
Divisional Branch Organiser	T. Woods

FFTS UNION S.A. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

B. Billington	M. Brownlie
P. Crisanti	A. Czora
A. Howlett	J. Salter
G. Whitford	

FFTS UNION QLD DIVISIONAL BRANCH

Divisional Branch President	G. William
Divisional Branch Secretary	V. Robinson
Divisional Branch Vice-President	A. Amos
Divisional Branch Assistant Secretary	A. Cookson

FFTS UNION QLD. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and - G. Dawson

FFTS UNION TAS DIVISIONAL BRANCH

Divisional Branch President	S. Negus
Divisional Branch Secretary	J. Gill
Divisional Branch Assistant Secretary	R. Orange
Divisional Branch Vice-President	C. Schoenwald
Additional Divisional Branch Executive member	W. Picken
Additional Divisional Branch Executive member	P. Green

FFTS UNION TAS DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

C. Sproule
W. Bandlow

END OF RULES

[105N-FED: incorporates alterations of 13/09/2012 in matter R2012/149

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 91 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union.

DELEGATE OF GENERAL MANAGER

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of Fair Work Australia.]

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1 - NAME

The name of the Union shall be the "Construction, Forestry, Mining and Energy Union".

2 - CONSTITUTION

(A)(A) The following unlimited number of persons, whether male or female, are eligible to be members of the Union

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

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engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in

paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;
(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, shall be eligible to be members of the Union including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

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

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker

Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due

south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:

(i) All persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) An unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board, strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) Such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members are eligible to be members of the Union.

(E) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:-

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

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

(b) Further, provided that, without limiting the generality of the foregoing the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building are eligible to be members of the Union. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other sub-rule or paragraph or being limited thereby an unlimited number of persons who are employed in, or competent to be employed in or in connection with the following industries or trades are eligible to be members of the Union:
Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and

employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland are eligible to be members of the Union.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the following are eligible to be members of the Union: an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation

and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work

Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler,

generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery

and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

4 - OBJECTS

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

2. To regulate the conditions under which all members, of the Union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or association, or association of Trades Unions or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Branches, Divisions, Divisional Branches, Sub-Branches, Districts or Sections of the Union throughout the Commonwealth of Australia.

7. To further any scheme that has for its object the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labour and Trade Union newspapers and wireless broadcasting and television stations, and to invest in shares in such newspapers and radio and television stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide labour or Trade Union Organisation or Association.

10. To establish and manage a Union Journal or Journals.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

14. To render legal and other assistance to members, to protect the interests of the Union in all its Branches and to assist other trade unions by any legal method.

15. To obtain such other objects as the National Conference or National Executive shall from time to time determine.

16. To organise the education of members.

17. To establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Divisional or Divisional Branches.

18. The advancement of members intellectually, morally and socially and to do all things which, in the opinion of the Union, is in the interest of members including donations to political parties, the achievement of compulsory unionism, preference in employment, retrenchment, promotion, demotion and transfer in employment, the production and distribution of newspapers, journals and the like.

19. To achieve such other objects as may be lawfully adopted by any Division of the Union.

20. To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"PROPORTIONAL REPRESENTATION" shall mean a system of representation at Committees, Conferences, Executives or the like which, as far as practicable, will provide for voting on a basis which

reflects the number or percentage of financial members, as calculated in accordance with these rules, that each person on such Committee, Conference, Executive or the like, represents.

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union and in the case of the Forestry, Furnishing, Building Products and Manufacturing Division, of the Division.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

> In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.
>
> If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast then that candidate shall be declared elected.
>
> If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.
>
> If a candidate has then an absolute majority of votes then that candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the vote preferences shall continue until one candidate has received an absolute majority of votes.
>
> In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.
>
> The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Mining and Energy Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Workplace Relations Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

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

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v)(a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of

application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

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

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be

reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

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

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.202 of the

Industrial Relations Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

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

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

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

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

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

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from

amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.
Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one

calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telegram or telex.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, telephonic, telegraphic, telex, verbal and/or written vote (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) The National Executive Committee shall, on and from the first election for National Officers held after July 2010, consist of the National Officers, being the National Secretary, National President, National Assistant Secretary and three (3) National Vice Presidents of the Union together with such of the following elected officers of each Division at a National level namely:-

- in the case of the Construction and General Division, the Divisional Secretary, two (2) Divisional Assistant Secretaries, the Divisional President and three (3) additional National Executive Committee members elected by and from the Construction and General Division Divisional Conference.

- in the case of the Forestry, Furnishing, Building Products and Manufacturing Division, the Divisional Secretary, the Divisional Senior Assistant Secretary, the Divisional President and the Divisional Assistant Secretary who is also the District Secretary of the PPW District of the Division.

- in the case of the Mining and Energy Division, the General President, the General Secretary and two (2) additional National Executive Committee members elected by and from the Mining and Energy Divisional Conference.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive and National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six (6). A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a facsimile, telephonic, email, written and/or postal vote of members of the National Executive or National Executive Committee at any time. Members of the National Executive or National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or facsimile or email or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or email.

15 - NATIONAL EXECUTIVE

(i) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

Provided that in the case of the Forestry, Furnishing, Building Products and Manufacturing Division for purposes of this sub-rule a reference to the Principal Officer of a Divisional Branch shall be a reference to the District Secretary of a District of that Division.

(ii) The National Officers shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

Provided that, the National Principal Officers holding office at 16 July 2010 shall, unless they resign or are removed from office in accordance with these rules, continue to hold office until 31 December 2010.

The National Officers elected in 2010 shall commence office on 1 January 2011.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

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

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Industrial Relations Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

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

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

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

16 - ELECTION OF NATIONAL OFFICERS

(i) The National Officers shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union (howsoever described in the Divisional Rules) and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Forestry Division and the General President of the Mining and Energy Division shall between them hold the positions of National Secretary, National Assistant Secretary and National President.

Further provided that, there shall be one Vice President from each Division who shall be nominated by and from their own Divisional Conference.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office. Further provided that in the case of a vacancy in one or more of the National Officer positions, the National Executive may fill such office by appointment from those members of the National Executive Committee who are otherwise eligible to hold the vacant office.

Provided however that any such appointment/s shall ensure that each Division maintains its representation of two (2) officers amongst the National Officers.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by post, letter, telegram, telephone, telex, facsimile and/or verbally as soon as the count is completed.

(ix) In any ballot of the National Collegiate for the election of National Officers, the representatives of each of the Divisions shall cast votes proportionate to the membership of their respective Divisions determined in the same way, the necessary changes being made, as votes cast by delegates to the National Conference in accordance with Rule 13(iii) and (iv) herein.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(ii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iii) Except in the case of the Mining & Energy Division and the Forestry, Furnishing, Building Products and Manufacturing Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) That nominations are called in accordance with the rules of the Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union

and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) That the nominations process, closure and receiving of, are in accordance with the rules of the Division.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) Officers of all Divisional Branches holding such office at the date of amalgamation shall remain in office until the general election of officers held in 1996 and shall be eligible to nominate in that election. In this paragraph officers of all Divisional Branches shall mean officers of branches of the amalgamating unions being the persons listed in the schedule hereto.

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall, in accordance with the Rules of the Division, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only:-

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) The candidate's statement provided for in accordance with sub-rule (h) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail all ballot papers, in accordance with the Rules of the Division.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed closed in accordance with the rules of the Division.

(r) That the opening and closing of the ballot shall be in accordance with the rules of the Division.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional

Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

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

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

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except Mining and Energy Division and Forestry, Furnishing, Building Products and Manufacturing Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(ii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iii) The Divisional Officers at a national level shall be members of that Divisional Executive.

(iv) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

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

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

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

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

National Executive shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS/MEMBERS

1. The following sets out the duties of the National Officers outlined herein. The National Secretary shall be a full time position. The wages and costs relating to the office of the full time officer shall be borne by the Union.

2. National President:

   The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

   The National President shall have a deliberative vote only.

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

3. National Secretary:

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

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

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

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

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

The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretaries:

National Assistant Secretaries shall perform all duties assigned to them by National Conference and National Executive. They shall attend all meetings of National Conference and National Executive.

5. National Vice-Presidents:

The National Vice-Presidents shall assist the National President in the conduct of meetings and in the absence of the National President, shall act as President.

He/she shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

6. Members of National Executive and Delegates to National Conference:

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

7. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

8. No officers, employees, delegates or members shall be required to do, or required to omit to do, any act in breach of legislation applicable to the CFMEU.

9. Except as provided for by resolution of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof), it shall not be part of the duties of any delegate/steward, officer or employee, including organisers, whether temporary or not, to threaten, initiate, counsel, procure, induce, be involved in, engage in or be party to industrial action as defined by the Workplace Relations Act 1996 or building industrial action as defined by the Building and Construction Industry Improvement Act 2005.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

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

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. No funds shall be drawn from the Bank or financial institution except by cheque signed by two persons who are a National Secretary, National Assistant Secretary, National President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President or National Assistant Secretary. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

(viii) Any fines, penalties, damages, costs or other sum(s) ordered by a court against the Union is, if the conduct of a Division's officers, employees, agents or members made the Union liable for such amount(s), to be funded by that Division.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

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

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the National Secretary of a petition, signed by not less than 5% of the members of the Union, requesting that a general meeting of members of the Union be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the National Office, the National Secretary shall convene such meeting as soon as is practicable.

25 - ALTERATION OF RULES

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

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telegraphic, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Industrial Relations Act (Commonwealth) or the regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the Industrial Relations Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

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

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each division shall have autonomy in relation to its funds and property.

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

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

(vi) Divisions, other than the Forestry, Furnishing, Building Products and Manufacturing Division, shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland, New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.202 of the Industrial Relations Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of state unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or National Assistant Secretary or any person authorised by a National Secretary or National President or National Assistant Secretary so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary or any person authorised by a Divisional Secretary or Divisional Assistant Secretary may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, Divisional Secretary or Divisional Assistant Secretary, or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests

issued by a Divisional Secretary or Divisional Assistant Secretary or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National Assistant Secretary, National President, Divisional Secretary and/or Divisional Assistant Secretary shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.

(g) The taking of industrial action (within the meaning of the Workplace Relations Act 1996), building industrial action (within the meaning of the Building and Construction Industry Improvement Act 2005) or picketing by members is not authorised by the union without the consent of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof).

Provided however that the preceding paragraph shall not restrict the right of a person or body duly authorised by such a committee of management to authorise industrial action in accordance with s 446 (1)(a) of the Workplace Relations Act 1996, or any successor provisions thereto.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 361 Kent Street, Sydney in the State of New South Wales, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

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

Where the Union is dissolved the property of the Union shall be vested in the trustees of each existing Division at the time of dissolution for the benefit of the members thereof on the basis that each such

Division will continue to hold its own property and funds and any property or funds not vested at the time of dissolution in a Division shall be divided between the existing Divisions on a basis proportionate to the membership of each such Division.

35 - RECOVERY OF DUES

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

36 - LEVIES

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

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

(iii) A Division or Divisional Branch may impose a levy on its members.

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

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

37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

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

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

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

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

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

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

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

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

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

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

   If the votes are equal the question is resolved in the negative.

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

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

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

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

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

11. Any delegate or member speaking shall at once resume their seat -

    (a) If the chairperson rises to speak; or
    (b) If a point of order is raised.

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

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

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

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

CHAIRPERSON'S RULINGS

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

SUSPENSION OF ORDER OF BUSINESS

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

SITTING AS A COMMITTEE

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

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

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

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

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the Industrial Relations Act 1988, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, telex, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above

demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee, following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted

(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) deleted

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes

place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary

shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - Divisional Restructuring (FEDFA)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps which steps may deal with one Division at a time, Divisional Branches within a Division and/or the Divisional Office of any particular Division.

2. In relation to the above, the FEDFA Division shall be restructured in steps which shall involve:

(a) The abolition of full-time Divisional Officers at a national level and the allocation of responsibility for the FEDFA Division between the Building Unions Division and the UMW Division;

(b) The allocation of full-time Divisional Officers of the FEDFA Division to the Building Unions Division and the UMW Division;

(c) The continued operation of the Divisional Branches of the FEDFA Division with the intent, over time, of the restructuring of said Divisional Branches in accordance with Rule 42, into the Building Unions/Construction and General Division, UMW/Mining & Energy Division and the ATAIU/Forestry Division;

(d) The payment of capitation fees by FEDFA Divisional Branches to a designated fund which shall be administered by the Divisional Secretary of the FEDFA Division or, if or when that Office is abolished by the former Divisional Secretary and the Divisional Secretaries of the Building Unions and/or Construction and General Division and the UMW and/or Mining and Energy Division.

(e) The continued meeting of the Division Executive of the FEDFA Division for so long as is necessary before the complete restructuring of the FEDFA Division is effected in accordance with Rule 42.

3. On and from 27 September 1993, in accordance with the above procedure, the current Divisional Secretary of the FEDFA Division shall be and become the Divisional President of the Building Unions Division and the current Divisional Assistant Secretary of the FEDFA Division shall be and become a Divisional General Vice-President of the UMW Division and upon translation in accordance with Rule 42 (iii), shall hold the corresponding offices in the Construction and General Division and the Mining & Energy Division respectively.

4. The current Divisional Secretary and Divisional Assistant Secretary of the FEDFA Division shall continue to hold those positions in the FEDFA Division on an honorary basis until such time as the FEDFA Division no longer meets on a national basis.

5. This Rule shall come into force after its adoption by the National Executive and agreement thereto by the FEDFA Divisional Executive, UMW Divisional Executive and Building Unions Divisional Executive and thereupon shall be registered with the Australian Industrial Registry and shall take effect upon registration, or 27 September 1993, whichever is the later.

6. Further to the above provisions, and notwithstanding any other rule of the Union to the contrary, during the process of restructuring, any Divisional Branch of the FEDFA Division may reach agreement with any or all of the UMW Division/Mining & Energy Division and/or the Building Unions Division/Construction and General Division and/or the Forestry Division or the relevant Divisional Branches thereof to transfer members and officers of the FEDFA Division to any and/or all of the other aforementioned Divisions. Such agreement shall be reached with the approval of the Management Committee or its equivalent in each Divisional Branch and the officers concerned. Any such Divisional Branch may reach agreement on some or all of the matters relating to such transfer and, failing agreement on any or all of such matters, refer the matters by agreement to the National Executive for decision. Until such time as there no longer exists an FEDFA Division in accordance with the Rules of the Union, all such officers transferred shall, notwithstanding the holding of positions in other Divisions, continue to hold the office or position in the FEDFA Division on an honorary basis and shall, to the extent that the Rules require same, continue to perform the functions associated with that office in relation to the FEDFA Division. All agreements in relation to the transfer of members and officers shall be notified to the National Executive Committee and attached to the Minutes thereof. Such agreements shall have force and effect in accordance with the terms thereof and from the date of effect of that agreement as specified in that agreement, or failing any specification thereof, on the date of the agreement.

7. The following table shows the restructuring of the FEDFA Division, merging with the appropriate Union Division to create Industry Divisions:

	(	merged with	)
STATE	CONSTRUCTION AND GENERAL	MINING AND ENERGY	FORESTRY
National Office	27 Sept 1993	27 Sept 1993	
Queensland	4 Feb 1994	1 Jan 1993	
New South Wales		Northern 2/4/93 Southern 1/7/93 Western 8/4/93 Energy 21/7/93	
Tasmania	31 July 1996	24 August 1996	1 Jan 1994
Sth Aust	1 Aug 1993	1 Aug 1993	
West Aust	1 Sept 1993	1 Sept 1993	

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Victoria	1 Aug 2003	2 Jan 2001
Barrier		1 July 1996

42B - Merger with ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DIVISIONAL RESTRUCTURING (FFTS)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps, such steps may deal with one Division at a time and/or Divisional Branches within a restructured Division at a time.

2. In relation to the above, the FFTS Division shall on and from the 11th February 2002, be restructured in the first instance into the Forestry Division to form “The Forestry, Furnishing, Building Products and Manufacturing Division” (FFPD) which shall result in:

   (a) The abolition of full-time FFTS Divisional Officers at a national level and the allocation of responsibility for the FFTS Division to the restructured Division.

   (b) The allocation of Divisional/Branch Office Holders of the FFTS Division to the Office Holders positions of the restructured Division.

   (c) The continued operation of the Victorian and Queensland Divisional Branches of the FFTS Division within the restructured Division of up to four years beyond the expiration of the eight years referred to in sub-rule 42(xii). This sub-rule shall not otherwise affect the operation of sub-rule 42(xii). For the avoidance of doubt, the four years referred to in this sub-rule shall expire on 26 March 2005.

3. Further to the above provisions and notwithstanding any other rule of the Union to the contrary, the FFTS Victorian Branch shall unless otherwise agreed by the FFTS Victorian Branch Management Committee maintain its current structure and existence within the restructured Division up until 26 March 2005.

4. Prior to the 26 March 2005, the FFPD (which shall include representatives of the former FFTS Division) and the Construction & General Division (which shall include representatives from the National Office and all interested Branches) will meet under the chairpersonship of the National Secretary of the CFMEU to reach agreement to finalise translation/integration provisions intended by the respective Schemes of Amalgamation and the Rules of the Union in respect to the Forestry, FFTS and C&G Divisions.

5. Should agreement not be reached between the Divisions the matter shall be referred to the CFMEU National Executive to determine in accordance with the Schemes of Amalgamation and Rules of the Union.

6. Until the elections scheduled to be held in August 2004 the FFPD shall be constituted and represented as follows:-

(a) Divisional Conference shall consist of:-

(i) Forestry Division Representatives

Trevor Smith	SA	Jane Calvert	VIC
Paul Martinella	SA	Andy Laing	VIC
Mark Nicholls	SA	Ian Mullen	VIC
Brenton Lockwood	SA	Michael O'Connor	VIC
Scott McLean	TAS	Brad Platschinda	VIC
Colin Butler	TAS	Bevan Anderson	NSW
Gary Jaeschke	WA	Bruce CampbellNSW	
Christopher Northover	P&P	Craig Smith	NSW
Phillip Illidge	P&P	Eileen Anderson	NSW
Alex Millar	P&P	Kenneth Miller	NSW
Debbie Brennan	P&P		

(ii) FFTS Division Representation

Jim Emery	SA	Leo Skourdoumbis	VIC
David Kirner	SA	Frank Vari	VIC
Brad Parker	NSW	Joe Patti	VIC
Greg Williams	QLD	Cliff Palmer	VIC
John O'Brien	VIC	Alwin Seneviratne	VIC

(iii) Representation

Representation of the Forestry and FFTS Division Branches shall be in accordance with Rule 8 of the Forestry Division Rules.

(b) Divisional Executive shall consist of:-

(i)

Jane Calvert	Divisional President
Phillip Illidge	Divisional Snr V/President
Brad Parker	Divisional V/President
Craig Smith	Divisional V/President
Trevor Smith	Divisional Secretary
Chris Northover	Divisional Snr Assistant Secretary (Honorary)
Michael O'Connor	Divisional Assistant Secretary
Leo Skourdoumbis	Divisional Assistant Secretary (Honorary)

Kenneth Miller	Divisional Trustee
Dave Kirner	Divisional Trustee
Frank Vari	Divisional Trustee
Scott McLean	Divisional Trustee
Paul Martinella	Divisional Executive Member
Greg Williams	Divisional Executive Member
Gary Jaeschke	Divisional Executive Member

(c) FFPD NSW Branch Executive/Committee of Management

Brad Parker	Joint President (full-time)
Bevan Anderson	Joint President (Honorary)
Bruce CampbellSnr V/President	
Jayne Willet	Jnr V/President (AA)
Tom Abramovic	Jnr V/President
Craig Smith	Secretary
Sala Taalilil	Trustee
Eileen Anderson	Trustee (AA)
Peter Reilly	Trustee
Ronnie Watson	Trustee
Kenneth Miller	Trustee
Alan Lanyon	Committee Member
Barry Barrakett	Committee Member
Cheryl Hampton	Committee Member
Kerry Hickey	Committee Member
Mark Thompson	Committee Member
Michael Schuppan	Committee Member
Peter StClair	Committee Member
Anthony Ovington	Committee Member

(2 Vacant COM positions to be filled by FFTS)

(d) (a) FFPD VIC FFTS Branch Executive/Committee of Management

Joe Patti	President
Cliff Palmer	V/President
John O'Brien	V/President
Leo Skourdoumbis	Secretary
Frank Vari	Assistant Secretary
Michael Doran	Trustee
Ernie Landolt	Trustee
Les Ford	Trustee
Florencio P Carrion	Committee Member
Eric Maher	Committee Member
Jeffery Connor	Committee Member
Brenda Crawford	Committee Member
Penny Lintzos	Committee Member
James Maine	Committee Member
Alwin Seneviratne	Committee Member
Greg Wheeler	Committee Member
Chris Christou	Committee Member
Damian Cooke	Committee Member
Ian Morris	Committee Member

(b) FFPD VIC Forestry Branch Executive/Committee of Management

Andy Laing	President
Ian Mullen	Snr V/President
Andrew Wareham	V/President

Kim Mason	V/President (AA)
Jane Calvert	Secretary
Yorick Piper	Assistant Secretary
Kevin Wyley	Trustee
Clare Burford	Trustee (AA)
Ken Tonkin	Trustee
Mark Nelson	Trustee
Ricky Owens	Committee Member
Bob Salmnon	Committee Member
Wayne Smith	Committee Member
Neil Saunders	Committee Member
David Sheppard	Committee Member
Sunsera Verhoven	Committee Member
Anthony Jones	Committee Member
Duncan Ingram	Committee Member
Graeme Howe	Committee Member

(1 vacant COM AA position to be filled)

(e) FFPD Pulp & Paper Branch Executive/Committee of Management

Phillip Illidge	President
Robert Johnston	Snr V/President
Alex Millar	Jnr V/President
Chris Northover	Secretary/Treasurer
Grant Keys	Trustee
Chris Northover	Trustee
Alex Millar	Trustee
Geoff Gasperotti	Committee Member
Wayne Hardy	Committee Member
Andrew Ball	Committee Member
Greg Stewart	Committee Member
David Jessup	Committee Member
Mervyn Donoghue	Committee Member
Tom Blacka	Committee Member
Craig Waters	Committee Member
Ken Fraser	Committee Member
William Davey	Committee Member
Greg Godde	Committee Member
Trevor Sinclair	Committee Member
Marne Gurney	Committee Member

(f) FFPD SA Branch Executive & Committee of Management

Jim Emery	President
Mark Nicholls	Snr V/President
Tony Howlett	V/President
Maree Gale	V/President
Paul Martinella	Secretary
David Kirner	Assistant Secretary
Steve Crafter	Trustee
Tom Kenny	Trustee
Ross Bennetta	Trustee
Leonie Kiploks	Trustee (AA)
Karen Cory	Committee Member
Mark Vickers	Committee Member
Peter Nelson	Committee Member
Greg Muhovics	Committee Member
Andrew Sampson	Committee Member

Kym Isaacson	Committee Member
Peter Starr	Committee Member
Bill Burns	Committee Member
Bernie Maguire	Committee Member
Laurie Barbary	Committee Member

(1 Vacant COM AA position to be filled by FFTS)

(g) FFPD TAS Branch Executive & Committee of Management

Colin Butler	President
Angela Lord	Snr V/President
Narrelle Bassett	V/President (AA)
Anthony Clay	V/President
Scott McLean	Secretary
Shiralee Gillespie	Trustee (AA)
Ronald Brown	Trustee
Leanne Hardy	Trustee (AA)
Lindsay Hills	Trustee
Robert Bowden	Committee Member
Paul Worker	Committee Member
Peter Mason	Committee Member
Margaret Watson	Committee Member
Kylie Dundas	Committee Member
Joseph Kelly	Committee Member
Anthony Barnes	Committee Member
Adrian Littlejohn	Committee Member

(h) FFPD QLD Branch Executive/Committee of Management

Ursula Korableff	President
Desmond Flanagan	V/President
Stephan Williams	V/President
Greg Williams	Secretary
Rodney Black	Committee Member
Vincent Breen	Committee Member
John Forrest	Committee Member

(i) FFPD WA Branch Executive/Committee of Management

John Rudge	President
Vincent Preedy	Snr V/President
Douglas Ashcroft	V/President
Gary Jaeschke	Secretary (Honorary)
John Cleary	Trustee
Garry Rampling	Trustee

7. This rule shall come into force on and from 11 February 2002 in accordance with the unanimous decision of the National Executive and shall be registered with the Australian Industrial Registry.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State

Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS

(i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

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

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

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

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made pursuant thereto.

Upon receipt by the State Branch Secretary of a petition, signed by not less than 5% of the members of the State Branch, requesting that a general meeting of members of the State Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the State Branch, the State Branch Secretary shall convene such meeting as soon as is practicable.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

SCHEDULE OF OFFICERS REFERRED TO IN RULE 42 (xiv) (a)

POSITION	PERSON TO HOLD POSITION
NATIONAL UNION	
** Joint National Secretary	Stanley Sharkey
** Joint National Secretary	Vic Fitzgerald
** Joint National President	John Maitland
** Joint National President	Trevor Smith
** National Assistant Secretary	John Sutton
** National Senior Vice President	Lou Kyriacou
* National Senior Vice President	Albert Littler
National Senior Vice President	Bill Ethell
Joint National Vice President	Christopher Northover
Joint National Vice President	Kenneth Hawkins
Joint National Vice President	Malcolm McDonald
Joint National Vice President	Thomas Burke
* FEDFA Divisional Assistant Secretary	Tony Maher
* BWIU/Plasterers Divisional Assistant Secretary	Lindsay Fraser
* ATAIU Divisional Assistant Secretary	Chris Northover
* UMW Divisional General Secretary	Eric A Wilks
* UMW Divisional Vice President	Kenneth Hawkins

NATIONAL EXECUTIVE COMMITTEE shall consist of the six (6) principal officers (marked **) plus the other full-time Divisional Officers of each Division (marked *).

NATIONAL EXECUTIVE shall consist of the persons who constitute the National Executive Committee set out above and the Divisional Branch Secretary of each Divisional Branch of each Division set out herein and shall, in accordance with Rule 42 (viii) (a) include the National President and National Secretary of the former OPPWF. This body shall also include the Divisional Branch Secretaries from Victoria, New South Wales, South Australia and Queensland of the FFTS Union Division.

It also includes the South Australian, Victoria and Queensland Branch Secretaries and the NSW Branch Assistant Secretary of the former OPDU.

NATIONAL CONFERENCE shall consist of the persons listed as the members of the four (4) divisional executives set out herein until 2 January 1997, the following shall also be a delegate,

T. Richardson - Secretary of former OPPWF, Queensland Branch.

The National Conference shall also include the persons (as set out herein) comprising the Federal Executive of the FFTS Union Division while that Union Division remains autonomous.

BRANCHES OF THE UNION

NEW SOUTH WALES BRANCH

New South Wales State Officers

Joint NSW State Secretary	Dennis Matthews
Joint NSW State Secretary	Ian Peel
Joint NSW State President	Gavin Hillier
Joint NSW State President	Michael Watson
Joint NSW State Assistant Secretary	Andrew Ferguson
Joint NSW State Assistant Secretary	Alf Rankin
Joint NSW State Senior Vice President	Thomas Burke
Joint NSW State Senior Vice President	Peter McClelland
Joint NSW State Senior Vice President	Edward Curran
Joint NSW State Senior Vice President	Sid Wales
Joint NSW State Vice President	Bevan Anderson
Joint NSW State Vice President	Howard Fisher
Joint NSW State Vice President	Mick Smith
Joint NSW State Vice President	Gary McArthur

New South Wales State Executive

Shall consist of the abovenamed persons being the NSW State Officers together with the persons who are the full-time Divisional Branch officers, other than organisers, of each Divisional Branch, being,

ATAIU NSW Divisional State Assistant Secretary, Joyce Tuckwell
FEDFA NSW Divisional State Assistant Secretary, Scott Gartrell
FFTS NSW Union Divisional State Assistant Secretary, Rex Smith

New South Wales State Conference

Shall consist of the persons who constitute NSW State Executive as listed above (i.e. including NSW State Officers) and the persons being the other members of ATAIU NSW Divisional Branch Management Committee and the Building Unions NSW Divisional Branch Management Committee and the UMW Divisional Branch Management Committee, and the FEDFA NSW Divisional Branch Management Committee and the FFTS Union Division NSW Branch Management Committee listed herein.

VICTORIAN BRANCH

Victorian State Officers

Joint Vic State Secretary	John Van Camp
Joint Vic State Secretary	Vince Raffa
Joint Vic State President	Barry King
Joint Vic State President	Lou Kyriacou
Joint Vic State Assistant Secretary	Martin Kingham
Joint Vic State Assistant Secretary	Vacant

Vic State Senior Vice President	Frank O'Grady
Joint Vic State Vice President	Vilma Stargatt
Joint Vic State Vice President	Malcolm McDonald
Joint Vic State Vice President	Alex Findlay
Joint Vic State Vice President	Vacant

Victorian State Executive

Shall consist of the abovenamed persons being the Victorian Divisional Officers, Building Unions Victorian Divisional State Assistant Secretary and the FEDFA Victorian Divisional State Assistant Secretary plus FFTS Union Division Victorian Divisional Branch Senior Organiser.

Victorian State Conference

Shall consist of the persons who constitute the persons being the other members of the ATAIU Victorian Divisional Branch Management Committee, the BWIU Victorian Divisional Branch Management Committee and the FEDFA Victorian Branch Management Committee and the FFTS Union Division Victorian Divisional Branch Management Committee listed herein.

SOUTH AUSTRALIAN BRANCH

South Australian State Officers

SA State Secretary	Ben Carslake
SA State President	Quentin Cook
Joint SA Senior State Vice President	A. Johnson
Joint SA Senior State Vice President	D. Frater
Joint SA State Vice President	A. Young
Joint SA State Vice President	G. Bull
Joint SA State Vice President	D. Stapleton
Joint SA State Assistant Secretary	Terry Carrol
Joint SA State Assistant Secretary	Geoff Day
Joint SA State Assistant Secretary	J. McGirr

South Australian State Executive

Shall consist of the abovenamed persons being South Australian State Officers and

ATAIU SA Divisional Branch Assistant Secretary
FFTS SA Divisional Branch Assistant Secretary

South Australian State Conference

Shall consist of the persons who constitute South Australian State Executive set out above and the persons being the other members of the ATAIU South Australian Divisional Branch Management Committee, the Building Unions South Australian Divisional Branch Management Committee the FFTS Union Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee listed herein.

TASMANIAN BRANCH

Tasmanian State Officers

Joint Tas State Secretary	Max Cordwell
Joint Tas State Secretary	Mike Grey
Joint Tas State President	Shayne Murphy
Joint Tas State President	Leonard Miles
Tas State Senior Vice President	Stephen Hevey

Joint Tas State Vice President	J. Gill
Joint Tas State Vice President	Colin Butler
Joint Tas State Vice President	M. Collins
Joint Tas State Vice President	David Bean
Joint Tas State Vice President	Barry Bishop
Joint Tas State Vice President	Ray Carroll
Tas State Assistant Secretary	

Tasmanian State Executive

Shall consist of the Full Time Tasmanian State Officers.

Tasmanian State Conference

Shall consist of the persons listed as the Tasmanian State Executive set out above and, the other persons being the persons listed as members of the ATAIU Tasmanian Divisional Branch Management Committee, UMW Tasmanian Divisional Branch Management Committee, the Building Unions Tasmanian Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee and the FFTS Union Division Tasmanian Branch Management Committee listed herein.

AUSTRALIAN CAPITAL TERRITORY BRANCH

ACT State Officers

ACT State Secretary	George Wason
ACT State President	Rod Driver
Joint ACT State Vice President	Kate Lundy
Joint ACT State Vice President	J. McHugh
Joint ACT State Assistant Secretary	Trevor Zeltner
Joint ACT State Assistant Secretary	Stan Hambesis

ACT State Executive

Shall consist of the abovenamed persons listed as ACT State Officers.

ACT State Conference

Shall consist of those persons listed above as being the ACT State Executive and the other persons listed herein as members of the Building Unions ACT Divisional Branch Management Committee.

WESTERN AUSTRALIAN BRANCH

Western Australian State Officers

WA State Secretary	Bill Ethell
Joint WA State President	John Borlini
Joint WA State President	Alex A'Vard
Joint WA State Vice President	Gary Wood
Joint WA State Vice President	A. Baxter
Joint WA State Vice President	Ron Kielty
Joint WA State Vice President	A. Cook
Joint WA State Vice President	K. Reynolds
Joint WA State Assistant Secretary	Rick Todd
Joint WA State Assistant Secretary	Dave McIntyre

WA State Executive

Shall consist of the abovenamed persons listed as WA State Officers.

WA State Conference

Shall consist of those persons listed above as being the WA State Executive and the persons listed herein as members of the both Building Unions Divisional Branches' Management Committees, the members of the UMW WA District Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee.

QUEENSLAND BRANCH

Queensland State Officers

Joint Qld State Secretary	William Trohear
Joint Qld State Secretary	Greg Betts
Joint Qld State President	Andrew Vickers
Joint Qld State President	Peter Stone
Joint Qld State President	Des Holloway
Joint Qld State Senior Vice President	V. Robinson
Joint Qld State Vice President	B. Rushan
Joint Qld State Vice President	Kevin Anderson
Joint Qld State Vice President	Peter Neilson
Joint Qld State Assistant Secretary	Mark Hickey
Joint Qld State Assistant Secretary	Geoff Wilson
Joint Qld State Assistant Secretary	P. Waters

Queensland State Executive

Shall consist of the abovenamed persons listed as Queensland State Officers plus an additional person being the FFTS Union Division Qld Branch Assistant Secretary.

Queensland State Conference

Shall consist of those persons listed above as being the Queensland State Executive and the persons listed herein as members of the Building Unions Queensland Divisional Branch Management Committee, the members of the UMW Divisional Branch Management Committee and the members of the FEDFA Divisional Branch Management Committee and members of the FFTS Union Division Qld Divisional Branch Management Committee.

BUILDING UNIONS DIVISION

DIVISIONAL OFFICERS

Joint Divisional President	A. Littler
Joint Divisional President	B. Ethell
Divisional Secretary	S. Sharkey
Joint Divisional Assistant Secretary	J. Sutton
Joint Divisional Assistant Secretary	L. Fraser
Joint Divisional Senior Vice President	D. McDonald
Joint Divisional Senior Vice President	J. McGirr
Joint Divisional Vice President	C. Bates
Joint Divisional Vice President	M. Bingham
Joint Divisional Vice President	T. Burke

BUILDING UNIONS DIVISIONAL EXECUTIVE

The Divisional Officers of Building Unions Division as set out above, and

W. Trohear	Queensland
M. Cordwell	Tasmania
B. Carslake	South Australia
V. Raffa	Victoria
D. Cafferty	Victoria
G. Wason	Australian Capital Territory
D. Matthews	New South Wales
A. Rankin	New South Wales
B. Ethell	Western Australia
T. Carroll	Plasterers
K. Reynolds	WA Plasterers

BUILDING UNIONS DIVISIONAL CONFERENCE

The Divisional Officers of Building Unions Division and the Divisional Executive as set out above, and the following delegates from Building Unions Divisional Branches:

A. Ferguson	(NSW)	A. Wigchert	(QLD)
P. Grainger	(NSW)	M. Hickey	(QLD)
J. Briggs	(NSW)	T. Richardson	(QLD)
T. Morrison	(NSW)		
T. Mawdsley	(NSW)	F. O'Grady	(VIC)
J. Taylor	(NSW)	R. Williams	(VIC)
I. Smith	(NSW)	M. Kingham	(VIC)
B. Woodham	(NSW)	J. Saddington	(VIC)
T. McDonald	(NSW)		
E. Boatswain	(NSW)	R. Todd	(WA)

- together with the OPDU Federal Council as at the date of amalgamation.

BUILDING UNIONS DIVISIONAL TRUSTEES

W. Trohear	(QLD)
R. Driver	(ACT)

BUILDING UNIONS NSW DIVISIONAL BRANCH

Divisional State President	P. McClelland
Divisional State Secretary	D. Matthews
Joint Divisional State Assistant Secretary	A. Ferguson
Joint Divisional State Assistant Secretary	T. Burke
Joint Divisional State Assistant Secretary	A. Rankin
Divisional State Vice President	G. McArthur

BUILDING UNIONS NSW DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners
T. Morrison
J. Pineiro
I. Smith
L. Strutzenberger
M. Barrios

Bricklayers
H.D. Eisenhammer
A. Baxter

Builders Labourers
J. Ashdown
P. Balcombe

Bridge & Wharf
A. Melnikoff

Tilelayer
L. Quill

Slater & Tiler
M. Murphy

Painters
J. Anning
J. Foster
J. Hoddle

I. Gavin
S. Green

Stonemason
S. Cafarella

Plasterer
C. Howarth

BUILDING UNIONS NSW DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and -

Sydney Zone

Sydney Carpenters & Joiners
H. Brazao
P. Bristow
T. Connolly
P. Eggers
E. Elder
G. Kelly
F. Malis
P. Leyden
A. Zdrilic

Sydney Bricklayers
V. Catania
J. Taylor
M. McAliney

Sydney Builders Labourers
B. Granata
E. Harbidge
G. Sheen
D. Stean
J. McGee
S. Whetter

Country Zone

Country Carpenters & Joiners
L. Allen
R. Wills

Country Bricklayer
D. Atkinson

Country Builders Labourer
W. Shipman

Bridge & Wharf
C. Ford

Tilelayers
L. Quill

Slaters & Tilers
M. French

Stonemasons
J. Robinson

Plasterer
K. Andrews

Newcastle Zone

Newcastle Carpenters & Joiners
J. Allen
P. Cuskelly

Newcastle Bricklayer
L. Deeks

Newcastle Builders Labourer
E. Purins

Wollongong Zone

Wollongong Carpenters & Joiners
T. Gray
G. Karry

Wollongong Bricklayer
W. Hall

Wollongong Builders Labourer
M. Ward

BUILDING UNIONS NSW DIVISIONAL BRANCH TRUSTEES

T. Morrison
L. Strutzenberger
S. Green
J. Anning

BUILDING UNIONS NSW DIVISIONAL BRANCH ORGANISERS

B. Miller
P. Grainger
W. Baker
J. Briggs
B. Cochrane
N. Fodor
J. Higgins
J. Curruthers
J. Prentice
J. McKee
T. Hunt
M. Lawler
P. Zaboyak
M. Lynch
S. Manna
T. Mawdsley
D. Sullivan
C. Bates
J. Adams
J. McGahan
B. Beasley

Newcastle: R. Jarman

BUILDING UNIONS NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

T. McDonald
S. Sharkey
D. McDonald
J. Briggs
I. Smith
P. Grainger
J. Taylor
J. Sutton
T. Burke
E. Boatswain
D. Matthews
L. Fraser
C. Bates
A. Ferguson
T. Morrison
T. Mawdsley
B. Woodham

BUILDING UNIONS QLD DIVISIONAL BRANCH

Divisional State President	P. Stone
Divisional State Secretary	W.W. Trohear
Divisional State Assistant Secretary	M. Hickey
Divisional State Assistant Secretary	P. Waters
Divisional State Vice President	K. Anderson
Divisional State Vice President	B. Rushan

BUILDING UNIONS QLD DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

B. Tucker
P. Stone
T. Richardson
R. Bostock
K. Marcus
K. Anderson
B. Hopton
K. Bull
R. Vanderhorst
A. Pountey
F. Pearson
J. Gruer
G. Federer
B. Hall
G. Horn
B. McGill
M. Edwards

BUILDING UNIONS QLD DIVISIONAL BRANCH TRUSTEES

P. Stone
T. Richardson
R. Bostock
R. Vanderhorst

BUILDING UNIONS QLD DIVISIONAL BRANCH ORGANISERS

W. Perrett
D. Kersey
T. Richardson
K. Murphy
K. Carroll
G. Howcroft
A. Wigchert

BUILDING UNIONS QLD DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. Trohear
A. Wigchert
M. Hickey
T. Richardson

BUILDING UNIONS WA DIVISIONAL BRANCH

Divisional State President	A. Baxter
Divisional State Secretary	B. Ethell
Divisional State Assistant Secretary	R. Todd

BWIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

N. Houston
P. Alcantara
B. Churchill
B. Freeman
T. Bird
H. Johnson
M. Banks
J. Giles

BWIU WA DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

Perth
G. Curtin
R. Gaskell
C. Knight
B. Waller
A. De Klerk
M. Floud
N. Drayton
A. Hughes
K. Bulloch
J. Fitzgerald

Fremantle/Medina
C. Gorham
A. Phillips
J. Allison
P. Fairbotham
J. Curran

South West
J. McDonell

BWIU WA DIVISIONAL BRANCH ORGANISERS

D. Wildgoose
J. Gallagher

BWIU WA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Ethell
R. Todd

BUILDING UNIONS WA PLASTERERS DIVISIONAL BRANCH

Divisional State President	Mark Hudston
Divisional State Secretary	Kevin Reynolds
Divisional Branch Delegate to National Conference	Kevin Reynolds
Divisional State Vice President	Roy Cox
Divisional Committee of Management	James Hamilton
	Michael Naughton
Divisional Branch Organiser	Robert Manwaring

BUILDING UNIONS TAS DIVISIONAL BRANCH

Divisional State President	Stephen Hevey
Divisional State Secretary	Max Cordwell
Divisional State Assistant Secretary	T. Benson
Joint Divisional State Vice President	Ray Browne
Joint Divisional State Vice President	Ray Carroll
Joint Divisional State Vice President	M. Collins

BUILDING UNIONS TAS DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Adrian Telha	Paul Ridgeway
Roy Smedley	Grant Jackson
Ray Carroll	Gary Taylor
R. Edwards	L. Verrell

BUILDING UNIONS TAS DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

002 Area	003 Area
C. Green	A.J. Smith
A. Currie	L. Edwards
R. Dillon	P. Harris

004 Area

W. Maloney
B. Knowles
R. Doe

BUILDING UNIONS TAS DIVISIONAL BRANCH TRUSTEES

Max Cordwell	Stephen Hevey
Ray Browne	Adrian Telha
R. C. Edwards	A. R. Benson

BUILDING UNIONS TAS DIVISIONAL BRANCH ORGANISERS

Mark Telha
Martin Clifford
Ray Carroll

BUILDING UNIONS TAS DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

M. Cordwell

BUILDING UNIONS VIC DIVISIONAL BRANCH

Divisional State President	F. O'Grady
Divisional State Secretary	V. Raffa
Divisional Branch Assistant Secretaries	M. Kingham M. Bingham
Divisional State Vice President	B. Oliver

BUILDING UNIONS VIC DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners	**Builders Labourers**	**Painters**
R. Williams	T. Sinclair	M. Baird
R. Carter	R. Ryan	M. Garcia
G. Lavery	J. Nicol	K. B. Hughes
D. Van Dam	P. Lennon	P. Boyle
M. Santana	M. Bingham	M. Evans
W. Torpey	M. Ratel	
D. Noonan		
B. Giagnacovo		

Tilelayer	**Stonemason**
Z. Prazac	M. Newham

BUILDING UNIONS VIC DIVISIONAL BRANCH COUNCIL

Carpenters & Joiners	**Builders Labourers**
V. Nicoli	T. Bockting
K. Green	G. Young
D. Black	G. Miles
A. Moore	D. Noonan
W. Oliver	K. Hughes
H. Kotsabis	J. Bruce
D. Jacobson	J. McPartlin
G. Preddy	C. Leatham
D. Shacklock	

Stonemasons	**Tilelayers**
A. Patience	O. Kypta
G. Slack	Z. Prazak

Zone Delegates

Ballarat	Bendigo
V. Broes	T. Coleman
L. Brown	N. Pyle
N. Davidson	L. Worme

Brunswick
M. Kingham
W. McConnel
F. Stradijot

Camberwell
J. Baysinger
R. Bentley
S. Mitchell

Clifton Hill
F. Amarante
R. Collins
S. West

Essendon
D. Deprisco
T. Hancy
V. Raffa

Footscray
P. Leckie
F. Lopez
R. Storey

Geelong
J. Cody
J. O'Mara
B. Roche

Goulburn Valley
C. Craig
A. Kerris
P. O'Flaherty

Latrobe Valley
V. Beaton
M. Smith
A. Nabulsi

Melbourne
R. Carter
M. Santana
G. Tsotsos

Mordialloc
G. Burleigh
I. Nichol
P. Sullivan

Murray Valley
L. Fahey
S. Masterson
J. Salinger

Oakleigh
L. Bacolas
J. Medlyn
B. Smith

Preston
M. Collingburn
R. Lucas
N. Porter

Prahran
B. Giagnacovo
A. Medina
S. Delaney

Richmond
D. Blake
C. Commons
R. Hakainsson

South Western
K. O'Connor
A. Sargent
G. Sullivan

Sunraysia
A. Boldock
D. Costa
M. Dawes

Wimmera
R. Nesibit
G. Scott
A. Patterson

BUILDING UNIONS VIC DIVISIONAL BRANCH TRUSTEES

M. Kingham
B. Oliver
Vacant

M. Bingham
F. O'Grady
M. Baird

BUILDING UNIONS VIC DIVISIONAL BRANCH ORGANISERS

R. Welsh
T. Sinclair
R. Storey
W. Bingham
A. Medina

H. Kotsabis
R. Carter
T. O'Kane
D. Riddell
G. Young

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D. Jacobson
D. Noonan
P. Muldeary
M. Kingham
M. Garcia

BUILDING UNIONS VIC DIVISIONAL BRANCH DELEGATES DIVISIONAL CONFERENCE

F. O'Grady
M. Kingham
V. Raffa
R. Williams
J. Saddington
M. Bingham

BUILDING UNIONS SA DIVISIONAL BRANCH

Divisional State President	A. Johnson
Divisional State Secretary	B. Carslake
Divisional State Vice President	G. Millar
Divisional State Vice President	D. Stapleton
Divisional State Assistant Secretary/Treasurer	T. Carroll
Divisional State Assistant Secretary/Treasurer	J. McGirr

BUILDING UNIONS SA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

BWIU	PLASTERERS	PAINTERS
F. Gosden	G. Parrish	George Tilley
T. Karrandjis	R. Watson	Greg Tilley
C. Morton	R. Bennett	Lambden
D. Sellmann	A. Spano	Weir
T. Middleton	S. Kesisoglou	McEwan
		Evans

BUILDING UNIONS SA DIVISIONAL BRANCH ORGANISERS

M. Gnatenko
H. Koemecker
M. Bella

BUILDING UNIONS SA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Carslake

BUILDING UNIONS ACT DIVISIONAL BRANCH

Divisional State President	R. Driver
Divisional State Secretary	G. Wason
Joint Divisional State Assistant Secretary	S. Hambesis
Joint Divisional State Assistant Secretary	T. Zeltner
Divisional State Vice President	K. Lundy
Divisional State Vice President	J. McHugh

BUILDING UNIONS ACT DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Pyner
J. Grey Reitz

A. Dillon
J. Long
T. Lagoya
J. Diamante
G. McGowan-Lay
P. Johnstone
D. Rail
G. Roderick
L. Lancsar
B. Larke
G. Cleghorn
P. Trapani

BUILDING UNIONS ACT DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

D. Thompson
B. Norman
C. Kaskoutas
M. Morgan
T. Gooden
G. Kirkwood
G. Frasin
W. Thompson
J. Clyde
R. Hemsley

BUILDING UNIONS ACT DIVISIONAL BRANCH TRUSTEES

G. Wason
S. Hambesis
G. McGowan-Lay
R. Driver
K. Lundy

BUILDING UNIONS ACT DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

G. Wason

ATAIU DIVISIONAL BRANCH OFFICE HOLDERS

ATAIU DIVISIONAL OFFICERS

Divisional President	G. Hillier
Divisional Secretary	T. Smith
Divisional Assistant Secretary	C. Northover
Divisional Senior Vice President	S. Murphy
Joint Divisional Vice President	P. Illidge
Joint Divisional Vice President	B. King

ATAIU DIVISIONAL TRUSTEES

J. Tuckwell
V. Stargatt
Q. Cook

Who form the Divisional Executive, and who with the following form the Divisional Conference

A. Roberg (SA)
C. Butler (TAS)
J. Gallogley (NSW)
M. Schuppan (NSW)
J. Beeson (VIC)
E. Swainston (VIC)
A. Dunlop (Pulp & Paper)
M. St Clair (SA)
B. Anderson (NSW)
J. Quartermaine (NSW)
B. Campbell (NSW)
B. Murpy (VIC)
M. Graham (Pulp & Paper)

ATAIU SA DIVISIONAL BRANCH

ATAIU SA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Young
Divisional Branch Secretary	Q. Cook
Divisional Branch Vice Presidents	M. St Clair
	A. Roberg

ATAIU SA DIVISIONAL BRANCH TRUSTEES

E. Cathro	P. Martinella
J. Nicks	

Who form the Executive.

ATAIU SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

L. Barry	T. Goodrich
L. Kilsby	F. Beimans
G. Schultz	L. Pelkonen
B. Lockwood	

ATAIU SA DIVISIONAL COUNCIL DELEGATES

M. St Clair	A. Young
T. Smith	Q. Cook

ATAIU NSW DIVISIONAL BRANCH

ATAIU NSW DIVISIONAL BRANCH OFFICERS

Divisional President	B. Anderson
Divisional Secretary	G. Hillier
Divisional Assistant Secretary	J. Tuckwell
Divisional Vice Presidents	G. Sacco
	J. Gallogley

ATAIU NSW DIVISIONAL BRANCH TRUSTEES

S. McDonald	M. Schuppan
B. Campbell	

Who are officers and form the Executive.

ATAIU NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

W. Englert	K. Yelverton
S. Hudson	J. Quartermain
W. Sentance	C. McGowan
C. Brooks	

ATAIU NSW DIVISIONAL COUNCIL DELEGATES

G. Hillier
J. Gallogley
J. Quartermain
B. Campbell
B. Anderson
S. McDonald
K. Yvelton

ATAIU VIC DIVISIONAL BRANCH

ATAIU VIC DIVISIONAL OFFICERS

Divisional President	V. Stargatt
Divisional Secretary	B. King
Divisional Vice Presidents	V. Iluk
	E. Swainston

ATAIU VIC DIVISIONAL BRANCH TRUSTEES

J. Beeson
B. Murphy
T. Carley

ATAIU VIC DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

J. Browne
P. Love
T. Stinton
S. Wilson
B. Harms
R. Owens
C. Walkear
P. Tait

ATAIU VIC DIVISIONAL COUNCIL DELEGATES

V. Stargatt
J. Beeson
B. Murphy
M. Lynch
E. Swainston

ATAIU TAS DIVISIONAL BRANCH

ATAIU TAS DIVISIONAL BRANCH OFFICERS

Divisional President	C. Butler
Divisional Secretary	S. Murphy
Divisional Vice Presidents	R. Ford
	D. Turriff

ATAIU TAS DIVISIONAL BRANCH TRUSTEES

C. Butler
R. Smith
S. Cahoon

ATAIU TAS DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

M. Barber
R. Foster
D. Harkes
B. Riley
S. Cahoon
R. French
N. Lincoln
R. Smith

ATAIU TAS DIVISIONAL COUNCIL DELEGATES

C. Butler
S. Murphy

ATAIU WA DIVISIONAL BRANCH

ATAIU WA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Cook
Divisional Branch Secretary	A. A'Vard
Divisional Branch Vice President	D. Murie
Divisional Branch Treasurer	R. Taylor

ATAIU WA DIVISIONAL BRANCH TRUSTEES

P. McCarthy	K. Smith
R. Henry	

ATAIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

R. J. Smith	C. Hagelund
R. Reiter	K. Cameron
V. McGlinn	J. Savage
G. P. Jaeschke	M. Bennett
W. J. Hall	

ATAIU NO. 7 DIVISIONAL BRANCH

ATAIU NO. 7 DIVISIONAL BRANCH OFFICERS

Divisional Branch President	P. Illidge
Divisional Branch Secretary/Treasurer	C. Northover
Divisional Branch Assistant Secretary/Treasurer	M. Graham
Divisional Vice Presidents	A. Dunlop
	R. Johnson

ATAIU NO. 7 DIVISIONAL BRANCH TRUSTEES

C. Northover	M. Graham

ATAIU NO. 7 DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

D. Garlick	G. Aston
T. Mackerell	G. Morley
N. Anderson	C. Glaubitz
N. Allen	D. McKay
M. Donoghue	P. Graham
J. Wright	T. Kelly
W. Hardy	G. Lincoln
G. Draper	T. Dwyer

ATAIU NO. 7 DIVISIONAL COUNCIL DELEGATES

C. Northover	M. Graham
P. Illidge	

ATAIU NOWRA SUB-BRANCH

President	Peter Graham
Senior Vice President	Harry Knowles
Junior Vice President	Tim Cato

Secretary-Treasurer	Mervyn Donoghue
Committee of Management	Rhonda Shelley
	Jim Evans
	Ray Clarke
	Alan Whitton

Delegate to No. 7 Branch	
Committee of Management	Mervyn Donoghue
	Peter Graham

ATAIU BURNIE SUB-BRANCH

President	George Draper
Senior Vice President	Barry Connors
Junior Vice President	Eric Edwards
Secretary-Treasurer	Geoffrey Lincoln

Committee of Management

Alan Claridge	Graham Wells
Anthony Johnson	Andrew Crawn
Jack Wylie	Russell Norton
Danny Rowlands	Richard Troughton
Noel Stubbs	Rex Berry

Delegate to No. 7 Branch	
Committee of Management	Geoffrey Lincoln
	George Draper

ATAIU PORT HUON SUB-BRANCH

President	Barry Young
Senior Vice President	Colin McMullin
Junior Vice President	Jeff Parsons
Secretary-Treasurer	Wayne Hardy

Committee of Management

Neville Burgess	Graeme Goaman
David Greatbatch	Ricky Cowen

Delegate to No. 7 Branch	
Committee of Management	Wayne Hardy

ATAIU MYRTLEFORD SUB-BRANCH

President	Vacant
Senior Vice President	Bruce Dale
Junior Vice President	Paul Ryan
Secretary-Treasurer	Trevor Dwyer
Committee of Management	Oliver Evans
	Colin Richardson
	Trevor Davis
	Robert Arnold
	Christopher Stone
Delegate to No. 7 Branch	
Committee of Management	Trevor Dwyer

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ATAIU MARYVALE SUB-BRANCH

President	Neville Anderson
Senior Vice Persident	Charles Glaubitz
Junior Vice President	Cidge Fabris
Secretary/Treasurer	Graeme Morley
Committee of Management	
Steven Gilham	Robert Brown
Vernon Jones	Charles Stuart
Geoffrey Dorling	Brian McNamara
Peter Morris	Steven Mason
Wayne Snell	Vincent Nabel
Delegates to No. 7 Branch Committee of Management	Neville Anderson Charles Glaubitz Graeme Morley
Delegates Gippsland Trades & Labour Council	Graeme Morley Vernon Jones Brian McNamara Robert Brown

ATAIU SYDNEY SUB-BRANCH

President	Donald McKay
Senior Vice Pesident	Ron McElhinney
Junior Vice President	Edward Pram
Secretary-Treasurer	Philip Illidge
Committee of Management	
William Daly	Les Smith
William Flowers	Anthony De Bono
Harry Marshall	Wayne Trewella
Mark Skennerton	Joseph Bodor
Delegates to No. 7 Branch Committee of Management	Philip Illidge Donald McKay

ATAIU BROADFORD SUB-BRANCH

President	Vacant
Senior Vice President	Vacant
Junior Vice President	Vacant
Secretary-Treasurer	Len Allen
Committee of Management	Garry Nesbitt Terry Hobson Alan Cole Craig Waters
Delegate to No. 7 Branch Committee of Management	Len Allen

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ATAIU MILLICENT SUB-BRANCH

President	John Wright
Senior Vice Pesident	Trevor Kelly
Junior Vice President	Richard Watts
Secretary-Treasurer	Robert Johnston
Committee of Management	Michael King
	Graeme Richards
	Mavis Kloock
	Graeme Richardson
	Gilbert Mouat
	Helen Walker
Delegates to No. 7 Branch Committee of Management	John Wright
	Trevor Kelly
	Robert Johnston

ATAIU MELBOURNE SUB-BRANCH

President	David Garlick
Senior Vice President	George Ashton
Junior Vice President	Vacant
Secretary-Treasurer	Alexander Dunlop

Committee of Management

William Horton	Stan Mazur
Terry Mackerell	Steve Morris
Tom Donelly	Ian James
Alex Miller	Michael Adamopolous

Delegates to No. 7 Branch Committee of Management	Alexander Dunlop
	David Garlick
	George Aston
Delegates to Victorian Trades Hall Council	Alexander Dunlop
	William Horton
	Terry Mackerell
	Malcolm Graham

UMW DIVISION

In accordance with Rule 42 - Transitional Provisions of the Rules of the Union being the National Rules the officers of the previously existing Mining Division immediately prior to the date of effect of the amalgamation shall be, on and from the date of effect of amalgamation the officers of the UMW Division which is the new name for the previous Mining Division and the only change therein shall be, to the extent necessary, the change in the title of office to reflect the change in the name of the Division from Mining Division to UMW Division.

FEDFA DIVISION

DIVISIONAL OFFICERS

Divisional President	M. McDonald
Divisional Secretary	V. Fitzgerald
Divisional Assistant Secretary	T. Maher

FEDFA DIVISIONAL EXECUTIVE

The Divisional Officers of FEDFA Division as set out above, and

I. Peel	New South Wales
J. Van Camp	Victoria
G. Betts	Queensland
G. Day	South Australia
B. O'Neil	Barrier
M. Grey	Tasmania
D. McIntyre	Western Australia

FEDFA DIVISIONAL CONFERENCE

The Divisional Officers of FEDFA Division and the Divisional Executive as set out above, and the following delegates from FEDFA Divisional Branches:

T. Maher	(NSW)
P. Jordan	(NSW)
B. Neilson	(VIC)
M. Hill	(VIC)
D. Holloway	(QLD)
G. Purtill	(QLD)
L. Wilson	(QLD)
B. Samson	(Barrier)
M. Buckley	(SA)
B. Low	(WA)
R. Harrison	(TAS)

FEDFA NSW DIVISIONAL BRANCH

Divisional Branch President	M. Smith
Divisional Branch Secretary	I. Peel
Divisional Branch Assistant Secretary	S. Gartrell

FEDFA NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above,

FEDFA NSW DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and regional delegates and organisers stated below,

Metropolitan	**Northern Region**
P. Wormleaton	N. Rose
R. Johnson	M. Sealby
B. Francis	G. Webb
D. Whitehead	D. Owens

D. Dunn
J. Nixon

Southern Region
K. Anderson
B. Barnham
G. Freeman
T. Potter

Western Area
R. Fuller
W. Williams

FEDFA NSW DIVISIONAL BRANCH ORGANISERS

Metropolitian
G. Avouris
T. Grant
S. Cochran

Northern
M. Beehag
S. Harding
L. Sinclair

Riverina
S. King
J. Wilson

Western
G. Childs

Southern
H. Miller

Mining
P. Jordan

Energy
A. Drew

FEDFA NSW DIVISIONAL BRANCH TRUSTEES

D. Dunn
L. Robinson
J. Owens

FEDFA NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

V. Fitzgerald
T. Maher
P. Jordan
I. Peel

FEDFA VICTORIAN DIVISIONAL BRANCH

Divisional Branch President	M. McDonald
Divisional Branch Secretary	J. Van Camp
Divisional Branch Assistant Secretary	M. Greenbury
Divisional Branch Vice President	M. Hill

FEDFA VICTORIAN DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

M. French
D. McDonald
D. Baker
J. Kadziela
A. Mercieca

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FEDFA VICTORIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional Officers as set out above, and -

SECV Yallourn
P. Wilson

SECV Morwell
G. Reid

SECV LaTrobe
(vacant)

Organisers Rep.
A. Riley
M. Hallett

Country Provisional
W. Fleet
M. French
T. McKenzie
P. Skinner

Metropolitian
D. Baker
J. Kadziela
D. McDonald
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH ORGANISERS

W. Fleet
M. French
R. Hallett
M. Hill
A. Riley

TRUSTEES

M. McDonald
J. Van Camp

FEDFA VICTORIAN DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

J. Van Camp
M. McDonald
M. Hill
B. Nielson

FEDFA BARRIER DIVISIONAL BRANCH

Divisional Branch President	B. Samson
Divisional Branch Secretary	W. O'Neil
Divisional Branch Vice President	R. Hunter

FEDFA BARRIER DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above,

FEDFA BARRIER DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

D. Brennan
A. Fraser
E. Snaith
R. Adams
B. Sayers

FEDFA BARRIER DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. O'Neil
B. Samson

TRUSTEES

R. Adams
B. Sayer
E. Snaith

FEDFA TASMANIAN DIVISIONAL BRANCH

Divisional Branch President — B. Bishop
Divisional Branch Secretary — M. Grey

FEDFA TASMANIAN DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and - D. Dawson

FEDFA TASMANIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

Launceston
D. Dawson

Hobart
M. Hyland

Devonport
(vacant)

Tullah
T. Jones

Burnie
L. Britton

Savage River
R. Harrison

Rosebery/Lyell
N. Hartnell

Organisers
D. Moncrieff
B. Best

FEDFA TASMANIAN DIVISONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

M. Grey
R. Harrison

FEDFA WA DIVISONAL BRANCH

Divisional Branch President — (vacant)
Divisional Branch Secretary — (vacant)

FEDFA WA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

FEDFA WA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

P. Bates
I. Douglas
T. Feeney
D. Hellyer

FEDFA WA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

B. Low
(vacant)

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FEDFA SA DIVISIONAL BRANCH

Divisional Branch President	G. Bull
Divisional Branch Secretary	G. Day
Divisional Branch Vice President	F. Stonys

FEDFA SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Rogers	R. Brewer

FEDFA SA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

J. Rodgers	K. Maywald
F. Grosso	F. Harrison
R. Brewer	

ORGANISER

R. Brewer

FEDFA SA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

G. Day
M. Buckley

FEDFA QUEENSLAND DIVISONAL BRANCH

Divisional Branch President	D. Holloway
Divisional Branch Secretary	G. Betts
Divisional Branch Assistant Secretary	G. Wilson

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

S. Douglas	B. Scheuber
C. Swift	R. Coleman
L. Wilson	J. Spencer

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch State Management Committee as set out above, and -

M. Dowvendans	T. Quaid
L. Genrich	N. Rampton
R. Beattie	H. Heumiller
J. Rossington	C. Price
(vacant)	

FEDFA QUEENSLAND DIVISIONAL BRANCH ORGANISERS

D. Bloxsom	H. Heumiller
G. Flack	C. Price
C. Gillespie	T. Rosier

J. Rossington
R. Tremlin
B. Stacker

FEDFA QUEENSLAND DIVISIONAL BRANCH TRUSTEES

D. Holloway
G. Betts
S. Douglas
L. Wilson

FFTS UNION DIVISION

DIVISIONAL OFFICERS

Divisional President	A. Findlay
Divisional Secretary	L. Kyriacou
Divisional Assistant Secretary	M. Haritou
Divisional Senior Vice-President	S. Wales
Divisional Junior Vice-President	D. Frater

FFTS UNION DIVISIONAL EXECUTIVE

The Divisional Officers of the FFTS Union Division as set out above, and

A. Smith	New South Wales
V. Robinson	Queensland

FFTS UNION DIVISIONAL CONFERENCE

The Divisional Officers of the FFTS Union Division and the Divisional Executive as set out above, and the following delegates from the FFTS Union Divisional Branches;

W. Brown	(VIC)
M. Findlay	(VIC)
R. Smith	(NSW)
R. Groat	(SA)
A. Cookson	(QLD)
R. Orange	(TAS)

FFTS UNION VIC. DIVISIONAL BRANCH

Divisional Branch President	M. Mitten
Divisional Branch Secretary	L. Kyriacou
Divisional Branch Assistant Secretary	A. Findlay
Divisional Branch Senior Vice-President	W. Brown
Divisional Branch Junior Vice-President	C. Avent
Divisional Branch Organiser	M. Haritou
Divisional Branch Organiser	R. Shugg

FFTS UNION VIC. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch Officers as set out above and -

A. Frazer
G. Lee
J. Maines
J. Patti
I. Whitcroft
J. Calvert
N. Hazeldine
P. Linzos
J. O'Brien
J. Robins
L. Zanandrea

FFTS UNION NSW DIVISIONAL BRANCH

Divisional Branch President	R. Smith
Divisional Branch Secretary	S. Wales
Divisional Branch Assistant Secretary	R. Smith
Divisional Branch Vice-President	J. Callaway
Divisional Branch Organiser	Jack Lawrence

FFTS UNION NSW DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

J. Campbell	R. Davies
K. Campbell	W. Kraan
Robert Cumbo (Trustee)	Harry Irvine (Trustee)

FFTS UNION S.A. DIVISIONAL BRANCH

Divisional Branch President	R. Groat
Divisional Branch Secretary	D. Frater
Divisional Branch Assistant Secretary	S. Rowe
Divisional Branch Senior Vice-President	J. Emery
Divisional Branch Junior Vice-President	A. Reeves
Divisional Branch Organiser	S. Rowe
Divisional Branch Organiser	P. Wong
Divisional Branch Organiser	T. Woods

FFTS UNION S.A. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

B. Billington	M. Brownlie
P. Crisanti	A. Czora
A. Howlett	J. Salter
G. Whitford	

FFTS UNION QLD DIVISIONAL BRANCH

Divisional Branch President	G. William
Divisional Branch Secretary	V. Robinson
Divisional Branch Vice-President	A. Amos
Divisional Branch Assistant Secretary	A. Cookson

FFTS UNION QLD. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and - G. Dawson

FFTS UNION TAS DIVISIONAL BRANCH

Divisional Branch President	S. Negus
Divisional Branch Secretary	J. Gill
Divisional Branch Assistant Secretary	R. Orange
Divisional Branch Vice-President	C. Schoenwald
Additional Divisional Branch Executive member	W. Picken
Additional Divisional Branch Executive member	P. Green

FFTS UNION TAS DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

C. Sproule
W. Bandlow

END OF RULES

[105N-FED: Incorporates alterations of 01/01/2014 determined on 19/12/2013 in matter R2013/122 and corrected on 12 December 2014]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 97 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union.

DELEGATE OF GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission]

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1 - NAME

The name of the Union shall be the "Construction, Forestry, Mining and Energy Union".

2 - CONSTITUTION

(A)(A) The following unlimited number of persons, whether male or female, are eligible to be members of the Union

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in

paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;
(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, shall be eligible to be members of the Union including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

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

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker

Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due

south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:

(i) All persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) An unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board, strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) Such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members are eligible to be members of the Union.

(E) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:-

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

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

(b) Further, provided that, without limiting the generality of the foregoing the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building are eligible to be members of the Union. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other sub-rule or paragraph or being limited thereby an unlimited number of persons who are employed in, or competent to be employed in or in connection with the following industries or trades are eligible to be members of the Union:
Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and

employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland are eligible to be members of the Union.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

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1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the following are eligible to be members of the Union: an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation

and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work

Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler,

generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery

and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

4 - OBJECTS

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

2. To regulate the conditions under which all members, of the Union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or association, or association of Trades Unions or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Branches, Divisions, Divisional Branches, Sub-Branches, Districts or Sections of the Union throughout the Commonwealth of Australia.

7. To further any scheme that has for its object the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labour and Trade Union newspapers and wireless broadcasting and television stations, and to invest in shares in such newspapers and radio and television stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide labour or Trade Union Organisation or Association.

10. To establish and manage a Union Journal or Journals.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

14. To render legal and other assistance to members, to protect the interests of the Union in all its Branches and to assist other trade unions by any legal method.

15. To obtain such other objects as the National Conference or National Executive shall from time to time determine.

16. To organise the education of members.

17. To establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Divisional or Divisional Branches.

18. The advancement of members intellectually, morally and socially and to do all things which, in the opinion of the Union, is in the interest of members including donations to political parties, the achievement of compulsory unionism, preference in employment, retrenchment, promotion, demotion and transfer in employment, the production and distribution of newspapers, journals and the like.

19. To achieve such other objects as may be lawfully adopted by any Division of the Union.

20. To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

"BOARD" means a group of persons who supervise a corporation, organisation, association or other like body including a Board of Directors.

"DECLARED PERSON OR BODY" For the purpose of rule 24D (and 50D) means:

(i) an officer of the Union/Branch who has disclosed a material personal interest under Rule 24C/50C; and

(ii) the interest relates to, or is in, the person or body; and

(iii) the officer has not notified the Union/Branch that the officer no longer has the interest.

"DISCLOSURE PERIOD" means the financial year of the Union as referred to in Rule 24.

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

"FINANCIAL DUTIES" includes duties that relate to the financial management of the Union or a Branch of the Union.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"FINANCIAL YEAR" means the financial year of the Union as referred to in Rule 24.

"GENERAL MANGAGER" means the General Manager of the Fair Work Commission.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"NON-CASH BENEFIT" means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.

"OFFICE" has the same meaning as defined by Section 9 of the *Fair Work (Registered Organisations) Act* 2009.

"PEAK COUNCIL" means a national or State council or federation that is effectively representative of a significant number of organisations (within the ordinary meaning of the term) representing employers or employees in a range of industries.

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

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union and in the case of the Forestry, Furnishing, Building Products and Manufacturing Division, of the Division.

"RELATED PARTY" has the same meaning as defined by section 9B of the *Fair Work (Registered Organisations) Act* 2009.

"RELATIVE" in relation to a person means:

(i) parent, step-parent, child, step-child, grandparent, grandchild, brother or sister or the person; or

(ii) the spouse of the first mentioned person.

"RELEVANT NON-CASH BENEFITS" in relation to an officer of the Union/Branch for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer's duties as an officer, by the Union/Branch or by a related party of the Union/Branch.

"RELEVANT REMUNERATION" in relation to an officer of the Union/Branch for a disclosure period is the sum of the following:

(i) any remuneration disclosed to the Union/Branch by the officer under Rules 24B/50B during the disclosure period;

(ii) any remuneration paid during the disclosure period, to the officer by the Union/Branch.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL

BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

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

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

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

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

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

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

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Mining and Energy Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Workplace Relations Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

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

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v) (a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised

officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

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

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

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

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.202 of the Industrial Relations Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

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

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

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

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

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

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary

of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.
Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telegram or telex.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, telephonic, telegraphic, telex, verbal and/or written vote (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) The National Executive Committee shall, on and from the first election for National Officers held after July 2010, consist of the National Officers, being the National Secretary, National President, National Assistant Secretary and three (3) National Vice Presidents of the Union together with such of the following elected officers of each Division at a National level namely:-

- in the case of the Construction and General Division, the Divisional Secretary, two (2) Divisional Assistant Secretaries, the Divisional President and three (3) additional National Executive Committee members elected by and from the Construction and General Division Divisional Conference.

- in the case of the Forestry, Furnishing, Building Products and Manufacturing Division, the Divisional Secretary, the Divisional Senior Assistant Secretary, the Divisional President and the Divisional Assistant Secretary who is also the District Secretary of the PPW District of the Division.

- in the case of the Mining and Energy Division, the General President, the General Secretary and two (2) additional National Executive Committee members elected by and from the Mining and Energy Divisional Conference.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive and National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six (6). A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a facsimile, telephonic, email, written and/or postal vote of members of the National Executive or National Executive Committee at any time. Members of the National Executive or National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or facsimile or email or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or email.

15 - NATIONAL EXECUTIVE

(i) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a

Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

Provided that in the case of the Forestry, Furnishing, Building Products and Manufacturing Division for purposes of this sub-rule a reference to the Principal Officer of a Divisional Branch shall be a reference to the District Secretary of a District of that Division.

(ii) The National Officers shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

Provided that, the National Principal Officers holding office at 16 July 2010 shall, unless they resign or are removed from office in accordance with these rules, continue to hold office until 31 December 2010.

The National Officers elected in 2010 shall commence office on 1 January 2011.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

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

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Industrial Relations Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

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

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

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

16 - ELECTION OF NATIONAL OFFICERS

(i) The National Officers shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union (howsoever described in the Divisional Rules) and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Forestry Division and the General President of the Mining and Energy Division shall between them hold the positions of National Secretary, National Assistant Secretary and National President.

Further provided that, there shall be one Vice President from each Division who shall be nominated by and from their own Divisional Conference.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office. Further provided that in the case of a vacancy in one or more of the National Officer positions, the National Executive may fill such office by appointment from those members of the National Executive Committee who are otherwise eligible to hold the vacant office.

Provided however that any such appointment/s shall ensure that each Division maintains its representation of two (2) officers amongst the National Officers.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by post, letter, telegram, telephone, telex, facsimile and/or verbally as soon as the count is completed.

(ix) In any ballot of the National Collegiate for the election of National Officers, the representatives of each of the Divisions shall cast votes proportionate to the membership of their respective Divisions determined in the same way, the necessary changes being made, as votes cast by delegates to the National Conference in accordance with Rule 13(iii) and (iv) herein.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(ii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iii) Except in the case of the Mining & Energy Division and the Forestry, Furnishing, Building Products and Manufacturing Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) That nominations are called in accordance with the rules of the Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) That the nominations process, closure and receiving of, are in accordance with the rules of the Division.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) Officers of all Divisional Branches holding such office at the date of amalgamation shall remain in office until the general election of officers held in 1996 and shall be eligible to nominate in that election. In this paragraph officers of all Divisional Branches shall mean officers of branches of the amalgamating unions being the persons listed in the schedule hereto.

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall, in accordance with the Rules of the Division, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only:-

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) The candidate's statement provided for in accordance with sub-rule (h) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail all ballot papers, in accordance with the Rules of the Division.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed closed in accordance with the rules of the Division.

(r) That the opening and closing of the ballot shall be in accordance with the rules of the Division.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

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

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

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except Mining and Energy Division and Forestry, Furnishing, Building Products and Manufacturing Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(ii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iii) The Divisional Officers at a national level shall be members of that Divisional Executive.

(iv) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

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

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

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

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

National Executive shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS/MEMBERS

1. The following sets out the duties of the National Officers outlined herein. The National Secretary shall be a full time position. The wages and costs relating to the office of the full time officer shall be borne by the Union.

2. National President:

   The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

   The National President shall have a deliberative vote only.

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

3. National Secretary:

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

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

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

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

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

The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretaries:

National Assistant Secretaries shall perform all duties assigned to them by National Conference and National Executive. They shall attend all meetings of National Conference and National Executive.

5. National Vice-Presidents:

The National Vice-Presidents shall assist the National President in the conduct of meetings and in the absence of the National President, shall act as President.

He/she shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

6. Members of National Executive and Delegates to National Conference:

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

7. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

8. No officers, employees, delegates or members shall be required to do, or required to omit to do, any act in breach of legislation applicable to the CFMEU.

9. Except as provided for by resolution of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof), it shall not be part of the duties of any delegate/steward, officer or employee, including organisers, whether temporary or not, to threaten, initiate, counsel, procure, induce, be involved in, engage in or be party to industrial action as defined by the Workplace Relations Act 1996 or building industrial action as defined by the Building and Construction Industry Improvement Act 2005.

22A - TRAINING OF OFFICERS

(a) This rule shall take effect on the commencement of Schedule 1 Part 2 of the *Fair Work (Registered Organisations) Amendment Act 2012*.

(b) Each person holding an office in the Union, including its Branches, Divisions and Divisional/District Branches whose duties include duties that relate to the financial management of

the Union, including its Branches, Divisions and Divisional/District Branches shall undertake training:

(i) approved by the General Manager under the provisions of the *Fair Work (Registered Organisations) Act 2009* or an Act replacing that Act; and

(ii) that covers each of the officer's financial duties.

(c) An officer shall complete the training required by sub-rule (b) within:

(i) six (6) months after the person begins to hold office; or

(ii) if the officer holds office at the date of the Proclamation referred to in sub-rule (a), within six (6) months of that date.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

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

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. No funds shall be drawn from the Bank or financial institution except by cheque signed by two persons who are a National Secretary, National Assistant Secretary, National President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President or National Assistant Secretary. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents

the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

(viii) Any fines, penalties, damages, costs or other sum(s) ordered by a court against the Union is, if the conduct of a Division's officers, employees, agents or members made the Union liable for such amount(s), to be funded by that Division.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

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

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the National Secretary of a petition, signed by not less than 5% of the members of the Union, requesting that a general meeting of members of the Union be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the National Office, the National Secretary shall convene such meeting as soon as is practicable.

24A - POLICIES AND PROCEDURES - EXPENDITURE

(a) The Union shall develop and implement internal control policies and procedures relating to the expenditure of the Union, to ensure that the Union is conducted in accordance with the principles of good governance and to ensure accountability to members of the Union.

(b) Such policies and procedures shall be adopted by the National Executive and once adopted, shall be binding on all officers and members of the Union. Such policies and procedures must be identified in the resolutions of the National Executive as Rule 24A policies and procedures.

(c) Rule 24A policies and procedures must be published on the website of the Union with fourteen (14) days of their adoption.

(d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Branch, Division and Divisional/District Branch of the Union.

24B - DISCLOSURE BY OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

(a) Each person holding office in the Union shall disclose to the Union any remuneration paid to the officer:

(i) because the officer is a member of a board if:

(A) the officer is a member of the board only because the officer is an officer of the Union; or

(B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or

(ii) by a related party of the Union, in connection with the performance of the officer's duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Union shall disclose to the members of the Union:

(i) the identity of each officer of the Union who, when all officers of the Union are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than fifth;

(ii) the identity of each officer of each Division and Divisional/District Branch who, when all officers of the Division and Divisional/District Branches are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second; and

(iii) for each of those officers

(A) the actual amount of the officer's relevant remuneration for the disclosure period; and

(B) the form of the officer's relevant non-cash benefits for the disclosure period.

(d) For the purposes of sub-rules (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

24C - DISCLOSURE BY OFFICERS OF MATERIAL PERSONAL INTEREST

(a) Each person holding an office in the Union shall disclose to the Union any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Union including any Branch, Division or Divisional/District Branch thereof.

(b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The National Executive shall disclose to the members of the Union the interests disclosed to the Union pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year:

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

24D - DISCLOSURE BY UNION OF PAYMENTS

(a) The Union shall disclose to the members of the Union including its Branches, Divisions and Divisional/District Branches either of the following

(i) each payment made by the Union, during the disclosure period:

(A) to a related party of the Union or Branch; or

(B) to a declared person or body of the Union including its Branches, Divisions and Divisional/District Branches; or

(ii) the total of the payments made by the Union including its Branches, Divisions and Divisional/District Branches, during the disclosure period:

(A) to each related party of the Union or Branch; or

(B) to each declared person or body of the Union including its Branches, Divisions and Divisional/District Branches.

(b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Union including its Branches, Divisions and Divisional/District Branches from remuneration payable to officers or employees of the Union including its Branches, Divisions and Divisional/District Branches.

(c) Sub-rule (a) does not apply to a payment made to a related party if:

(i) the related party is an officer of the union; and

(ii) the payment:

(A) consists of remuneration paid to the officer by the union; or

(B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(d) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

25 - ALTERATION OF RULES

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

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telegraphic, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Industrial Relations Act (Commonwealth) or the regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the Industrial Relations Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

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

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each division shall have autonomy in relation to its funds and property.

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

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

(vi) Divisions, other than the Forestry, Furnishing, Building Products and Manufacturing Division, shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland, New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.202 of the Industrial Relations Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of state unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or National Assistant Secretary or any person authorised by a National Secretary or National President or National Assistant Secretary so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary or any person authorised by a Divisional Secretary or Divisional Assistant Secretary may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, Divisional Secretary or Divisional Assistant Secretary, or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests

issued by a Divisional Secretary or Divisional Assistant Secretary or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National Assistant Secretary, National President, Divisional Secretary and/or Divisional Assistant Secretary shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.

(g) The taking of industrial action (within the meaning of the Workplace Relations Act 1996), building industrial action (within the meaning of the Building and Construction Industry Improvement Act 2005) or picketing by members is not authorised by the union without the consent of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof).

Provided however that the preceding paragraph shall not restrict the right of a person or body duly authorised by such a committee of management to authorise industrial action in accordance with s 446 (1)(a) of the Workplace Relations Act 1996, or any successor provisions thereto.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 361 Kent Street, Sydney in the State of New South Wales, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

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

Where the Union is dissolved the property of the Union shall be vested in the trustees of each existing Division at the time of dissolution for the benefit of the members thereof on the basis that each such

Division will continue to hold its own property and funds and any property or funds not vested at the time of dissolution in a Division shall be divided between the existing Divisions on a basis proportionate to the membership of each such Division.

35 - RECOVERY OF DUES

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

36 - LEVIES

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

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

(iii) A Division or Divisional Branch may impose a levy on its members.

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

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

37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

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

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

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

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

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

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

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

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

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

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

   If the votes are equal the question is resolved in the negative.

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

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

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

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

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

11. Any delegate or member speaking shall at once resume their seat -

    (a) If the chairperson rises to speak; or
    (b) If a point of order is raised.

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

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

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

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

CHAIRPERSON'S RULINGS

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

SUSPENSION OF ORDER OF BUSINESS

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

SITTING AS A COMMITTEE

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

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

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

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

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the Industrial Relations Act 1988, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, telex, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above

demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee, following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted

(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) deleted

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes

place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary

shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - Divisional Restructuring (FEDFA)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps which steps may deal with one Division at a time, Divisional Branches within a Division and/or the Divisional Office of any particular Division.

2. In relation to the above, the FEDFA Division shall be restructured in steps which shall involve:

(a) The abolition of full-time Divisional Officers at a national level and the allocation of responsibility for the FEDFA Division between the Building Unions Division and the UMW Division;

(b) The allocation of full-time Divisional Officers of the FEDFA Division to the Building Unions Division and the UMW Division;

(c) The continued operation of the Divisional Branches of the FEDFA Division with the intent, over time, of the restructuring of said Divisional Branches in accordance with Rule 42, into the Building Unions/Construction and General Division, UMW/Mining & Energy Division and the ATAIU/Forestry Division;

(d) The payment of capitation fees by FEDFA Divisional Branches to a designated fund which shall be administered by the Divisional Secretary of the FEDFA Division or, if or when that Office is abolished by the former Divisional Secretary and the Divisional Secretaries of the Building Unions and/or Construction and General Division and the UMW and/or Mining and Energy Division.

(e) The continued meeting of the Division Executive of the FEDFA Division for so long as is necessary before the complete restructuring of the FEDFA Division is effected in accordance with Rule 42.

3. On and from 27 September 1993, in accordance with the above procedure, the current Divisional Secretary of the FEDFA Division shall be and become the Divisional President of the Building Unions Division and the current Divisional Assistant Secretary of the FEDFA Division shall be and become a Divisional General Vice-President of the UMW Division and upon translation in accordance with Rule 42 (iii), shall hold the corresponding offices in the Construction and General Division and the Mining & Energy Division respectively.

4. The current Divisional Secretary and Divisional Assistant Secretary of the FEDFA Division shall continue to hold those positions in the FEDFA Division on an honorary basis until such time as the FEDFA Division no longer meets on a national basis.

5. This Rule shall come into force after its adoption by the National Executive and agreement thereto by the FEDFA Divisional Executive, UMW Divisional Executive and Building Unions Divisional Executive and thereupon shall be registered with the Australian Industrial Registry and shall take effect upon registration, or 27 September 1993, whichever is the later.

6. Further to the above provisions, and notwithstanding any other rule of the Union to the contrary, during the process of restructuring, any Divisional Branch of the FEDFA Division may reach agreement with any or all of the UMW Division/Mining & Energy Division and/or the Building Unions Division/Construction and General Division and/or the Forestry Division or the relevant Divisional Branches thereof to transfer members and officers of the FEDFA Division to any and/or all of the other aforementioned Divisions. Such agreement shall be reached with the approval of the Management Committee or its equivalent in each Divisional Branch and the officers concerned. Any such Divisional Branch may reach agreement on some or all of the matters relating to such transfer and, failing agreement on any or all of such matters, refer the matters by agreement to the National Executive for decision. Until such time as there no longer exists an FEDFA Division in accordance with the Rules of the Union, all such officers transferred shall, notwithstanding the holding of positions in other Divisions, continue to hold the office or position in the FEDFA Division on an honorary basis and shall, to the extent that the Rules require same, continue to perform the functions associated with that office in relation to the FEDFA Division. All agreements in relation to the transfer of members and officers shall be notified to the National Executive Committee and attached to the Minutes thereof. Such agreements shall have force and effect in accordance with the terms thereof and from the date of effect of that agreement as specified in that agreement, or failing any specification thereof, on the date of the agreement.

7. The following table shows the restructuring of the FEDFA Division, merging with the appropriate Union Division to create Industry Divisions:

	(	merged with	)
STATE	CONSTRUCTION AND GENERAL	MINING AND ENERGY	FORESTRY
National Office	27 Sept 1993	27 Sept 1993	
Queensland	4 Feb 1994	1 Jan 1993	
New South Wales		Northern 2/4/93 Southern 1/7/93 Western 8/4/93 Energy 21/7/93	
Tasmania	31 July 1996	24 August 1996	1 Jan 1994
Sth Aust	1 Aug 1993	1 Aug 1993	
West Aust	1 Sept 1993	1 Sept 1993	

06515

Victoria	1 Aug 2003	2 Jan 2001
Barrier		1 July 1996

42B - Merger with ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DIVISIONAL RESTRUCTURING (FFTS)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps, such steps may deal with one Division at a time and/or Divisional Branches within a restructured Division at a time.

2. In relation to the above, the FFTS Division shall on and from the 11th February 2002, be restructured in the first instance into the Forestry Division to form “The Forestry, Furnishing, Building Products and Manufacturing Division” (FFPD) which shall result in:

   (a) The abolition of full-time FFTS Divisional Officers at a national level and the allocation of responsibility for the FFTS Division to the restructured Division.

   (b) The allocation of Divisional/Branch Office Holders of the FFTS Division to the Office Holders positions of the restructured Division.

   (c) The continued operation of the Victorian and Queensland Divisional Branches of the FFTS Division within the restructured Division of up to four years beyond the expiration of the eight years referred to in sub-rule 42(xii). This sub-rule shall not otherwise affect the operation of sub-rule 42(xii). For the avoidance of doubt, the four years referred to in this sub-rule shall expire on 26 March 2005.

3. Further to the above provisions and notwithstanding any other rule of the Union to the contrary, the FFTS Victorian Branch shall unless otherwise agreed by the FFTS Victorian Branch Management Committee maintain its current structure and existence within the restructured Division up until 26 March 2005.

4. Prior to the 26 March 2005, the FFPD (which shall include representatives of the former FFTS Division) and the Construction & General Division (which shall include representatives from the National Office and all interested Branches) will meet under the chairpersonship of the National Secretary of the CFMEU to reach agreement to finalise translation/integration provisions intended by the respective Schemes of Amalgamation and the Rules of the Union in respect to the Forestry, FFTS and C&G Divisions.

5. Should agreement not be reached between the Divisions the matter shall be referred to the CFMEU National Executive to determine in accordance with the Schemes of Amalgamation and Rules of the Union.

6. Until the elections scheduled to be held in August 2004 the FFPD shall be constituted and represented as follows:-

(a) Divisional Conference shall consist of:-

(i) Forestry Division Representatives

Trevor Smith	SA	Jane Calvert	VIC
Paul Martinella	SA	Andy Laing	VIC
Mark Nicholls	SA	Ian Mullen	VIC
Brenton Lockwood	SA	Michael O'Connor	VIC
Scott McLean	TAS	Brad Platschinda	VIC
Colin Butler	TAS	Bevan Anderson	NSW
Gary Jaeschke	WA	Bruce CampbellNSW	
Christopher Northover	P&P	Craig Smith	NSW
Phillip Illidge	P&P	Eileen Anderson	NSW
Alex Millar	P&P	Kenneth Miller	NSW
Debbie Brennan	P&P		

(ii) FFTS Division Representation

Jim Emery	SA	Leo Skourdoumbis	VIC
David Kirner	SA	Frank Vari	VIC
Brad Parker	NSW	Joe Patti	VIC
Greg Williams	QLD	Cliff Palmer	VIC
John O'Brien	VIC	Alwin Seneviratne	VIC

(iii) Representation

Representation of the Forestry and FFTS Division Branches shall be in accordance with Rule 8 of the Forestry Division Rules.

(b) Divisional Executive shall consist of:-

(i)

Jane Calvert	Divisional President
Phillip Illidge	Divisional Snr V/President
Brad Parker	Divisional V/President
Craig Smith	Divisional V/President
Trevor Smith	Divisional Secretary
Chris Northover	Divisional Snr Assistant Secretary (Honorary)
Michael O'Connor	Divisional Assistant Secretary
Leo Skourdoumbis	Divisional Assistant Secretary (Honorary)

Kenneth Miller	Divisional Trustee
Dave Kirner	Divisional Trustee
Frank Vari	Divisional Trustee
Scott McLean	Divisional Trustee
Paul Martinella	Divisional Executive Member
Greg Williams	Divisional Executive Member
Gary Jaeschke	Divisional Executive Member

(c) FFPD NSW Branch Executive/Committee of Management

Brad Parker	Joint President (full-time)
Bevan Anderson	Joint President (Honorary)
Bruce CampbellSnr V/President	
Jayne Willet	Jnr V/President (AA)
Tom Abramovic	Jnr V/President
Craig Smith	Secretary
Sala Taalilil	Trustee
Eileen Anderson	Trustee (AA)
Peter Reilly	Trustee
Ronnie Watson	Trustee
Kenneth Miller	Trustee
Alan Lanyon	Committee Member
Barry Barrakett	Committee Member
Cheryl Hampton	Committee Member
Kerry Hickey	Committee Member
Mark Thompson	Committee Member
Michael Schuppan	Committee Member
Peter StClair	Committee Member
Anthony Ovington	Committee Member

(2 Vacant COM positions to be filled by FFTS)

(d) (a) FFPD VIC FFTS Branch Executive/Committee of Management

Joe Patti	President
Cliff Palmer	V/President
John O'Brien	V/President
Leo Skourdoumbis	Secretary
Frank Vari	Assistant Secretary
Michael Doran	Trustee
Ernie Landolt	Trustee
Les Ford	Trustee
Florencio P Carrion	Committee Member
Eric Maher	Committee Member
Jeffery Connor	Committee Member
Brenda Crawford	Committee Member
Penny Lintzos	Committee Member
James Maine	Committee Member
Alwin Seneviratne	Committee Member
Greg Wheeler	Committee Member
Chris Christou	Committee Member
Damian Cooke	Committee Member
Ian Morris	Committee Member

(b) FFPD VIC Forestry Branch Executive/Committee of Management

Andy Laing	President
Ian Mullen	Snr V/President
Andrew Wareham	V/President

Kim Mason	V/President (AA)
Jane Calvert	Secretary
Yorick Piper	Assistant Secretary
Kevin Wyley	Trustee
Clare Burford	Trustee (AA)
Ken Tonkin	Trustee
Mark Nelson	Trustee
Ricky Owens	Committee Member
Bob Salmnon	Committee Member
Wayne Smith	Committee Member
Neil Saunders	Committee Member
David Sheppard	Committee Member
Sunsera Verhoven	Committee Member
Anthony Jones	Committee Member
Duncan Ingram	Committee Member
Graeme Howe	Committee Member

(1 vacant COM AA position to be filled)

(e) FFPD Pulp & Paper Branch Executive/Committee of Management

Phillip Illidge	President
Robert Johnston	Snr V/President
Alex Millar	Jnr V/President
Chris Northover	Secretary/Treasurer
Grant Keys	Trustee
Chris Northover	Trustee
Alex Millar	Trustee
Geoff Gasperotti	Committee Member
Wayne Hardy	Committee Member
Andrew Ball	Committee Member
Greg Stewart	Committee Member
David Jessup	Committee Member
Mervyn Donoghue	Committee Member
Tom Blacka	Committee Member
Craig Waters	Committee Member
Ken Fraser	Committee Member
William Davey	Committee Member
Greg Godde	Committee Member
Trevor Sinclair	Committee Member
Marne Gurney	Committee Member

(f) FFPD SA Branch Executive & Committee of Management

Jim Emery	President
Mark Nicholls	Snr V/President
Tony Howlett	V/President
Maree Gale	V/President
Paul Martinella	Secretary
David Kirner	Assistant Secretary
Steve Crafter	Trustee
Tom Kenny	Trustee
Ross Bennetta	Trustee
Leonie Kiploks	Trustee (AA)
Karen Cory	Committee Member
Mark Vickers	Committee Member
Peter Nelson	Committee Member
Greg Muhovics	Committee Member
Andrew Sampson	Committee Member

Kym Isaacson	Committee Member
Peter Starr	Committee Member
Bill Burns	Committee Member
Bernie Maguire	Committee Member
Laurie Barbary	Committee Member

(1 Vacant COM AA position to be filled by FFTS)

(g) FFPD TAS Branch Executive & Committee of Management

Colin Butler	President
Angela Lord	Snr V/President
Narrelle Bassett	V/President (AA)
Anthony Clay	V/President
Scott McLean	Secretary
Shiralee Gillespie	Trustee (AA)
Ronald Brown	Trustee
Leanne Hardy	Trustee (AA)
Lindsay Hills	Trustee
Robert Bowden	Committee Member
Paul Worker	Committee Member
Peter Mason	Committee Member
Margaret Watson	Committee Member
Kylie Dundas	Committee Member
Joseph Kelly	Committee Member
Anthony Barnes	Committee Member
Adrian Littlejohn	Committee Member

(h) FFPD QLD Branch Executive/Committee of Management

Ursula Korableff	President
Desmond Flanagan	V/President
Stephan Williams	V/President
Greg Williams	Secretary
Rodney Black	Committee Member
Vincent Breen	Committee Member
John Forrest	Committee Member

(i) FFPD WA Branch Executive/Committee of Management

John Rudge	President
Vincent Preedy	Snr V/President
Douglas Ashcroft	V/President
Gary Jaeschke	Secretary (Honorary)
John Cleary	Trustee
Garry Rampling	Trustee

7. This rule shall come into force on and from 11 February 2002 in accordance with the unanimous decision of the National Executive and shall be registered with the Australian Industrial Registry.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State

Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS

(i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

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

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

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

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made pursuant thereto.

Upon receipt by the State Branch Secretary of a petition, signed by not less than 5% of the members of the State Branch, requesting that a general meeting of members of the State Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the State Branch, the State Branch Secretary shall convene such meeting as soon as is practicable.

50A - POLICIES AND PROCEDURES - EXPENDITURE

(a) Each Branch shall develop and implement internal control policies and procedures relating to the expenditure of the Branch, to ensure that the Branch is conducted in accordance with the principles of good governance and to ensure accountability to members of the Branch.

(b) Such policies and procedures shall be adopted by the State Executive and once adopted, shall be binding on all officers and members of the Branch. Such policies and procedures must be identified in the resolutions of the State Executive as Rule 50A policies and procedures.

(c) Rule 50A policies and procedures must be published on the website of the Branch with fourteen (14) days of their adoption.

(d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Division and Divisional/District Branch of the Union.

50B - DISCLOSURE BY BRANCH OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

(a) Each person holding office in a Branch shall disclose to the Branch any remuneration paid of the officer:

(i) because the officer is a member of a board if:

(A) the officer is a member of the board only because the officer is an officer of the Branch; or

(B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or

(ii) by a related party of the Branch, in connection with the performance of the officer's duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Branch shall disclose to the members of the Branch:

(i) the identity of each officer of the Branch who, when all officers of the Branch are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second;

(ii) for each of those officers

(A) the actual amount of the officer's relevant remuneration for the disclosure period; and

(B) the form of the officer's relevant non-cash benefits for the disclosure period.

(d) For the purposes of sub-rules (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50C - DISCLOSURE BY BRANCH OFFICERS OF MATERIAL PERSONAL INTEREST

(a) Each person holding an office in the Branch shall disclose to the Branch any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Union or Branch.

(b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The State Executive shall disclose to the members of the Branch the interests disclosed to the Branch pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year:

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50D - DISCLOSURE BY BRANCH OF PAYMENTS

(a) The Branch shall disclose to the members of the Branch either of the following

(i) each payment made by the Branch, during the disclosure period:

(A) to a related party of the Branch; or

(B) to a declared person or body of the Branch; or

(ii) the total of the payments made by the Branch during the disclosure period:

(A) to each related party of the Branch; or

(B) to each declared person or body of the Branch.

(b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Branch from remuneration payable to officers or employees of the Branch.

(c) Sub-rule (a) does not apply to a payment made to a related party if:

(i) the related party is an officer of the Branch; and

(ii) the payment:

(A) consists of remuneration paid to the officer by the Branch; or

(B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(d) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

SCHEDULE OF OFFICERS REFERRED TO IN RULE 42 (xiv) (a)

POSITION	PERSON TO HOLD POSITION
NATIONAL UNION	
** Joint National Secretary	Stanley Sharkey
** Joint National Secretary	Vic Fitzgerald
** Joint National President	John Maitland
** Joint National President	Trevor Smith
** National Assistant Secretary	John Sutton
** National Senior Vice President	Lou Kyriacou
* National Senior Vice President	Albert Littler
National Senior Vice President	Bill Ethell
Joint National Vice President	Christopher Northover
Joint National Vice President	Kenneth Hawkins
Joint National Vice President	Malcolm McDonald
Joint National Vice President	Thomas Burke
* FEDFA Divisional Assistant Secretary	Tony Maher
* BWIU/Plasterers Divisional Assistant Secretary	Lindsay Fraser
* ATAIU Divisional Assistant Secretary	Chris Northover
* UMW Divisional General Secretary	Eric A Wilks
* UMW Divisional Vice President	Kenneth Hawkins

NATIONAL EXECUTIVE COMMITTEE shall consist of the six (6) principal officers (marked **) plus the other full-time Divisional Officers of each Division (marked *).

NATIONAL EXECUTIVE shall consist of the persons who constitute the National Executive Committee set out above and the Divisional Branch Secretary of each Divisional Branch of each Division set out herein and shall, in accordance with Rule 42 (viii) (a) include the National President and National Secretary of the former OPPWF. This body shall also include the Divisional Branch Secretaries from Victoria, New South Wales, South Australia and Queensland of the FFTS Union Division.

It also includes the South Australian, Victoria and Queensland Branch Secretaries and the NSW Branch Assistant Secretary of the former OPDU.

NATIONAL CONFERENCE shall consist of the persons listed as the members of the four (4) divisional executives set out herein until 2 January 1997, the following shall also be a delegate,

T. Richardson - Secretary of former OPPWF, Queensland Branch.

The National Conference shall also include the persons (as set out herein) comprising the Federal Executive of the FFTS Union Division while that Union Division remains autonomous.

BRANCHES OF THE UNION

NEW SOUTH WALES BRANCH

New South Wales State Officers

Joint NSW State Secretary	Dennis Matthews
Joint NSW State Secretary	Ian Peel
Joint NSW State President	Gavin Hillier
Joint NSW State President	Michael Watson
Joint NSW State Assistant Secretary	Andrew Ferguson
Joint NSW State Assistant Secretary	Alf Rankin
Joint NSW State Senior Vice President	Thomas Burke
Joint NSW State Senior Vice President	Peter McClelland
Joint NSW State Senior Vice President	Edward Curran
Joint NSW State Senior Vice President	Sid Wales
Joint NSW State Vice President	Bevan Anderson
Joint NSW State Vice President	Howard Fisher
Joint NSW State Vice President	Mick Smith
Joint NSW State Vice President	Gary McArthur

New South Wales State Executive

Shall consist of the abovenamed persons being the NSW State Officers together with the persons who are the full-time Divisional Branch officers, other than organisers, of each Divisional Branch, being,

ATAIU NSW Divisional State Assistant Secretary, Joyce Tuckwell
FEDFA NSW Divisional State Assistant Secretary, Scott Gartrell
FFTS NSW Union Divisional State Assistant Secretary, Rex Smith

New South Wales State Conference

Shall consist of the persons who constitute NSW State Executive as listed above (i.e. including NSW State Officers) and the persons being the other members of ATAIU NSW Divisional Branch Management Committee and the Building Unions NSW Divisional Branch Management Committee and the UMW Divisional Branch Management Committee, and the FEDFA NSW Divisional Branch Management Committee and the FFTS Union Division NSW Branch Management Committee listed herein.

VICTORIAN BRANCH

Victorian State Officers

Joint Vic State Secretary	John Van Camp
Joint Vic State Secretary	Vince Raffa
Joint Vic State President	Barry King
Joint Vic State President	Lou Kyriacou
Joint Vic State Assistant Secretary	Martin Kingham
Joint Vic State Assistant Secretary	Vacant

Vic State Senior Vice President	Frank O'Grady
Joint Vic State Vice President	Vilma Stargatt
Joint Vic State Vice President	Malcolm McDonald
Joint Vic State Vice President	Alex Findlay
Joint Vic State Vice President	Vacant

Victorian State Executive

Shall consist of the abovenamed persons being the Victorian Divisional Officers, Building Unions Victorian Divisional State Assistant Secretary and the FEDFA Victorian Divisional State Assistant Secretary plus FFTS Union Division Victorian Divisional Branch Senior Organiser.

Victorian State Conference

Shall consist of the persons who constitute the persons being the other members of the ATAIU Victorian Divisional Branch Management Committee, the BWIU Victorian Divisional Branch Management Committee and the FEDFA Victorian Branch Management Committee and the FFTS Union Division Victorian Divisional Branch Management Committee listed herein.

SOUTH AUSTRALIAN BRANCH

South Australian State Officers

SA State Secretary	Ben Carslake
SA State President	Quentin Cook
Joint SA Senior State Vice President	A. Johnson
Joint SA Senior State Vice President	D. Frater
Joint SA State Vice President	A. Young
Joint SA State Vice President	G. Bull
Joint SA State Vice President	D. Stapleton
Joint SA State Assistant Secretary	Terry Carrol
Joint SA State Assistant Secretary	Geoff Day
Joint SA State Assistant Secretary	J. McGirr

South Australian State Executive

Shall consist of the abovenamed persons being South Australian State Officers and

ATAIU SA Divisional Branch Assistant Secretary
FFTS SA Divisional Branch Assistant Secretary

South Australian State Conference

Shall consist of the persons who constitute South Australian State Executive set out above and the persons being the other members of the ATAIU South Australian Divisional Branch Management Committee, the Building Unions South Australian Divisional Branch Management Committee the FFTS Union Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee listed herein.

TASMANIAN BRANCH

Tasmanian State Officers

Joint Tas State Secretary	Max Cordwell
Joint Tas State Secretary	Mike Grey
Joint Tas State President	Shayne Murphy
Joint Tas State President	Leonard Miles
Tas State Senior Vice President	Stephen Hevey

Joint Tas State Vice President	J. Gill
Joint Tas State Vice President	Colin Butler
Joint Tas State Vice President	M. Collins
Joint Tas State Vice President	David Bean
Joint Tas State Vice President	Barry Bishop
Joint Tas State Vice President	Ray Carroll
Tas State Assistant Secretary	

Tasmanian State Executive

Shall consist of the Full Time Tasmanian State Officers.

Tasmanian State Conference

Shall consist of the persons listed as the Tasmanian State Executive set out above and, the other persons being the persons listed as members of the ATAIU Tasmanian Divisional Branch Management Committee, UMW Tasmanian Divisional Branch Management Committee, the Building Unions Tasmanian Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee and the FFTS Union Division Tasmanian Branch Management Committee listed herein.

AUSTRALIAN CAPITAL TERRITORY BRANCH

ACT State Officers

ACT State Secretary	George Wason
ACT State President	Rod Driver
Joint ACT State Vice President	Kate Lundy
Joint ACT State Vice President	J. McHugh
Joint ACT State Assistant Secretary	Trevor Zeltner
Joint ACT State Assistant Secretary	Stan Hambesis

ACT State Executive

Shall consist of the abovenamed persons listed as ACT State Officers.

ACT State Conference

Shall consist of those persons listed above as being the ACT State Executive and the other persons listed herein as members of the Building Unions ACT Divisional Branch Management Committee.

WESTERN AUSTRALIAN BRANCH

Western Australian State Officers

WA State Secretary	Bill Ethell
Joint WA State President	John Borlini
Joint WA State President	Alex A'Vard
Joint WA State Vice President	Gary Wood
Joint WA State Vice President	A. Baxter
Joint WA State Vice President	Ron Kielty
Joint WA State Vice President	A. Cook
Joint WA State Vice President	K. Reynolds
Joint WA State Assistant Secretary	Rick Todd
Joint WA State Assistant Secretary	Dave McIntyre

WA State Executive

Shall consist of the abovenamed persons listed as WA State Officers.

WA State Conference

Shall consist of those persons listed above as being the WA State Executive and the persons listed herein as members of the both Building Unions Divisional Branches' Management Committees, the members of the UMW WA District Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee.

QUEENSLAND BRANCH

Queensland State Officers

Joint Qld State Secretary	William Trohear
Joint Qld State Secretary	Greg Betts
Joint Qld State President	Andrew Vickers
Joint Qld State President	Peter Stone
Joint Qld State President	Des Holloway
Joint Qld State Senior Vice President	V. Robinson
Joint Qld State Vice President	B. Rushan
Joint Qld State Vice President	Kevin Anderson
Joint Qld State Vice President	Peter Neilson
Joint Qld State Assistant Secretary	Mark Hickey
Joint Qld State Assistant Secretary	Geoff Wilson
Joint Qld State Assistant Secretary	P. Waters

Queensland State Executive

Shall consist of the abovenamed persons listed as Queensland State Officers plus an additional person being the FFTS Union Division Qld Branch Assistant Secretary.

Queensland State Conference

Shall consist of those persons listed above as being the Queensland State Executive and the persons listed herein as members of the Building Unions Queensland Divisional Branch Management Committee, the members of the UMW Divisional Branch Management Committee and the members of the FEDFA Divisional Branch Management Committee and members of the FFTS Union Division Qld Divisional Branch Management Committee.

BUILDING UNIONS DIVISION

DIVISIONAL OFFICERS

Joint Divisional President	A. Littler
Joint Divisional President	B. Ethell
Divisional Secretary	S. Sharkey
Joint Divisional Assistant Secretary	J. Sutton
Joint Divisional Assistant Secretary	L. Fraser
Joint Divisional Senior Vice President	D. McDonald
Joint Divisional Senior Vice President	J. McGirr
Joint Divisional Vice President	C. Bates
Joint Divisional Vice President	M. Bingham
Joint Divisional Vice President	T. Burke

BUILDING UNIONS DIVISIONAL EXECUTIVE

The Divisional Officers of Building Unions Division as set out above, and

W. Trohear	Queensland
M. Cordwell	Tasmania
B. Carslake	South Australia
V. Raffa	Victoria
D. Cafferty	Victoria
G. Wason	Australian Capital Territory
D. Matthews	New South Wales
A. Rankin	New South Wales
B. Ethell	Western Australia
T. Carroll	Plasterers
K. Reynolds	WA Plasterers

BUILDING UNIONS DIVISIONAL CONFERENCE

The Divisional Officers of Building Unions Division and the Divisional Executive as set out above, and the following delegates from Building Unions Divisional Branches:

A. Ferguson	(NSW)	A. Wigchert	(QLD)
P. Grainger	(NSW)	M. Hickey	(QLD)
J. Briggs	(NSW)	T. Richardson	(QLD)
T. Morrison	(NSW)		
T. Mawdsley	(NSW)	F. O'Grady	(VIC)
J. Taylor	(NSW)	R. Williams	(VIC)
I. Smith	(NSW)	M. Kingham	(VIC)
B. Woodham	(NSW)	J. Saddington	(VIC)
T. McDonald	(NSW)		
E. Boatswain	(NSW)	R. Todd	(WA)

- together with the OPDU Federal Council as at the date of amalgamation.

BUILDING UNIONS DIVISIONAL TRUSTEES

W. Trohear	(QLD)
R. Driver	(ACT)

BUILDING UNIONS NSW DIVISIONAL BRANCH

Divisional State President	P. McClelland
Divisional State Secretary	D. Matthews
Joint Divisional State Assistant Secretary	A. Ferguson
Joint Divisional State Assistant Secretary	T. Burke
Joint Divisional State Assistant Secretary	A. Rankin
Divisional State Vice President	G. McArthur

BUILDING UNIONS NSW DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners
T. Morrison
J. Pineiro
I. Smith
L. Strutzenberger
M. Barrios

Bricklayers
H.D. Eisenhammer
A. Baxter

Builders Labourers
J. Ashdown
P. Balcombe

Bridge & Wharf
A. Melnikoff

Tilelayer
L. Quill

Slater & Tiler
M. Murphy

Painters
J. Anning
J. Foster
J. Hoddle

I. Gavin
S. Green

Stonemason
S. Cafarella

Plasterer
C. Howarth

BUILDING UNIONS NSW DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and -

Sydney Zone

Sydney Carpenters & Joiners
H. Brazao
P. Bristow
T. Connolly
P. Eggers
E. Elder
G. Kelly
F. Malis
P. Leyden
A. Zdrilic

Sydney Bricklayers
V. Catania
J. Taylor
M. McAliney

Sydney Builders Labourers
B. Granata
E. Harbidge
G. Sheen
D. Stean
J. McGee
S. Whetter

Country Zone

Country Carpenters & Joiners
L. Allen
R. Wills

Country Bricklayer
D. Atkinson

Country Builders Labourer
W. Shipman

Bridge & Wharf
C. Ford

Tilelayers
L. Quill

Slaters & Tilers
M. French

Stonemasons
J. Robinson

Plasterer
K. Andrews

Newcastle Zone

Newcastle Carpenters & Joiners
J. Allen
P. Cuskelly

Newcastle Bricklayer
L. Deeks

Newcastle Builders Labourer
E. Purins

Wollongong Zone

Wollongong Carpenters & Joiners
T. Gray
G. Karry

Wollongong Bricklayer
W. Hall

Wollongong Builders Labourer
M. Ward

BUILDING UNIONS NSW DIVISIONAL BRANCH TRUSTEES

T. Morrison
L. Strutzenberger
S. Green
J. Anning

BUILDING UNIONS NSW DIVISIONAL BRANCH ORGANISERS

B. Miller
P. Grainger
W. Baker
J. Briggs
B. Cochrane
N. Fodor
J. Higgins
J. Curruthers
J. Prentice
J. McKee
T. Hunt
M. Lawler
P. Zaboyak
M. Lynch
S. Manna
T. Mawdsley
D. Sullivan
C. Bates
J. Adams
J. McGahan
B. Beasley

Newcastle: R. Jarman

BUILDING UNIONS NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

T. McDonald
S. Sharkey
D. McDonald
J. Briggs
I. Smith
P. Grainger
J. Taylor
J. Sutton
T. Burke
E. Boatswain
D. Matthews
L. Fraser
C. Bates
A. Ferguson
T. Morrison
T. Mawdsley
B. Woodham

BUILDING UNIONS QLD DIVISIONAL BRANCH

Divisional State President	P. Stone
Divisional State Secretary	W.W. Trohear
Divisional State Assistant Secretary	M. Hickey
Divisional State Assistant Secretary	P. Waters
Divisional State Vice President	K. Anderson
Divisional State Vice President	B. Rushan

BUILDING UNIONS QLD DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

B. Tucker
P. Stone
T. Richardson
R. Bostock
K. Marcus
K. Anderson
B. Hopton
K. Bull
R. Vanderhorst
A. Pountey
F. Pearson
J. Gruer
G. Federer
B. Hall
G. Horn
B. McGill
M. Edwards

BUILDING UNIONS QLD DIVISIONAL BRANCH TRUSTEES

P. Stone
T. Richardson
R. Bostock
R. Vanderhorst

BUILDING UNIONS QLD DIVISIONAL BRANCH ORGANISERS

W. Perrett
D. Kersey
T. Richardson
K. Murphy
K. Carroll
G. Howcroft
A. Wigchert

BUILDING UNIONS QLD DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. Trohear
A. Wigchert
M. Hickey
T. Richardson

BUILDING UNIONS WA DIVISIONAL BRANCH

Divisional State President	A. Baxter
Divisional State Secretary	B. Ethell
Divisional State Assistant Secretary	R. Todd

BWIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

N. Houston
P. Alcantara
B. Churchill
B. Freeman
T. Bird
H. Johnson
M. Banks
J. Giles

BWIU WA DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

Perth
G. Curtin
R. Gaskell
C. Knight
B. Waller
A. De Klerk
M. Floud
N. Drayton
A. Hughes
K. Bulloch
J. Fitzgerald

Fremantle/Medina
C. Gorham
A. Phillips
J. Allison
P. Fairbotham
J. Curran

South West
J. McDonell

BWIU WA DIVISIONAL BRANCH ORGANISERS

D. Wildgoose
J. Gallagher

BWIU WA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Ethell
R. Todd

BUILDING UNIONS WA PLASTERERS DIVISIONAL BRANCH

Divisional State President	Mark Hudston
Divisional State Secretary	Kevin Reynolds
Divisional Branch Delegate to National Conference	Kevin Reynolds
Divisional State Vice President	Roy Cox
Divisional Committee of Management	James Hamilton
	Michael Naughton
Divisional Branch Organiser	Robert Manwaring

BUILDING UNIONS TAS DIVISIONAL BRANCH

Divisional State President	Stephen Hevey
Divisional State Secretary	Max Cordwell
Divisional State Assistant Secretary	T. Benson
Joint Divisional State Vice President	Ray Browne
Joint Divisional State Vice President	Ray Carroll
Joint Divisional State Vice President	M. Collins

BUILDING UNIONS TAS DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Adrian Telha	Paul Ridgeway
Roy Smedley	Grant Jackson
Ray Carroll	Gary Taylor
R. Edwards	L. Verrell

BUILDING UNIONS TAS DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

002 Area	003 Area
C. Green	A.J. Smith
A. Currie	L. Edwards
R. Dillon	P. Harris

004 Area

W. Maloney
B. Knowles
R. Doe

BUILDING UNIONS TAS DIVISIONAL BRANCH TRUSTEES

Max Cordwell	Stephen Hevey
Ray Browne	Adrian Telha
R. C. Edwards	A. R. Benson

BUILDING UNIONS TAS DIVISIONAL BRANCH ORGANISERS

Mark Telha
Martin Clifford
Ray Carroll

BUILDING UNIONS TAS DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

M. Cordwell

BUILDING UNIONS VIC DIVISIONAL BRANCH

Divisional State President	F. O'Grady
Divisional State Secretary	V. Raffa
Divisional Branch Assistant Secretaries	M. Kingham M. Bingham
Divisional State Vice President	B. Oliver

BUILDING UNIONS VIC DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners	**Builders Labourers**	**Painters**
R. Williams	T. Sinclair	M. Baird
R. Carter	R. Ryan	M. Garcia
G. Lavery	J. Nicol	K. B. Hughes
D. Van Dam	P. Lennon	P. Boyle
M. Santana	M. Bingham	M. Evans
W. Torpey	M. Ratel	
D. Noonan		
B. Giagnacovo		

Tilelayer	**Stonemason**
Z. Prazac	M. Newham

BUILDING UNIONS VIC DIVISIONAL BRANCH COUNCIL

Carpenters & Joiners	**Builders Labourers**
V. Nicoli	T. Bockting
K. Green	G. Young
D. Black	G. Miles
A. Moore	D. Noonan
W. Oliver	K. Hughes
H. Kotsabis	J. Bruce
D. Jacobson	J. McPartlin
G. Preddy	C. Leatham
D. Shacklock	

Stonemasons	**Tilelayers**
A. Patience	O. Kypta
G. Slack	Z. Prazak

Zone Delegates

Ballarat	Bendigo
V. Broes	T. Coleman
L. Brown	N. Pyle
N. Davidson	L. Worme

Brunswick
M. Kingham
W. McConnel
F. Stradijot

Camberwell
J. Baysinger
R. Bentley
S. Mitchell

Clifton Hill
F. Amarante
R. Collins
S. West

Essendon
D. Deprisco
T. Hancy
V. Raffa

Footscray
P. Leckie
F. Lopez
R. Storey

Geelong
J. Cody
J. O'Mara
B. Roche

Goulburn Valley
C. Craig
A. Kerris
P. O'Flaherty

Latrobe Valley
V. Beaton
M. Smith
A. Nabulsi

Melbourne
R. Carter
M. Santana
G. Tsotsos

Mordialloc
G. Burleigh
I. Nichol
P. Sullivan

Murray Valley
L. Fahey
S. Masterson
J. Salinger

Oakleigh
L. Bacolas
J. Medlyn
B. Smith

Preston
M. Collingburn
R. Lucas
N. Porter

Prahran
B. Giagnacovo
A. Medina
S. Delaney

Richmond
D. Blake
C. Commons
R. Hakainsson

South Western
K. O'Connor
A. Sargent
G. Sullivan

Sunraysia
A. Boldock
D. Costa
M. Dawes

Wimmera
R. Nesibit
G. Scott
A. Patterson

BUILDING UNIONS VIC DIVISIONAL BRANCH TRUSTEES

M. Kingham
B. Oliver
Vacant

M. Bingham
F. O'Grady
M. Baird

BUILDING UNIONS VIC DIVISIONAL BRANCH ORGANISERS

R. Welsh
T. Sinclair
R. Storey
W. Bingham
A. Medina

H. Kotsabis
R. Carter
T. O'Kane
D. Riddell
G. Young

D. Jacobson
D. Noonan
P. Muldeary
M. Kingham
M. Garcia

BUILDING UNIONS VIC DIVISIONAL BRANCH DELEGATES DIVISIONAL CONFERENCE

F. O'Grady
M. Kingham
V. Raffa
R. Williams
J. Saddington
M. Bingham

BUILDING UNIONS SA DIVISIONAL BRANCH

Divisional State President	A. Johnson
Divisional State Secretary	B. Carslake
Divisional State Vice President	G. Millar
Divisional State Vice President	D. Stapleton
Divisional State Assistant Secretary/Treasurer	T. Carroll
Divisional State Assistant Secretary/Treasurer	J. McGirr

BUILDING UNIONS SA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

BWIU	PLASTERERS	PAINTERS
F. Gosden	G. Parrish	George Tilley
T. Karrandjis	R. Watson	Greg Tilley
C. Morton	R. Bennett	Lambden
D. Sellmann	A. Spano	Weir
T. Middleton	S. Kesisoglou	McEwan
		Evans

BUILDING UNIONS SA DIVISIONAL BRANCH ORGANISERS

M. Gnatenko
H. Koemecker
M. Bella

BUILDING UNIONS SA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Carslake

BUILDING UNIONS ACT DIVISIONAL BRANCH

Divisional State President	R. Driver
Divisional State Secretary	G. Wason
Joint Divisional State Assistant Secretary	S. Hambesis
Joint Divisional State Assistant Secretary	T. Zeltner
Divisional State Vice President	K. Lundy
Divisional State Vice President	J. McHugh

BUILDING UNIONS ACT DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Pyner
J. Grey Reitz

A. Dillon
J. Long
T. Lagoya
J. Diamante
G. McGowan-Lay
P. Johnstone
D. Rail
G. Roderick
L. Lancsar
B. Larke
G. Cleghorn
P. Trapani

BUILDING UNIONS ACT DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

D. Thompson
B. Norman
C. Kaskoutas
M. Morgan
T. Gooden
G. Kirkwood
G. Frasin
W. Thompson
J. Clyde
R. Hemsley

BUILDING UNIONS ACT DIVISIONAL BRANCH TRUSTEES

G. Wason
S. Hambesis
G. McGowan-Lay
R. Driver
K. Lundy

BUILDING UNIONS ACT DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

G. Wason

ATAIU DIVISIONAL BRANCH OFFICE HOLDERS

ATAIU DIVISIONAL OFFICERS

Divisional President	G. Hillier
Divisional Secretary	T. Smith
Divisional Assistant Secretary	C. Northover
Divisional Senior Vice President	S. Murphy
Joint Divisional Vice President	P. Illidge
Joint Divisional Vice President	B. King

ATAIU DIVISIONAL TRUSTEES

J. Tuckwell
V. Stargatt
Q. Cook

Who form the Divisional Executive, and who with the following form the Divisional Conference

A. Roberg (SA)
C. Butler (TAS)
J. Gallogley (NSW)
M. Schuppan (NSW)
J. Beeson (VIC)
E. Swainston (VIC)
A. Dunlop (Pulp & Paper)
M. St Clair (SA)
B. Anderson (NSW)
J. Quartermaine (NSW)
B. Campbell (NSW)
B. Murpy (VIC)
M. Graham (Pulp & Paper)

ATAIU SA DIVISIONAL BRANCH

ATAIU SA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Young
Divisional Branch Secretary	Q. Cook
Divisional Branch Vice Presidents	M. St Clair
	A. Roberg

ATAIU SA DIVISIONAL BRANCH TRUSTEES

E. Cathro	P. Martinella
J. Nicks	

Who form the Executive.

ATAIU SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

L. Barry	T. Goodrich
L. Kilsby	F. Beimans
G. Schultz	L. Pelkonen
B. Lockwood	

ATAIU SA DIVISIONAL COUNCIL DELEGATES

M. St Clair	A. Young
T. Smith	Q. Cook

ATAIU NSW DIVISIONAL BRANCH

ATAIU NSW DIVISIONAL BRANCH OFFICERS

Divisional President	B. Anderson
Divisional Secretary	G. Hillier
Divisional Assistant Secretary	J. Tuckwell
Divisional Vice Presidents	G. Sacco
	J. Gallogley

ATAIU NSW DIVISIONAL BRANCH TRUSTEES

S. McDonald	M. Schuppan
B. Campbell	

Who are officers and form the Executive.

ATAIU NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

W. Englert	K. Yelverton
S. Hudson	J. Quartermain
W. Sentance	C. McGowan
C. Brooks	

ATAIU NSW DIVISIONAL COUNCIL DELEGATES

G. Hillier
J. Gallogley
J. Quartermain
B. Campbell
B. Anderson
S. McDonald
K. Yvelton

ATAIU VIC DIVISIONAL BRANCH

ATAIU VIC DIVISIONAL OFFICERS

Divisional President	V. Stargatt
Divisional Secretary	B. King
Divisional Vice Presidents	V. Iluk
	E. Swainston

ATAIU VIC DIVISIONAL BRANCH TRUSTEES

J. Beeson
B. Murphy
T. Carley

ATAIU VIC DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

J. Browne
P. Love
T. Stinton
S. Wilson
B. Harms
R. Owens
C. Walkear
P. Tait

ATAIU VIC DIVISIONAL COUNCIL DELEGATES

V. Stargatt
J. Beeson
B. Murphy
M. Lynch
E. Swainston

ATAIU TAS DIVISIONAL BRANCH

ATAIU TAS DIVISIONAL BRANCH OFFICERS

Divisional President	C. Butler
Divisional Secretary	S. Murphy
Divisional Vice Presidents	R. Ford
	D. Turriff

ATAIU TAS DIVISIONAL BRANCH TRUSTEES

C. Butler
R. Smith
S. Cahoon

ATAIU TAS DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

M. Barber
R. Foster
D. Harkes
B. Riley
S. Cahoon
R. French
N. Lincoln
R. Smith

ATAIU TAS DIVISIONAL COUNCIL DELEGATES

C. Butler
S. Murphy

ATAIU WA DIVISIONAL BRANCH

ATAIU WA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Cook
Divisional Branch Secretary	A. A'Vard
Divisional Branch Vice President	D. Murie
Divisional Branch Treasurer	R. Taylor

ATAIU WA DIVISIONAL BRANCH TRUSTEES

P. McCarthy	K. Smith
R. Henry	

ATAIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

R. J. Smith	C. Hagelund
R. Reiter	K. Cameron
V. McGlinn	J. Savage
G. P. Jaeschke	M. Bennett
W. J. Hall	

ATAIU NO. 7 DIVISIONAL BRANCH

ATAIU NO. 7 DIVISIONAL BRANCH OFFICERS

Divisional Branch President	P. Illidge
Divisional Branch Secretary/Treasurer	C. Northover
Divisional Branch Assistant Secretary/Treasurer	M. Graham
Divisional Vice Presidents	A. Dunlop
	R. Johnson

ATAIU NO. 7 DIVISIONAL BRANCH TRUSTEES

C. Northover	M. Graham

ATAIU NO. 7 DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

D. Garlick	G. Aston
T. Mackerell	G. Morley
N. Anderson	C. Glaubitz
N. Allen	D. McKay
M. Donoghue	P. Graham
J. Wright	T. Kelly
W. Hardy	G. Lincoln
G. Draper	T. Dwyer

ATAIU NO. 7 DIVISIONAL COUNCIL DELEGATES

C. Northover	M. Graham
P. Illidge	

ATAIU NOWRA SUB-BRANCH

President	Peter Graham
Senior Vice President	Harry Knowles
Junior Vice President	Tim Cato

Secretary-Treasurer	Mervyn Donoghue
Committee of Management	Rhonda Shelley
	Jim Evans
	Ray Clarke
	Alan Whitton
Delegate to No. 7 Branch	
Committee of Management	Mervyn Donoghue
	Peter Graham

ATAIU BURNIE SUB-BRANCH

President	George Draper
Senior Vice President	Barry Connors
Junior Vice President	Eric Edwards
Secretary-Treasurer	Geoffrey Lincoln

Committee of Management

Alan Claridge	Graham Wells
Anthony Johnson	Andrew Crawn
Jack Wylie	Russell Norton
Danny Rowlands	Richard Troughton
Noel Stubbs	Rex Berry

Delegate to No. 7 Branch	
Committee of Management	Geoffrey Lincoln
	George Draper

ATAIU PORT HUON SUB-BRANCH

President	Barry Young
Senior Vice President	Colin McMullin
Junior Vice President	Jeff Parsons
Secretary-Treasurer	Wayne Hardy

Committee of Management

Neville Burgess	Graeme Goaman
David Greatbatch	Ricky Cowen

Delegate to No. 7 Branch	
Committee of Management	Wayne Hardy

ATAIU MYRTLEFORD SUB-BRANCH

President	Vacant
Senior Vice President	Bruce Dale
Junior Vice President	Paul Ryan
Secretary-Treasurer	Trevor Dwyer
Committee of Management	Oliver Evans
	Colin Richardson
	Trevor Davis
	Robert Arnold
	Christopher Stone
Delegate to No. 7 Branch	
Committee of Management	Trevor Dwyer

ATAIU MARYVALE SUB-BRANCH

President	Neville Anderson
Senior Vice Persident	Charles Glaubitz
Junior Vice President	Cidge Fabris
Secretary/Treasurer	Graeme Morley

Committee of Management

Steven Gilham	Robert Brown
Vernon Jones	Charles Stuart
Geoffrey Dorling	Brian McNamara
Peter Morris	Steven Mason
Wayne Snell	Vincent Nabel

Delegates to No. 7 Branch Committee of Management	Neville Anderson
	Charles Glaubitz
	Graeme Morley

Delegates Gippsland Trades & Labour Council	Graeme Morley
	Vernon Jones
	Brian McNamara
	Robert Brown

ATAIU SYDNEY SUB-BRANCH

President	Donald McKay
Senior Vice Pesident	Ron McElhinney
Junior Vice President	Edward Pram
Secretary-Treasurer	Philip Illidge

Committee of Management

William Daly	Les Smith
William Flowers	Anthony De Bono
Harry Marshall	Wayne Trewella
Mark Skennerton	Joseph Bodor

Delegates to No. 7 Branch Committee of Management	Philip Illidge
	Donald McKay

ATAIU BROADFORD SUB-BRANCH

President	Vacant
Senior Vice President	Vacant
Junior Vice President	Vacant
Secretary-Treasurer	Len Allen

Committee of Management	Garry Nesbitt
	Terry Hobson
	Alan Cole
	Craig Waters

Delegate to No. 7 Branch Committee of Management	Len Allen

ATAIU MILLICENT SUB-BRANCH

President	John Wright
Senior Vice Pesident	Trevor Kelly
Junior Vice President	Richard Watts
Secretary-Treasurer	Robert Johnston
Committee of Management	Michael King
	Graeme Richards
	Mavis Kloock
	Graeme Richardson
	Gilbert Mouat
	Helen Walker
Delegates to No. 7 Branch Committee of Management	John Wright
	Trevor Kelly
	Robert Johnston

ATAIU MELBOURNE SUB-BRANCH

President	David Garlick
Senior Vice President	George Ashton
Junior Vice President	Vacant
Secretary-Treasurer	Alexander Dunlop

Committee of Management

William Horton	Stan Mazur
Terry Mackerell	Steve Morris
Tom Donelly	Ian James
Alex Miller	Michael Adamopolous

Delegates to No. 7 Branch Committee of Management	Alexander Dunlop
	David Garlick
	George Aston
Delegates to Victorian Trades Hall Council	Alexander Dunlop
	William Horton
	Terry Mackerell
	Malcolm Graham

UMW DIVISION

In accordance with Rule 42 - Transitional Provisions of the Rules of the Union being the National Rules the officers of the previously existing Mining Division immediately prior to the date of effect of the amalgamation shall be, on and from the date of effect of amalgamation the officers of the UMW Division which is the new name for the previous Mining Division and the only change therein shall be, to the extent necessary, the change in the title of office to reflect the change in the name of the Division from Mining Division to UMW Division.

FEDFA DIVISION

DIVISIONAL OFFICERS

Divisional President	M. McDonald
Divisional Secretary	V. Fitzgerald
Divisional Assistant Secretary	T. Maher

FEDFA DIVISIONAL EXECUTIVE

The Divisional Officers of FEDFA Division as set out above, and

I. Peel	New South Wales
J. Van Camp	Victoria
G. Betts	Queensland
G. Day	South Australia
B. O'Neil	Barrier
M. Grey	Tasmania
D. McIntyre	Western Australia

FEDFA DIVISIONAL CONFERENCE

The Divisional Officers of FEDFA Division and the Divisional Executive as set out above, and the following delegates from FEDFA Divisional Branches:

T. Maher	(NSW)
P. Jordan	(NSW)
B. Neilson	(VIC)
M. Hill	(VIC)
D. Holloway	(QLD)
G. Purtill	(QLD)
L. Wilson	(QLD)
B. Samson	(Barrier)
M. Buckley	(SA)
B. Low	(WA)
R. Harrison	(TAS)

FEDFA NSW DIVISIONAL BRANCH

Divisional Branch President	M. Smith
Divisional Branch Secretary	I. Peel
Divisional Branch Assistant Secretary	S. Gartrell

FEDFA NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above,

FEDFA NSW DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and regional delegates and organisers stated below,

Metropolitan	**Northern Region**
P. Wormleaton	N. Rose
R. Johnson	M. Sealby
B. Francis	G. Webb
D. Whitehead	D. Owens

06550

D. Dunn
J. Nixon

Southern Region
K. Anderson
B. Barnham
G. Freeman
T. Potter

Western Area
R. Fuller
W. Williams

FEDFA NSW DIVISIONAL BRANCH ORGANISERS

Metropolitian
G. Avouris
T. Grant
S. Cochran

Northern
M. Beehag
S. Harding
L. Sinclair

Riverina
S. King
J. Wilson

Western
G. Childs

Southern
H. Miller

Mining
P. Jordan

Energy
A. Drew

FEDFA NSW DIVISIONAL BRANCH TRUSTEES

D. Dunn
L. Robinson
J. Owens

FEDFA NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

V. Fitzgerald
T. Maher
P. Jordan
I. Peel

FEDFA VICTORIAN DIVISIONAL BRANCH

Divisional Branch President	M. McDonald
Divisional Branch Secretary	J. Van Camp
Divisional Branch Assistant Secretary	M. Greenbury
Divisional Branch Vice President	M. Hill

FEDFA VICTORIAN DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

M. French
D. McDonald
D. Baker
J. Kadziela
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional Officers as set out above, and -

SECV Yallourn
P. Wilson

SECV Morwell
G. Reid

SECV LaTrobe
(vacant)

Organisers Rep.
A. Riley
M. Hallett

Country Provisional
W. Fleet
M. French
T. McKenzie
P. Skinner

Metropolitian
D. Baker
J. Kadziela
D. McDonald
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH ORGANISERS

W. Fleet
M. French
R. Hallett
M. Hill
A. Riley

TRUSTEES

M. McDonald
J. Van Camp

FEDFA VICTORIAN DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

J. Van Camp
M. McDonald
M. Hill
B. Nielson

FEDFA BARRIER DIVISIONAL BRANCH

Divisional Branch President — B. Samson
Divisional Branch Secretary — W. O'Neil
Divisional Branch Vice President — R. Hunter

FEDFA BARRIER DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above,

FEDFA BARRIER DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

D. Brennan
A. Fraser
E. Snaith
R. Adams
B. Sayers

FEDFA BARRIER DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. O'Neil
B. Samson

TRUSTEES

R. Adams
E. Snaith
B. Sayer

FEDFA TASMANIAN DIVISIONAL BRANCH

Divisional Branch President — B. Bishop
Divisional Branch Secretary — M. Grey

FEDFA TASMANIAN DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and - D. Dawson

FEDFA TASMANIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

Launceston
D. Dawson

Hobart
M. Hyland

Devonport
(vacant)

Tullah
T. Jones

Burnie
L. Britton

Savage River
R. Harrison

Rosebery/Lyell
N. Hartnell

Organisers
D. Moncrieff
B. Best

FEDFA TASMANIAN DIVISONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

M. Grey
R. Harrison

FEDFA WA DIVISONAL BRANCH

Divisional Branch President — (vacant)
Divisional Branch Secretary — (vacant)

FEDFA WA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

FEDFA WA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

P. Bates
T. Feeney
I. Douglas
D. Hellyer

FEDFA WA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

B. Low
(vacant)

FEDFA SA DIVISIONAL BRANCH

Divisional Branch President	G. Bull
Divisional Branch Secretary	G. Day
Divisional Branch Vice President	F. Stonys

FEDFA SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Rogers	R. Brewer

FEDFA SA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

J. Rodgers	K. Maywald
F. Grosso	F. Harrison
R. Brewer	

ORGANISER

R. Brewer

FEDFA SA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

G. Day
M. Buckley

FEDFA QUEENSLAND DIVISONAL BRANCH

Divisional Branch President	D. Holloway
Divisional Branch Secretary	G. Betts
Divisional Branch Assistant Secretary	G. Wilson

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

S. Douglas	B. Scheuber
C. Swift	R. Coleman
L. Wilson	J. Spencer

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch State Management Committee as set out above, and -

M. Dowvendans	T. Quaid
L. Genrich	N. Rampton
R. Beattie	H. Heumiller
J. Rossington	C. Price
(vacant)	

FEDFA QUEENSLAND DIVISIONAL BRANCH ORGANISERS

D. Bloxsom	H. Heumiller
G. Flack	C. Price
C. Gillespie	T. Rosier

J. Rossington
R. Tremlin
B. Stacker

FEDFA QUEENSLAND DIVISIONAL BRANCH TRUSTEES

D. Holloway
G. Betts
S. Douglas
L. Wilson

FFTS UNION DIVISION

DIVISIONAL OFFICERS

Divisional President	A. Findlay
Divisional Secretary	L. Kyriacou
Divisional Assistant Secretary	M. Haritou
Divisional Senior Vice-President	S. Wales
Divisional Junior Vice-President	D. Frater

FFTS UNION DIVISIONAL EXECUTIVE

The Divisional Officers of the FFTS Union Division as set out above, and

A. Smith	New South Wales
V. Robinson	Queensland

FFTS UNION DIVISIONAL CONFERENCE

The Divisional Officers of the FFTS Union Division and the Divisional Executive as set out above, and the following delegates from the FFTS Union Divisional Branches;

W. Brown	(VIC)
M. Findlay	(VIC)
R. Smith	(NSW)
R. Groat	(SA)
A. Cookson	(QLD)
R. Orange	(TAS)

FFTS UNION VIC. DIVISIONAL BRANCH

Divisional Branch President	M. Mitten
Divisional Branch Secretary	L. Kyriacou
Divisional Branch Assistant Secretary	A. Findlay
Divisional Branch Senior Vice-President	W. Brown
Divisional Branch Junior Vice-President	C. Avent
Divisional Branch Organiser	M. Haritou
Divisional Branch Organiser	R. Shugg

FFTS UNION VIC. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch Officers as set out above and -

A. Frazer
G. Lee
J. Maines
J. Patti
I. Whitcroft
J. Calvert
N. Hazeldine
P. Linzos
J. O'Brien
J. Robins
L. Zanandrea

FFTS UNION NSW DIVISIONAL BRANCH

Divisional Branch President	R. Smith
Divisional Branch Secretary	S. Wales
Divisional Branch Assistant Secretary	R. Smith
Divisional Branch Vice-President	J. Callaway
Divisional Branch Organiser	Jack Lawrence

FFTS UNION NSW DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

J. Campbell	R. Davies
K. Campbell	W. Kraan
Robert Cumbo (Trustee)	Harry Irvine (Trustee)

FFTS UNION S.A. DIVISIONAL BRANCH

Divisional Branch President	R. Groat
Divisional Branch Secretary	D. Frater
Divisional Branch Assistant Secretary	S. Rowe
Divisional Branch Senior Vice-President	J. Emery
Divisional Branch Junior Vice-President	A. Reeves
Divisional Branch Organiser	S. Rowe
Divisional Branch Organiser	P. Wong
Divisional Branch Organiser	T. Woods

FFTS UNION S.A. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

B. Billington	M. Brownlie
P. Crisanti	A. Czora
A. Howlett	J. Salter
G. Whitford	

FFTS UNION QLD DIVISIONAL BRANCH

Divisional Branch President	G. William
Divisional Branch Secretary	V. Robinson
Divisional Branch Vice-President	A. Amos
Divisional Branch Assistant Secretary	A. Cookson

FFTS UNION QLD. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and - G. Dawson

FFTS UNION TAS DIVISIONAL BRANCH

Divisional Branch President	S. Negus
Divisional Branch Secretary	J. Gill
Divisional Branch Assistant Secretary	R. Orange
Divisional Branch Vice-President	C. Schoenwald
Additional Divisional Branch Executive member	W. Picken
Additional Divisional Branch Executive member	P. Green

FFTS UNION TAS DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

C. Sproule
W. Bandlow

END OF RULES

[105N-FED: Incorporates alterations of 24/12/2014 in matters R2014/61 and R2014/62]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 101 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union.

DELEGATE OF GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission]

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1 - NAME

The name of the Union shall be the "Construction, Forestry, Mining and Energy Union".

2 - CONSTITUTION

(A)(A) The following unlimited number of persons, whether male or female, are eligible to be members of the Union

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in

paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;
(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, shall be eligible to be members of the Union including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

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

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker

Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due

south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:

(i) All persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) An unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board, strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) Such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members are eligible to be members of the Union.

(E) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:-

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

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

(b) Further, provided that, without limiting the generality of the foregoing the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building are eligible to be members of the Union. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other sub-rule or paragraph or being limited thereby an unlimited number of persons who are employed in, or competent to be employed in or in connection with the following industries or trades are eligible to be members of the Union:
Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and

employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland are eligible to be members of the Union.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

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1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the following are eligible to be members of the Union: an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

(O) **Additional Eligibility for Admission to Membership in the State of Queensland**

This rule 2(O) does not apply outside the State of Queensland.

Without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provide for additional eligibility for admission to membership of the Union in the State of Queensland:-

(i)

SECTION A

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

(b) This Union shall also consist of an unlimited number of persons employed in or usually employed in the painting and decorating industry in connection with

buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(i) On ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational Offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind.

(ii) The painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind.

(iii) The painting of or in connection with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise). The painting of or in connection with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts or prefabricated building and structures as aforementioned.

(iv) The painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensors, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or seas, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases.

(v) Glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars.

(vi) Paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering.

(vii) Signwriting, designing and/or lettering of price tickets and show cards.

(viii) Pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering.

(ix) Leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections.

(x) Employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, putty stopping, caulking mixtures, compositions or compounds, oils, varnishes, watercolours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings will not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 1.2.2, Constitution hereof

(other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, watercolour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water solvents, electrical, mechanical, air powered or hand tools or by grit, shot, or other abrasives or by any other means.

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

(c) Nothing in this Section A rule will make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time. Provided further that, notwithstanding the foregoing provisions of this rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

(d) Notwithstanding any other provision in these Section A rules, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the union under this sub-rule.

(e) The Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connection with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accommodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattressmakers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy

makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

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

(g) Without limiting the generality of the foregoing Sub-Rules of this Section A Rule, or being limited thereby, independent contractors who, if they were employees performing work of the kind that they usually perform as independent contractors, would be employees eligible for membership of the Union, will be eligible for membership of the Union, and the Union will consist of an unlimited number of such persons.

SECTION B

(a) The Association shall consist of an unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow-motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Association or a Branch of the Association or whilst financial members of the Association are elected as representatives of any working class organisation to which the Association or a Branch thereof is affiliated or as a working class member of parliament. Provided that mobile crane drivers, operators of fork lifts and/or towmotors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership. Provided further that, notwithstanding the foregoing provisions of this Section B rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

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

(c) Notwithstanding any other provision in this Section B rule, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the association under this sub-rule.

(d) Notwithstanding any other provision in this Section B rule, the persons employed by Dalrymple Bay Coal Terminal Pty Ltd at the Dalrymple Bay Coal Terminal site shall not be eligible for membership under this sub-rule.

SECTION C

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

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

Without limiting any other rule, sub-rule (O)(i) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(ii) The Union shall consist of an unlimited number of persons employed or usually employed as Builders' Labourers throughout Queensland on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any tradesperson engaged in building operations, or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings, or as scaffolder, rigger, gear hand, gantry hand or crane hand or as dogperson, or as a drainer on all building contracts, any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete work, tarpaving or asphalt work, or mortar or concrete mixing in connection with, or incidental to the foregoing operations, together with such other persons whether employees in the industry or not, as have been appointed officers of the Association and admitted as members thereof. Provided that, notwithstanding the foregoing provision of this rule, the union does not have any right to enrol as members under this sub-rule persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.

Without limiting any other rule, sub-rule (O)(ii) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman

Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler, generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries

and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools

or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

4 - OBJECTS

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

2. To regulate the conditions under which all members, of the Union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or association, or association of Trades Unions or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Branches, Divisions, Divisional Branches, Sub-Branches, Districts or Sections of the Union throughout the Commonwealth of Australia.

7. To further any scheme that has for its object the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labour and Trade Union newspapers and wireless broadcasting and television stations, and to invest in shares in such newspapers and radio and television stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide labour or Trade Union Organisation or Association.

10. To establish and manage a Union Journal or Journals.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

14. To render legal and other assistance to members, to protect the interests of the Union in all its Branches and to assist other trade unions by any legal method.

15. To obtain such other objects as the National Conference or National Executive shall from time to time determine.

16. To organise the education of members.

17. To establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Divisional or Divisional Branches.

18. The advancement of members intellectually, morally and socially and to do all things which, in the opinion of the Union, is in the interest of members including donations to political parties, the achievement of compulsory unionism, preference in employment, retrenchment, promotion, demotion and transfer in employment, the production and distribution of newspapers, journals and the like.

19. To achieve such other objects as may be lawfully adopted by any Division of the Union.

20. To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

"BOARD" means a group of persons who supervise a corporation, organisation, association or other like body including a Board of Directors.

"DECLARED PERSON OR BODY" For the purpose of rule 24D (and 50D) means:

(i) an officer of the Union/Branch who has disclosed a material personal interest under Rule 24C/50C; and

(ii) the interest relates to, or is in, the person or body; and

(iii) the officer has not notified the Union/Branch that the officer no longer has the interest.

"DISCLOSURE PERIOD" means the financial year of the Union as referred to in Rule 24.

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

"FINANCIAL DUTIES" includes duties that relate to the financial management of the Union or a Branch of the Union.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"FINANCIAL YEAR" means the financial year of the Union as referred to in Rule 24.

"GENERAL MANGAGER" means the General Manager of the Fair Work Commission.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"NON-CASH BENEFIT" means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.

"OFFICE" has the same meaning as defined by Section 9 of the *Fair Work (Registered Organisations) Act* 2009.

"PEAK COUNCIL" means a national or State council or federation that is effectively representative of a significant number of organisations (within the ordinary meaning of the term) representing employers or employees in a range of industries.

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

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union and in the case of the Forestry, Furnishing, Building Products and Manufacturing Division, of the Division.

"RELATED PARTY" has the same meaning as defined by section 9B of the *Fair Work (Registered Organisations) Act* 2009.

"RELATIVE" in relation to a person means:

(i) parent, step-parent, child, step-child, grandparent, grandchild, brother or sister or the person; or

(ii) the spouse of the first mentioned person.

"RELEVANT NON-CASH BENEFITS" in relation to an officer of the Union/Branch for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer's duties as an officer, by the Union/Branch or by a related party of the Union/Branch.

"RELEVANT REMUNERATION" in relation to an officer of the Union/Branch for a disclosure period is the sum of the following:

(i) any remuneration disclosed to the Union/Branch by the officer under Rules 24B/50B during the disclosure period;

(ii) any remuneration paid during the disclosure period, to the officer by the Union/Branch.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

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

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

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

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

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

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

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Mining and Energy Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Workplace Relations Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by

the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

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

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v) (a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

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

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

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

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.202 of the Industrial Relations Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

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

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies

payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

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

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

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

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member

or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.
Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telegram or telex.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, telephonic, telegraphic, telex, verbal and/or written vote (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) The National Executive Committee shall, on and from the first election for National Officers held after July 2010, consist of the National Officers, being the National Secretary, National President, National Assistant Secretary and three (3) National Vice

Presidents of the Union together with such of the following elected officers of each Division at a National level namely:-

- in the case of the Construction and General Division, the Divisional Secretary, two (2) Divisional Assistant Secretaries, the Divisional President and three (3) additional National Executive Committee members elected by and from the Construction and General Division Divisional Conference.

- in the case of the Forestry, Furnishing, Building Products and Manufacturing Division, the Divisional Secretary, the Divisional Senior Assistant Secretary, the Divisional President and the Divisional Assistant Secretary who is also the District Secretary of the PPW District of the Division.

- in the case of the Mining and Energy Division, the General President, the General Secretary and two (2) additional National Executive Committee members elected by and from the Mining and Energy Divisional Conference.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive and National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six (6). A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a facsimile, telephonic, email, written and/or postal vote of members of the National Executive or National Executive Committee at any time. Members of the National Executive or National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or facsimile or email or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or email.

15 - NATIONAL EXECUTIVE

(i) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

Provided that in the case of the Forestry, Furnishing, Building Products and Manufacturing Division for purposes of this sub-rule a reference to the Principal Officer of a Divisional Branch shall be a reference to the District Secretary of a District of that Division.

(ii) The National Officers shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

Provided that, the National Principal Officers holding office at 16 July 2010 shall, unless they resign or are removed from office in accordance with these rules, continue to hold office until 31 December 2010.

The National Officers elected in 2010 shall commence office on 1 January 2011.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

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

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Industrial Relations Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

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

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

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

16 - ELECTION OF NATIONAL OFFICERS

(i) The National Officers shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union (howsoever described in the Divisional Rules) and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Forestry Division and the General President of the Mining and Energy Division shall between them hold the positions of National Secretary, National Assistant Secretary and National President.

Further provided that, there shall be one Vice President from each Division who shall be nominated by and from their own Divisional Conference.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office

or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office. Further provided that in the case of a vacancy in one or more of the National Officer positions, the National Executive may fill such office by appointment from those members of the National Executive Committee who are otherwise eligible to hold the vacant office.

Provided however that any such appointment/s shall ensure that each Division maintains its representation of two (2) officers amongst the National Officers.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by post, letter, telegram, telephone, telex, facsimile and/or verbally as soon as the count is completed.

(ix) In any ballot of the National Collegiate for the election of National Officers, the representatives of each of the Divisions shall cast votes proportionate to the membership of their respective Divisions determined in the same way, the necessary changes being made, as votes cast by delegates to the National Conference in accordance with Rule 13(iii) and (iv) herein.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(ii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iii) Except in the case of the Mining & Energy Division and the Forestry, Furnishing, Building Products and Manufacturing Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) That nominations are called in accordance with the rules of the Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) That the nominations process, closure and receiving of, are in accordance with the rules of the Division.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) Officers of all Divisional Branches holding such office at the date of amalgamation shall remain in office until the general election of officers held in 1996 and shall be eligible to nominate in that election. In this paragraph officers of all Divisional Branches shall mean officers of branches of the amalgamating unions being the persons listed in the schedule hereto.

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall, in accordance with the Rules of the Division, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only:-

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) The candidate's statement provided for in accordance with sub-rule (h) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail all ballot papers, in accordance with the Rules of the Division.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed closed in accordance with the rules of the Division.

(r) That the opening and closing of the ballot shall be in accordance with the rules of the Division.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any

Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

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

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

fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preference shall be the same as is above prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except Mining and Energy Division and Forestry, Furnishing, Building Products and Manufacturing Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(ii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iii) The Divisional Officers at a national level shall be members of that Divisional Executive.

(iv) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

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

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

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

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the

Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

National Executive shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS/MEMBERS

1. The following sets out the duties of the National Officers outlined herein. The National Secretary shall be a full time position. The wages and costs relating to the office of the full time officer shall be borne by the Union.

2. National President:

The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

The National President shall have a deliberative vote only.

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

3. National Secretary:

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

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

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

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

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

The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretaries:

National Assistant Secretaries shall perform all duties assigned to them by National Conference and National Executive. They shall attend all meetings of National Conference and National Executive.

5. National Vice-Presidents:

The National Vice-Presidents shall assist the National President in the conduct of meetings and in the absence of the National President, shall act as President.

He/she shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

6. Members of National Executive and Delegates to National Conference:

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

7. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

8. No officers, employees, delegates or members shall be required to do, or required to omit to do, any act in breach of legislation applicable to the CFMEU.

9. Except as provided for by resolution of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof), it shall not be part of the duties of any delegate/steward, officer or employee, including organisers, whether temporary or not, to threaten, initiate, counsel, procure, induce, be involved in, engage in or be party to industrial action as defined by the Workplace Relations Act 1996 or building industrial action as defined by the Building and Construction Industry Improvement Act 2005.

22A - TRAINING OF OFFICERS

(a) This rule shall take effect on the commencement of Schedule 1 Part 2 of the *Fair Work (Registered Organisations) Amendment Act 2012*.

(b) Each person holding an office in the Union, including its Branches, Divisions and Divisional/District Branches whose duties include duties that relate to the financial management of the Union, including its Branches, Divisions and Divisional/District Branches shall undertake training:

(i) approved by the General Manager under the provisions of the *Fair Work (Registered Organisations) Act 200*9 or an Act replacing that Act; and

(ii) that covers each of the officer's financial duties.

(c) An officer shall complete the training required by sub-rule (b) within:

(i) six (6) months after the person begins to hold office; or

(ii) if the officer holds office at the date of the Proclamation referred to in sub-rule (a), within six (6) months of that date.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

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

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. No funds shall be drawn from the Bank or financial institution except by cheque signed by two persons who are a National Secretary, National Assistant Secretary, National President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President or National Assistant Secretary. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in

that Division which, by the rules of that Division is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

(viii) Any fines, penalties, damages, costs or other sum(s) ordered by a court against the Union is, if the conduct of a Division's officers, employees, agents or members made the Union liable for such amount(s), to be funded by that Division.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

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

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the National Secretary of a petition, signed by not less than 5% of the members of the Union, requesting that a general meeting of members of the Union be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the National Office, the National Secretary shall convene such meeting as soon as is practicable.

24A - POLICIES AND PROCEDURES - EXPENDITURE

(a) The Union shall develop and implement internal control policies and procedures relating to the expenditure of the Union, to ensure that the Union is conducted in accordance with the principles of good governance and to ensure accountability to members of the Union.

(b) Such policies and procedures shall be adopted by the National Executive and once adopted, shall be binding on all officers and members of the Union. Such policies and procedures must be identified in the resolutions of the National Executive as Rule 24A policies and procedures.

(c) Rule 24A policies and procedures must be published on the website of the Union with fourteen (14) days of their adoption.

(d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Branch, Division and Divisional/District Branch of the Union.

24B - DISCLOSURE BY OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

(a) Each person holding office in the Union shall disclose to the Union any remuneration paid to the officer:

(i) because the officer is a member of a board if:

(A) the officer is a member of the board only because the officer is an officer of the Union; or

(B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or

(ii) by a related party of the Union, in connection with the performance of the officer's duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Union shall disclose to the members of the Union:

(i) the identity of each officer of the Union who, when all officers of the Union are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than fifth;

(ii) the identity of each officer of each Division and Divisional/District Branch who, when all officers of the Division and Divisional/District Branches are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second; and

(iii) for each of those officers

(A) the actual amount of the officer's relevant remuneration for the disclosure period; and

(B) the form of the officer's relevant non-cash benefits for the disclosure period.

(d) For the purposes of sub-rules (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

24C - DISCLOSURE BY OFFICERS OF MATERIAL PERSONAL INTEREST

(a) Each person holding an office in the Union shall disclose to the Union any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Union including any Branch, Division or Divisional/District Branch thereof.

(b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The National Executive shall disclose to the members of the Union the interests disclosed to the Union pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year:

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

24D - DISCLOSURE BY UNION OF PAYMENTS

(a) The Union shall disclose to the members of the Union including its Branches, Divisions and Divisional/District Branches either of the following

(i) each payment made by the Union, during the disclosure period:

(A) to a related party of the Union or Branch; or

(B) to a declared person or body of the Union including its Branches, Divisions and Divisional/District Branches; or

(ii) the total of the payments made by the Union including its Branches, Divisions and Divisional/District Branches, during the disclosure period:

(A) to each related party of the Union or Branch; or

(B) to each declared person or body of the Union including its Branches, Divisions and Divisional/District Branches.

(b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Union including its Branches, Divisions and Divisional/District Branches from remuneration payable to officers or employees of the Union including its Branches, Divisions and Divisional/District Branches.

(c) Sub-rule (a) does not apply to a payment made to a related party if:

(i) the related party is an officer of the union; and

(ii) the payment:

(A) consists of remuneration paid to the officer by the union; or

(B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(d) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

25 - ALTERATION OF RULES

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

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telegraphic, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Industrial Relations Act (Commonwealth) or the regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the Industrial Relations Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

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

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each division shall have autonomy in relation to its funds and property.

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

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

(vi) Divisions, other than the Forestry, Furnishing, Building Products and Manufacturing Division, shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland, New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.202 of the Industrial Relations Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of state unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or National Assistant Secretary or any person authorised by a National Secretary or National President or National Assistant Secretary so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary or any person authorised by a Divisional Secretary or Divisional Assistant Secretary may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, Divisional Secretary or Divisional Assistant Secretary, or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests

issued by a Divisional Secretary or Divisional Assistant Secretary or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National Assistant Secretary, National President, Divisional Secretary and/or Divisional Assistant Secretary shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.

(g) The taking of industrial action (within the meaning of the Workplace Relations Act 1996), building industrial action (within the meaning of the Building and Construction Industry Improvement Act 2005) or picketing by members is not authorised by the union without the consent of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof).

Provided however that the preceding paragraph shall not restrict the right of a person or body duly authorised by such a committee of management to authorise industrial action in accordance with s 446 (1)(a) of the Workplace Relations Act 1996, or any successor provisions thereto.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 361 Kent Street, Sydney in the State of New South Wales, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

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

Where the Union is dissolved the property of the Union shall be vested in the trustees of each existing Division at the time of dissolution for the benefit of the members thereof on the basis that each such

Division will continue to hold its own property and funds and any property or funds not vested at the time of dissolution in a Division shall be divided between the existing Divisions on a basis proportionate to the membership of each such Division.

35 - RECOVERY OF DUES

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

36 - LEVIES

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

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

(iii) A Division or Divisional Branch may impose a levy on its members.

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

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

37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

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

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

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

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

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

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

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

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

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

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

   If the votes are equal the question is resolved in the negative.

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

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

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

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

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

11. Any delegate or member speaking shall at once resume their seat -

    (a) If the chairperson rises to speak; or
    (b) If a point of order is raised.

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

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

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

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

CHAIRPERSON'S RULINGS

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

SUSPENSION OF ORDER OF BUSINESS

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

SITTING AS A COMMITTEE

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

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

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

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

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the Industrial Relations Act 1988, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, telex, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above

demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee, following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted

(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) deleted

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes

place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary

shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - Divisional Restructuring (FEDFA)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps which steps may deal with one Division at a time, Divisional Branches within a Division and/or the Divisional Office of any particular Division.

2. In relation to the above, the FEDFA Division shall be restructured in steps which shall involve:

(a) The abolition of full-time Divisional Officers at a national level and the allocation of responsibility for the FEDFA Division between the Building Unions Division and the UMW Division;

(b) The allocation of full-time Divisional Officers of the FEDFA Division to the Building Unions Division and the UMW Division;

(c) The continued operation of the Divisional Branches of the FEDFA Division with the intent, over time, of the restructuring of said Divisional Branches in accordance with Rule 42, into the Building Unions/Construction and General Division, UMW/Mining & Energy Division and the ATAIU/Forestry Division;

(d) The payment of capitation fees by FEDFA Divisional Branches to a designated fund which shall be administered by the Divisional Secretary of the FEDFA Division or, if or when that Office is abolished by the former Divisional Secretary and the Divisional Secretaries of the Building Unions and/or Construction and General Division and the UMW and/or Mining and Energy Division.

(e) The continued meeting of the Division Executive of the FEDFA Division for so long as is necessary before the complete restructuring of the FEDFA Division is effected in accordance with Rule 42.

3. On and from 27 September 1993, in accordance with the above procedure, the current Divisional Secretary of the FEDFA Division shall be and become the Divisional President of the Building Unions Division and the current Divisional Assistant Secretary of the FEDFA Division shall be and become a Divisional General Vice-President of the UMW Division and upon translation in accordance with Rule 42 (iii), shall hold the corresponding offices in the Construction and General Division and the Mining & Energy Division respectively.

4. The current Divisional Secretary and Divisional Assistant Secretary of the FEDFA Division shall continue to hold those positions in the FEDFA Division on an honorary basis until such time as the FEDFA Division no longer meets on a national basis.

5. This Rule shall come into force after its adoption by the National Executive and agreement thereto by the FEDFA Divisional Executive, UMW Divisional Executive and Building Unions Divisional Executive and thereupon shall be registered with the Australian Industrial Registry and shall take effect upon registration, or 27 September 1993, whichever is the later.

6. Further to the above provisions, and notwithstanding any other rule of the Union to the contrary, during the process of restructuring, any Divisional Branch of the FEDFA Division may reach agreement with any or all of the UMW Division/Mining & Energy Division and/or the Building Unions Division/Construction and General Division and/or the Forestry Division or the relevant Divisional Branches thereof to transfer members and officers of the FEDFA Division to any and/or all of the other aforementioned Divisions. Such agreement shall be reached with the approval of the Management Committee or its equivalent in each Divisional Branch and the officers concerned. Any such Divisional Branch may reach agreement on some or all of the matters relating to such transfer and, failing agreement on any or all of such matters, refer the matters by agreement to the National Executive for decision. Until such time as there no longer exists an FEDFA Division in accordance with the Rules of the Union, all such officers transferred shall, notwithstanding the holding of positions in other Divisions, continue to hold the office or position in the FEDFA Division on an honorary basis and shall, to the extent that the Rules require same, continue to perform the functions associated with that office in relation to the FEDFA Division. All agreements in relation to the transfer of members and officers shall be notified to the National Executive Committee and attached to the Minutes thereof. Such agreements shall have force and effect in accordance with the terms thereof and from the date of effect of that agreement as specified in that agreement, or failing any specification thereof, on the date of the agreement.

7. The following table shows the restructuring of the FEDFA Division, merging with the appropriate Union Division to create Industry Divisions:

	(	merged with	)
STATE	CONSTRUCTION AND GENERAL	MINING AND ENERGY	FORESTRY
National Office	27 Sept 1993	27 Sept 1993	
Queensland	4 Feb 1994	1 Jan 1993	
New South Wales		Northern 2/4/93 Southern 1/7/93 Western 8/4/93 Energy 21/7/93	
Tasmania	31 July 1996	24 August 1996	1 Jan 1994
Sth Aust	1 Aug 1993	1 Aug 1993	
West Aust	1 Sept 1993	1 Sept 1993	

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Victoria	1 Aug 2003	2 Jan 2001
Barrier		1 July 1996

42B - Merger with ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DIVISIONAL RESTRUCTURING (FFTS)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps, such steps may deal with one Division at a time and/or Divisional Branches within a restructured Division at a time.

2. In relation to the above, the FFTS Division shall on and from the 11th February 2002, be restructured in the first instance into the Forestry Division to form “The Forestry, Furnishing, Building Products and Manufacturing Division” (FFPD) which shall result in:

   (a) The abolition of full-time FFTS Divisional Officers at a national level and the allocation of responsibility for the FFTS Division to the restructured Division.

   (b) The allocation of Divisional/Branch Office Holders of the FFTS Division to the Office Holders positions of the restructured Division.

   (c) The continued operation of the Victorian and Queensland Divisional Branches of the FFTS Division within the restructured Division of up to four years beyond the expiration of the eight years referred to in sub-rule 42(xii). This sub-rule shall not otherwise affect the operation of sub-rule 42(xii). For the avoidance of doubt, the four years referred to in this sub-rule shall expire on 26 March 2005.

3. Further to the above provisions and notwithstanding any other rule of the Union to the contrary, the FFTS Victorian Branch shall unless otherwise agreed by the FFTS Victorian Branch Management Committee maintain its current structure and existence within the restructured Division up until 26 March 2005.

4. Prior to the 26 March 2005, the FFPD (which shall include representatives of the former FFTS Division) and the Construction & General Division (which shall include representatives from the National Office and all interested Branches) will meet under the chairpersonship of the National Secretary of the CFMEU to reach agreement to finalise translation/integration provisions intended by the respective Schemes of Amalgamation and the Rules of the Union in respect to the Forestry, FFTS and C&G Divisions.

5. Should agreement not be reached between the Divisions the matter shall be referred to the CFMEU National Executive to determine in accordance with the Schemes of Amalgamation and Rules of the Union.

6. Until the elections scheduled to be held in August 2004 the FFPD shall be constituted and represented as follows:-

(a) Divisional Conference shall consist of:-

(i) Forestry Division Representatives

Trevor Smith	SA	Jane Calvert	VIC
Paul Martinella	SA	Andy Laing	VIC
Mark Nicholls	SA	Ian Mullen	VIC
Brenton Lockwood	SA	Michael O'Connor	VIC
Scott McLean	TAS	Brad Platschinda	VIC
Colin Butler	TAS	Bevan Anderson	NSW
Gary Jaeschke	WA	Bruce CampbellNSW	
Christopher Northover	P&P	Craig Smith	NSW
Phillip Illidge	P&P	Eileen Anderson	NSW
Alex Millar	P&P	Kenneth Miller	NSW
Debbie Brennan	P&P		

(ii) FFTS Division Representation

Jim Emery	SA	Leo Skourdoumbis	VIC
David Kirner	SA	Frank Vari	VIC
Brad Parker	NSW	Joe Patti	VIC
Greg Williams	QLD	Cliff Palmer	VIC
John O'Brien	VIC	Alwin Seneviratne	VIC

(iii) Representation

Representation of the Forestry and FFTS Division Branches shall be in accordance with Rule 8 of the Forestry Division Rules.

(b) Divisional Executive shall consist of:-

(i)

Jane Calvert	Divisional President
Phillip Illidge	Divisional Snr V/President
Brad Parker	Divisional V/President
Craig Smith	Divisional V/President
Trevor Smith	Divisional Secretary
Chris Northover	Divisional Snr Assistant Secretary (Honorary)
Michael O'Connor	Divisional Assistant Secretary
Leo Skourdoumbis	Divisional Assistant Secretary (Honorary)

Kenneth Miller	Divisional Trustee
Dave Kirner	Divisional Trustee
Frank Vari	Divisional Trustee
Scott McLean	Divisional Trustee
Paul Martinella	Divisional Executive Member
Greg Williams	Divisional Executive Member
Gary Jaeschke	Divisional Executive Member

(c) FFPD NSW Branch Executive/Committee of Management

Brad Parker	Joint President (full-time)
Bevan Anderson	Joint President (Honorary)
Bruce CampbellSnr V/President	
Jayne Willet	Jnr V/President (AA)
Tom Abramovic	Jnr V/President
Craig Smith	Secretary
Sala Taalilil	Trustee
Eileen Anderson	Trustee (AA)
Peter Reilly	Trustee
Ronnie Watson	Trustee
Kenneth Miller	Trustee
Alan Lanyon	Committee Member
Barry Barrakett	Committee Member
Cheryl Hampton	Committee Member
Kerry Hickey	Committee Member
Mark Thompson	Committee Member
Michael Schuppan	Committee Member
Peter StClair	Committee Member
Anthony Ovington	Committee Member
(2 Vacant COM positions to be filled by FFTS)	

(d) (a) FFPD VIC FFTS Branch Executive/Committee of Management

Joe Patti	President
Cliff Palmer	V/President
John O'Brien	V/President
Leo Skourdoumbis	Secretary
Frank Vari	Assistant Secretary
Michael Doran	Trustee
Ernie Landolt	Trustee
Les Ford	Trustee
Florencio P Carrion	Committee Member
Eric Maher	Committee Member
Jeffery Connor	Committee Member
Brenda Crawford	Committee Member
Penny Lintzos	Committee Member
James Maine	Committee Member
Alwin Seneviratne	Committee Member
Greg Wheeler	Committee Member
Chris Christou	Committee Member
Damian Cooke	Committee Member
Ian Morris	Committee Member

(b) FFPD VIC Forestry Branch Executive/Committee of Management

Andy Laing	President
Ian Mullen	Snr V/President
Andrew Wareham	V/President

Kim Mason	V/President (AA)
Jane Calvert	Secretary
Yorick Piper	Assistant Secretary
Kevin Wyley	Trustee
Clare Burford	Trustee (AA)
Ken Tonkin	Trustee
Mark Nelson	Trustee
Ricky Owens	Committee Member
Bob Salmnon	Committee Member
Wayne Smith	Committee Member
Neil Saunders	Committee Member
David Sheppard	Committee Member
Sunsera Verhoven	Committee Member
Anthony Jones	Committee Member
Duncan Ingram	Committee Member
Graeme Howe	Committee Member

(1 vacant COM AA position to be filled)

(e) FFPD Pulp & Paper Branch Executive/Committee of Management

Phillip Illidge	President
Robert Johnston	Snr V/President
Alex Millar	Jnr V/President
Chris Northover	Secretary/Treasurer
Grant Keys	Trustee
Chris Northover	Trustee
Alex Millar	Trustee
Geoff Gasperotti	Committee Member
Wayne Hardy	Committee Member
Andrew Ball	Committee Member
Greg Stewart	Committee Member
David Jessup	Committee Member
Mervyn Donoghue	Committee Member
Tom Blacka	Committee Member
Craig Waters	Committee Member
Ken Fraser	Committee Member
William Davey	Committee Member
Greg Godde	Committee Member
Trevor Sinclair	Committee Member
Marne Gurney	Committee Member

(f) FFPD SA Branch Executive & Committee of Management

Jim Emery	President
Mark Nicholls	Snr V/President
Tony Howlett	V/President
Maree Gale	V/President
Paul Martinella	Secretary
David Kirner	Assistant Secretary
Steve Crafter	Trustee
Tom Kenny	Trustee
Ross Bennetta	Trustee
Leonie Kiploks	Trustee (AA)
Karen Cory	Committee Member
Mark Vickers	Committee Member
Peter Nelson	Committee Member
Greg Muhovics	Committee Member
Andrew Sampson	Committee Member

Kym Isaacson	Committee Member
Peter Starr	Committee Member
Bill Burns	Committee Member
Bernie Maguire	Committee Member
Laurie Barbary	Committee Member

(1 Vacant COM AA position to be filled by FFTS)

(g) FFPD TAS Branch Executive & Committee of Management

Colin Butler	President
Angela Lord	Snr V/President
Narrelle Bassett	V/President (AA)
Anthony Clay	V/President
Scott McLean	Secretary
Shiralee Gillespie	Trustee (AA)
Ronald Brown	Trustee
Leanne Hardy	Trustee (AA)
Lindsay Hills	Trustee
Robert Bowden	Committee Member
Paul Worker	Committee Member
Peter Mason	Committee Member
Margaret Watson	Committee Member
Kylie Dundas	Committee Member
Joseph Kelly	Committee Member
Anthony Barnes	Committee Member
Adrian Littlejohn	Committee Member

(h) FFPD QLD Branch Executive/Committee of Management

Ursula Korableff	President
Desmond Flanagan	V/President
Stephan Williams	V/President
Greg Williams	Secretary
Rodney Black	Committee Member
Vincent Breen	Committee Member
John Forrest	Committee Member

(i) FFPD WA Branch Executive/Committee of Management

John Rudge	President
Vincent Preedy	Snr V/President
Douglas Ashcroft	V/President
Gary Jaeschke	Secretary (Honorary)
John Cleary	Trustee
Garry Rampling	Trustee

7. This rule shall come into force on and from 11 February 2002 in accordance with the unanimous decision of the National Executive and shall be registered with the Australian Industrial Registry.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State

Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS

(i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

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

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

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

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made pursuant thereto.

Upon receipt by the State Branch Secretary of a petition, signed by not less than 5% of the members of the State Branch, requesting that a general meeting of members of the State Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the State Branch, the State Branch Secretary shall convene such meeting as soon as is practicable.

50A - POLICIES AND PROCEDURES - EXPENDITURE

(a) Each Branch shall develop and implement internal control policies and procedures relating to the expenditure of the Branch, to ensure that the Branch is conducted in accordance with the principles of good governance and to ensure accountability to members of the Branch.

(b) Such policies and procedures shall be adopted by the State Executive and once adopted, shall be binding on all officers and members of the Branch. Such policies and procedures must be identified in the resolutions of the State Executive as Rule 50A policies and procedures.

(c) Rule 50A policies and procedures must be published on the website of the Branch with fourteen (14) days of their adoption.

(d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Division and Divisional/District Branch of the Union.

50B - DISCLOSURE BY BRANCH OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

(a) Each person holding office in a Branch shall disclose to the Branch any remuneration paid of the officer:

(i) because the officer is a member of a board if:

(A) the officer is a member of the board only because the officer is an officer of the Branch; or

(B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or

(ii) by a related party of the Branch, in connection with the performance of the officer's duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Branch shall disclose to the members of the Branch:

(i) the identity of each officer of the Branch who, when all officers of the Branch are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second;

(ii) for each of those officers

(A) the actual amount of the officer's relevant remuneration for the disclosure period; and

(B) the form of the officer's relevant non-cash benefits for the disclosure period.

(d) For the purposes of sub-rules (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50C - DISCLOSURE BY BRANCH OFFICERS OF MATERIAL PERSONAL INTEREST

(a) Each person holding an office in the Branch shall disclose to the Branch any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Union or Branch.

(b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The State Executive shall disclose to the members of the Branch the interests disclosed to the Branch pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year:

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50D - DISCLOSURE BY BRANCH OF PAYMENTS

(a) The Branch shall disclose to the members of the Branch either of the following

(i) each payment made by the Branch, during the disclosure period:

(A) to a related party of the Branch; or

(B) to a declared person or body of the Branch; or

(ii) the total of the payments made by the Branch during the disclosure period:

(A) to each related party of the Branch; or

(B) to each declared person or body of the Branch.

(b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Branch from remuneration payable to officers or employees of the Branch.

(c) Sub-rule (a) does not apply to a payment made to a related party if:

(i) the related party is an officer of the Branch; and

(ii) the payment:

(A) consists of remuneration paid to the officer by the Branch; or

(B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(d) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

SCHEDULE OF OFFICERS REFERRED TO IN RULE 42 (xiv) (a)

POSITION	PERSON TO HOLD POSITION
NATIONAL UNION	
** Joint National Secretary	Stanley Sharkey
** Joint National Secretary	Vic Fitzgerald
** Joint National President	John Maitland
** Joint National President	Trevor Smith
** National Assistant Secretary	John Sutton
** National Senior Vice President	Lou Kyriacou
* National Senior Vice President	Albert Littler
National Senior Vice President	Bill Ethell
Joint National Vice President	Christopher Northover
Joint National Vice President	Kenneth Hawkins
Joint National Vice President	Malcolm McDonald
Joint National Vice President	Thomas Burke
* FEDFA Divisional Assistant Secretary	Tony Maher
* BWIU/Plasterers Divisional Assistant Secretary	Lindsay Fraser
* ATAIU Divisional Assistant Secretary	Chris Northover
* UMW Divisional General Secretary	Eric A Wilks
* UMW Divisional Vice President	Kenneth Hawkins

NATIONAL EXECUTIVE COMMITTEE shall consist of the six (6) principal officers (marked **) plus the other full-time Divisional Officers of each Division (marked *).

NATIONAL EXECUTIVE shall consist of the persons who constitute the National Executive Committee set out above and the Divisional Branch Secretary of each Divisional Branch of each Division set out herein and shall, in accordance with Rule 42 (viii) (a) include the National President and National Secretary of the former OPPWF. This body shall also include the Divisional Branch Secretaries from Victoria, New South Wales, South Australia and Queensland of the FFTS Union Division.

It also includes the South Australian, Victoria and Queensland Branch Secretaries and the NSW Branch Assistant Secretary of the former OPDU.

NATIONAL CONFERENCE shall consist of the persons listed as the members of the four (4) divisional executives set out herein until 2 January 1997, the following shall also be a delegate,

T. Richardson - Secretary of former OPPWF, Queensland Branch.

The National Conference shall also include the persons (as set out herein) comprising the Federal Executive of the FFTS Union Division while that Union Division remains autonomous.

BRANCHES OF THE UNION

NEW SOUTH WALES BRANCH

New South Wales State Officers

Joint NSW State Secretary	Dennis Matthews
Joint NSW State Secretary	Ian Peel
Joint NSW State President	Gavin Hillier
Joint NSW State President	Michael Watson
Joint NSW State Assistant Secretary	Andrew Ferguson
Joint NSW State Assistant Secretary	Alf Rankin
Joint NSW State Senior Vice President	Thomas Burke
Joint NSW State Senior Vice President	Peter McClelland
Joint NSW State Senior Vice President	Edward Curran
Joint NSW State Senior Vice President	Sid Wales
Joint NSW State Vice President	Bevan Anderson
Joint NSW State Vice President	Howard Fisher
Joint NSW State Vice President	Mick Smith
Joint NSW State Vice President	Gary McArthur

New South Wales State Executive

Shall consist of the abovenamed persons being the NSW State Officers together with the persons who are the full-time Divisional Branch officers, other than organisers, of each Divisional Branch, being,

ATAIU NSW Divisional State Assistant Secretary, Joyce Tuckwell
FEDFA NSW Divisional State Assistant Secretary, Scott Gartrell
FFTS NSW Union Divisional State Assistant Secretary, Rex Smith

New South Wales State Conference

Shall consist of the persons who constitute NSW State Executive as listed above (i.e. including NSW State Officers) and the persons being the other members of ATAIU NSW Divisional Branch Management Committee and the Building Unions NSW Divisional Branch Management Committee and the UMW Divisional Branch Management Committee, and the FEDFA NSW Divisional Branch Management Committee and the FFTS Union Division NSW Branch Management Committee listed herein.

VICTORIAN BRANCH

Victorian State Officers

Joint Vic State Secretary	John Van Camp
Joint Vic State Secretary	Vince Raffa
Joint Vic State President	Barry King
Joint Vic State President	Lou Kyriacou
Joint Vic State Assistant Secretary	Martin Kingham
Joint Vic State Assistant Secretary	Vacant

Vic State Senior Vice President	Frank O'Grady
Joint Vic State Vice President	Vilma Stargatt
Joint Vic State Vice President	Malcolm McDonald
Joint Vic State Vice President	Alex Findlay
Joint Vic State Vice President	Vacant

Victorian State Executive

Shall consist of the abovenamed persons being the Victorian Divisional Officers, Building Unions Victorian Divisional State Assistant Secretary and the FEDFA Victorian Divisional State Assistant Secretary plus FFTS Union Division Victorian Divisional Branch Senior Organiser.

Victorian State Conference

Shall consist of the persons who constitute the persons being the other members of the ATAIU Victorian Divisional Branch Management Committee, the BWIU Victorian Divisional Branch Management Committee and the FEDFA Victorian Branch Management Committee and the FFTS Union Division Victorian Divisional Branch Management Committee listed herein.

SOUTH AUSTRALIAN BRANCH

South Australian State Officers

SA State Secretary	Ben Carslake
SA State President	Quentin Cook
Joint SA Senior State Vice President	A. Johnson
Joint SA Senior State Vice President	D. Frater
Joint SA State Vice President	A. Young
Joint SA State Vice President	G. Bull
Joint SA State Vice President	D. Stapleton
Joint SA State Assistant Secretary	Terry Carrol
Joint SA State Assistant Secretary	Geoff Day
Joint SA State Assistant Secretary	J. McGirr

South Australian State Executive

Shall consist of the abovenamed persons being South Australian State Officers and

ATAIU SA Divisional Branch Assistant Secretary
FFTS SA Divisional Branch Assistant Secretary

South Australian State Conference

Shall consist of the persons who constitute South Australian State Executive set out above and the persons being the other members of the ATAIU South Australian Divisional Branch Management Committee, the Building Unions South Australian Divisional Branch Management Committee the FFTS Union Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee listed herein.

TASMANIAN BRANCH

Tasmanian State Officers

Joint Tas State Secretary	Max Cordwell
Joint Tas State Secretary	Mike Grey
Joint Tas State President	Shayne Murphy
Joint Tas State President	Leonard Miles
Tas State Senior Vice President	Stephen Hevey

Joint Tas State Vice President	J. Gill
Joint Tas State Vice President	Colin Butler
Joint Tas State Vice President	M. Collins
Joint Tas State Vice President	David Bean
Joint Tas State Vice President	Barry Bishop
Joint Tas State Vice President	Ray Carroll
Tas State Assistant Secretary	

Tasmanian State Executive

Shall consist of the Full Time Tasmanian State Officers.

Tasmanian State Conference

Shall consist of the persons listed as the Tasmanian State Executive set out above and, the other persons being the persons listed as members of the ATAIU Tasmanian Divisional Branch Management Committee, UMW Tasmanian Divisional Branch Management Committee, the Building Unions Tasmanian Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee and the FFTS Union Division Tasmanian Branch Management Committee listed herein.

AUSTRALIAN CAPITAL TERRITORY BRANCH

ACT State Officers

ACT State Secretary	George Wason
ACT State President	Rod Driver
Joint ACT State Vice President	Kate Lundy
Joint ACT State Vice President	J. McHugh
Joint ACT State Assistant Secretary	Trevor Zeltner
Joint ACT State Assistant Secretary	Stan Hambesis

ACT State Executive

Shall consist of the abovenamed persons listed as ACT State Officers.

ACT State Conference

Shall consist of those persons listed above as being the ACT State Executive and the other persons listed herein as members of the Building Unions ACT Divisional Branch Management Committee.

WESTERN AUSTRALIAN BRANCH

Western Australian State Officers

WA State Secretary	Bill Ethell
Joint WA State President	John Borlini
Joint WA State President	Alex A'Vard
Joint WA State Vice President	Gary Wood
Joint WA State Vice President	A. Baxter
Joint WA State Vice President	Ron Kielty
Joint WA State Vice President	A. Cook
Joint WA State Vice President	K. Reynolds
Joint WA State Assistant Secretary	Rick Todd
Joint WA State Assistant Secretary	Dave McIntyre

WA State Executive

Shall consist of the abovenamed persons listed as WA State Officers.

WA State Conference

Shall consist of those persons listed above as being the WA State Executive and the persons listed herein as members of the both Building Unions Divisional Branches' Management Committees, the members of the UMW WA District Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee.

QUEENSLAND BRANCH

Queensland State Officers

Joint Qld State Secretary	William Trohear
Joint Qld State Secretary	Greg Betts
Joint Qld State President	Andrew Vickers
Joint Qld State President	Peter Stone
Joint Qld State President	Des Holloway
Joint Qld State Senior Vice President	V. Robinson
Joint Qld State Vice President	B. Rushan
Joint Qld State Vice President	Kevin Anderson
Joint Qld State Vice President	Peter Neilson
Joint Qld State Assistant Secretary	Mark Hickey
Joint Qld State Assistant Secretary	Geoff Wilson
Joint Qld State Assistant Secretary	P. Waters

Queensland State Executive

Shall consist of the abovenamed persons listed as Queensland State Officers plus an additional person being the FFTS Union Division Qld Branch Assistant Secretary.

Queensland State Conference

Shall consist of those persons listed above as being the Queensland State Executive and the persons listed herein as members of the Building Unions Queensland Divisional Branch Management Committee, the members of the UMW Divisional Branch Management Committee and the members of the FEDFA Divisional Branch Management Committee and members of the FFTS Union Division Qld Divisional Branch Management Committee.

BUILDING UNIONS DIVISION

DIVISIONAL OFFICERS

Joint Divisional President	A. Littler
Joint Divisional President	B. Ethell
Divisional Secretary	S. Sharkey
Joint Divisional Assistant Secretary	J. Sutton
Joint Divisional Assistant Secretary	L. Fraser
Joint Divisional Senior Vice President	D. McDonald
Joint Divisional Senior Vice President	J. McGirr
Joint Divisional Vice President	C. Bates
Joint Divisional Vice President	M. Bingham
Joint Divisional Vice President	T. Burke

BUILDING UNIONS DIVISIONAL EXECUTIVE

The Divisional Officers of Building Unions Division as set out above, and

W. Trohear	Queensland
M. Cordwell	Tasmania
B. Carslake	South Australia
V. Raffa	Victoria
D. Cafferty	Victoria
G. Wason	Australian Capital Territory
D. Matthews	New South Wales
A. Rankin	New South Wales
B. Ethell	Western Australia
T. Carroll	Plasterers
K. Reynolds	WA Plasterers

BUILDING UNIONS DIVISIONAL CONFERENCE

The Divisional Officers of Building Unions Division and the Divisional Executive as set out above, and the following delegates from Building Unions Divisional Branches:

A. Ferguson	(NSW)	A. Wigchert	(QLD)
P. Grainger	(NSW)	M. Hickey	(QLD)
J. Briggs	(NSW)	T. Richardson	(QLD)
T. Morrison	(NSW)		
T. Mawdsley	(NSW)	F. O'Grady	(VIC)
J. Taylor	(NSW)	R. Williams	(VIC)
I. Smith	(NSW)	M. Kingham	(VIC)
B. Woodham	(NSW)	J. Saddington	(VIC)
T. McDonald	(NSW)		
E. Boatswain	(NSW)	R. Todd	(WA)

- together with the OPDU Federal Council as at the date of amalgamation.

BUILDING UNIONS DIVISIONAL TRUSTEES

W. Trohear	(QLD)
R. Driver	(ACT)

BUILDING UNIONS NSW DIVISIONAL BRANCH

Divisional State President	P. McClelland
Divisional State Secretary	D. Matthews
Joint Divisional State Assistant Secretary	A. Ferguson
Joint Divisional State Assistant Secretary	T. Burke
Joint Divisional State Assistant Secretary	A. Rankin
Divisional State Vice President	G. McArthur

BUILDING UNIONS NSW DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners
T. Morrison
J. Pineiro
I. Smith
L. Strutzenberger
M. Barrios

Bricklayers
H.D. Eisenhammer
A. Baxter

Builders Labourers
J. Ashdown
P. Balcombe

Bridge & Wharf
A. Melnikoff

Tilelayer
L. Quill

Slater & Tiler
M. Murphy

Painters
J. Anning
J. Foster
J. Hoddle

I. Gavin
S. Green

Stonemason
S. Cafarella

Plasterer
C. Howarth

BUILDING UNIONS NSW DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and -

Sydney Zone

Sydney Carpenters & Joiners
H. Brazao
P. Bristow
T. Connolly
P. Eggers
E. Elder
G. Kelly
F. Malis
P. Leyden
A. Zdrilic

Sydney Bricklayers
V. Catania
J. Taylor
M. McAliney

Sydney Builders Labourers
B. Granata
E. Harbidge
G. Sheen
D. Stean
J. McGee
S. Whetter

Country Zone

Country Carpenters & Joiners
L. Allen
R. Wills

Country Bricklayer
D. Atkinson

Country Builders Labourer
W. Shipman

Bridge & Wharf
C. Ford

Tilelayers
L. Quill

Slaters & Tilers
M. French

Stonemasons
J. Robinson

Plasterer
K. Andrews

Newcastle Zone

Newcastle Carpenters & Joiners
J. Allen
P. Cuskelly

Newcastle Bricklayer
L. Deeks

Newcastle Builders Labourer
E. Purins

Wollongong Zone

Wollongong Carpenters & Joiners
T. Gray
G. Karry

Wollongong Bricklayer
W. Hall

Wollongong Builders Labourer
M. Ward

BUILDING UNIONS NSW DIVISIONAL BRANCH TRUSTEES

T. Morrison
L. Strutzenberger
S. Green
J. Anning

BUILDING UNIONS NSW DIVISIONAL BRANCH ORGANISERS

B. Miller
P. Grainger
W. Baker
J. Briggs
B. Cochrane
N. Fodor
J. Higgins
J. Curruthers
J. Prentice
J. McKee
T. Hunt
M. Lawler
P. Zaboyak
M. Lynch
S. Manna
T. Mawdsley
D. Sullivan
C. Bates
J. Adams
J. McGahan
B. Beasley

Newcastle: R. Jarman

BUILDING UNIONS NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

T. McDonald
S. Sharkey
D. McDonald
J. Briggs
I. Smith
P. Grainger
J. Taylor
J. Sutton
T. Burke
E. Boatswain
D. Matthews
L. Fraser
C. Bates
A. Ferguson
T. Morrison
T. Mawdsley
B. Woodham

BUILDING UNIONS QLD DIVISIONAL BRANCH

Divisional State President	P. Stone
Divisional State Secretary	W.W. Trohear
Divisional State Assistant Secretary	M. Hickey
Divisional State Assistant Secretary	P. Waters
Divisional State Vice President	K. Anderson
Divisional State Vice President	B. Rushan

BUILDING UNIONS QLD DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

B. Tucker
P. Stone
T. Richardson
R. Bostock
K. Marcus
K. Anderson
B. Hopton
K. Bull
R. Vanderhorst
A. Pountey
F. Pearson
J. Gruer
G. Federer
B. Hall
G. Horn
B. McGill
M. Edwards

BUILDING UNIONS QLD DIVISIONAL BRANCH TRUSTEES

P. Stone
T. Richardson
R. Bostock
R. Vanderhorst

BUILDING UNIONS QLD DIVISIONAL BRANCH ORGANISERS

W. Perrett
D. Kersey
T. Richardson
K. Murphy
K. Carroll
G. Howcroft
A. Wigchert

BUILDING UNIONS QLD DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. Trohear
A. Wigchert
M. Hickey
T. Richardson

BUILDING UNIONS WA DIVISIONAL BRANCH

Divisional State President	A. Baxter
Divisional State Secretary	B. Ethell
Divisional State Assistant Secretary	R. Todd

BWIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

N. Houston
P. Alcantara
B. Churchill
B. Freeman
T. Bird
H. Johnson
M. Banks
J. Giles

BWIU WA DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

Perth
G. Curtin
R. Gaskell
C. Knight
B. Waller
A. De Klerk
M. Floud
N. Drayton
A. Hughes
K. Bulloch
J. Fitzgerald

Fremantle/Medina
C. Gorham
A. Phillips
J. Allison
P. Fairbotham
J. Curran

South West
J. McDonell

BWIU WA DIVISIONAL BRANCH ORGANISERS

D. Wildgoose
J. Gallagher

BWIU WA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Ethell
R. Todd

BUILDING UNIONS WA PLASTERERS DIVISIONAL BRANCH

Divisional State President	Mark Hudston
Divisional State Secretary	Kevin Reynolds
Divisional Branch Delegate to National Conference	Kevin Reynolds
Divisional State Vice President	Roy Cox
Divisional Committee of Management	James Hamilton
	Michael Naughton
Divisional Branch Organiser	Robert Manwaring

BUILDING UNIONS TAS DIVISIONAL BRANCH

Divisional State President	Stephen Hevey
Divisional State Secretary	Max Cordwell
Divisional State Assistant Secretary	T. Benson
Joint Divisional State Vice President	Ray Browne
Joint Divisional State Vice President	Ray Carroll
Joint Divisional State Vice President	M. Collins

BUILDING UNIONS TAS DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Adrian Telha	Paul Ridgeway
Roy Smedley	Grant Jackson
Ray Carroll	Gary Taylor
R. Edwards	L. Verrell

BUILDING UNIONS TAS DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

002 Area	003 Area
C. Green	A.J. Smith
A. Currie	L. Edwards
R. Dillon	P. Harris

004 Area

W. Maloney
B. Knowles
R. Doe

BUILDING UNIONS TAS DIVISIONAL BRANCH TRUSTEES

Max Cordwell	Stephen Hevey
Ray Browne	Adrian Telha
R. C. Edwards	A. R. Benson

BUILDING UNIONS TAS DIVISIONAL BRANCH ORGANISERS

Mark Telha
Martin Clifford
Ray Carroll

BUILDING UNIONS TAS DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

M. Cordwell

BUILDING UNIONS VIC DIVISIONAL BRANCH

Divisional State President	F. O'Grady
Divisional State Secretary	V. Raffa
Divisional Branch Assistant Secretaries	M. Kingham M. Bingham
Divisional State Vice President	B. Oliver

BUILDING UNIONS VIC DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners	**Builders Labourers**	**Painters**
R. Williams	T. Sinclair	M. Baird
R. Carter	R. Ryan	M. Garcia
G. Lavery	J. Nicol	K. B. Hughes
D. Van Dam	P. Lennon	P. Boyle
M. Santana	M. Bingham	M. Evans
W. Torpey	M. Ratel	
D. Noonan		
B. Giagnacovo		

Tilelayer	**Stonemason**
Z. Prazac	M. Newham

BUILDING UNIONS VIC DIVISIONAL BRANCH COUNCIL

Carpenters & Joiners	**Builders Labourers**
V. Nicoli	T. Bockting
K. Green	G. Young
D. Black	G. Miles
A. Moore	D. Noonan
W. Oliver	K. Hughes
H. Kotsabis	J. Bruce
D. Jacobson	J. McPartlin
G. Preddy	C. Leatham
D. Shacklock	

Stonemasons	**Tilelayers**
A. Patience	O. Kypta
G. Slack	Z. Prazak

Zone Delegates

Ballarat	Bendigo
V. Broes	T. Coleman
L. Brown	N. Pyle
N. Davidson	L. Worme

Brunswick
M. Kingham
W. McConnel
F. Stradijot

Camberwell
J. Baysinger
R. Bentley
S. Mitchell

Clifton Hill
F. Amarante
R. Collins
S. West

Essendon
D. Deprisco
T. Hancy
V. Raffa

Footscray
P. Leckie
F. Lopez
R. Storey

Geelong
J. Cody
J. O'Mara
B. Roche

Goulburn Valley
C. Craig
A. Kerris
P. O'Flaherty

Latrobe Valley
V. Beaton
M. Smith
A. Nabulsi

Melbourne
R. Carter
M. Santana
G. Tsotsos

Mordialloc
G. Burleigh
I. Nichol
P. Sullivan

Murray Valley
L. Fahey
S. Masterson
J. Salinger

Oakleigh
L. Bacolas
J. Medlyn
B. Smith

Preston
M. Collingburn
R. Lucas
N. Porter

Prahran
B. Giagnacovo
A. Medina
S. Delaney

Richmond
D. Blake
C. Commons
R. Hakainsson

South Western
K. O'Connor
A. Sargent
G. Sullivan

Sunraysia
A. Boldock
D. Costa
M. Dawes

Wimmera
R. Nesibit
G. Scott
A. Patterson

BUILDING UNIONS VIC DIVISIONAL BRANCH TRUSTEES

M. Kingham
B. Oliver
Vacant

M. Bingham
F. O'Grady
M. Baird

BUILDING UNIONS VIC DIVISIONAL BRANCH ORGANISERS

R. Welsh
T. Sinclair
R. Storey
W. Bingham
A. Medina

H. Kotsabis
R. Carter
T. O'Kane
D. Riddell
G. Young

D. Jacobson
D. Noonan
P. Muldeary
M. Kingham
M. Garcia

BUILDING UNIONS VIC DIVISIONAL BRANCH DELEGATES DIVISIONAL CONFERENCE

F. O'Grady
M. Kingham
V. Raffa
R. Williams
J. Saddington
M. Bingham

BUILDING UNIONS SA DIVISIONAL BRANCH

Divisional State President	A. Johnson
Divisional State Secretary	B. Carslake
Divisional State Vice President	G. Millar
Divisional State Vice President	D. Stapleton
Divisional State Assistant Secretary/Treasurer	T. Carroll
Divisional State Assistant Secretary/Treasurer	J. McGirr

BUILDING UNIONS SA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

BWIU	PLASTERERS	PAINTERS
F. Gosden	G. Parrish	George Tilley
T. Karrandjis	R. Watson	Greg Tilley
C. Morton	R. Bennett	Lambden
D. Sellmann	A. Spano	Weir
T. Middleton	S. Kesisoglou	McEwan
		Evans

BUILDING UNIONS SA DIVISIONAL BRANCH ORGANISERS

M. Gnatenko
H. Koemecker
M. Bella

BUILDING UNIONS SA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Carslake

BUILDING UNIONS ACT DIVISIONAL BRANCH

Divisional State President	R. Driver
Divisional State Secretary	G. Wason
Joint Divisional State Assistant Secretary	S. Hambesis
Joint Divisional State Assistant Secretary	T. Zeltner
Divisional State Vice President	K. Lundy
Divisional State Vice President	J. McHugh

BUILDING UNIONS ACT DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Pyner
J. Grey Reitz

A. Dillon
J. Long
T. Lagoya
J. Diamante
G. McGowan-Lay
P. Johnstone
D. Rail
G. Roderick
L. Lancsar
B. Larke
G. Cleghorn
P. Trapani

BUILDING UNIONS ACT DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

D. Thompson
B. Norman
C. Kaskoutas
M. Morgan
T. Gooden
G. Kirkwood
G. Frasin
W. Thompson
J. Clyde
R. Hemsley

BUILDING UNIONS ACT DIVISIONAL BRANCH TRUSTEES

G. Wason
S. Hambesis
G. McGowan-Lay
R. Driver
K. Lundy

BUILDING UNIONS ACT DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

G. Wason

ATAIU DIVISIONAL BRANCH OFFICE HOLDERS

ATAIU DIVISIONAL OFFICERS

Divisional President	G. Hillier
Divisional Secretary	T. Smith
Divisional Assistant Secretary	C. Northover
Divisional Senior Vice President	S. Murphy
Joint Divisional Vice President	P. Illidge
Joint Divisional Vice President	B. King

ATAIU DIVISIONAL TRUSTEES

J. Tuckwell
V. Stargatt
Q. Cook

Who form the Divisional Executive, and who with the following form the Divisional Conference

A. Roberg (SA)
C. Butler (TAS)
J. Gallogley (NSW)
M. Schuppan (NSW)
J. Beeson (VIC)
E. Swainston (VIC)
A. Dunlop (Pulp & Paper)
M. St Clair (SA)
B. Anderson (NSW)
J. Quartermaine (NSW)
B. Campbell (NSW)
B. Murpy (VIC)
M. Graham (Pulp & Paper)

ATAIU SA DIVISIONAL BRANCH

ATAIU SA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Young
Divisional Branch Secretary	Q. Cook
Divisional Branch Vice Presidents	M. St Clair
	A. Roberg

ATAIU SA DIVISIONAL BRANCH TRUSTEES

E. Cathro	P. Martinella
J. Nicks	

Who form the Executive.

ATAIU SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

L. Barry	T. Goodrich
L. Kilsby	F. Beimans
G. Schultz	L. Pelkonen
B. Lockwood	

ATAIU SA DIVISIONAL COUNCIL DELEGATES

M. St Clair	A. Young
T. Smith	Q. Cook

ATAIU NSW DIVISIONAL BRANCH

ATAIU NSW DIVISIONAL BRANCH OFFICERS

Divisional President	B. Anderson
Divisional Secretary	G. Hillier
Divisional Assistant Secretary	J. Tuckwell
Divisional Vice Presidents	G. Sacco
	J. Gallogley

ATAIU NSW DIVISIONAL BRANCH TRUSTEES

S. McDonald	M. Schuppan
B. Campbell	

Who are officers and form the Executive.

ATAIU NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

W. Englert	K. Yelverton
S. Hudson	J. Quartermain
W. Sentance	C. McGowan
C. Brooks	

ATAIU NSW DIVISIONAL COUNCIL DELEGATES

G. Hillier	B. Anderson
J. Gallogley	S. McDonald
J. Quartermain	K. Yvelton
B. Campbell	

ATAIU VIC DIVISIONAL BRANCH

ATAIU VIC DIVISIONAL OFFICERS

Divisional President	V. Stargatt
Divisional Secretary	B. King
Divisional Vice Presidents	V. Iluk
	E. Swainston

ATAIU VIC DIVISIONAL BRANCH TRUSTEES

J. Beeson	T. Carley
B. Murphy	

ATAIU VIC DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

J. Browne	B. Harms
P. Love	R. Owens
T. Stinton	C. Walkear
S. Wilson	P. Tait

ATAIU VIC DIVISIONAL COUNCIL DELEGATES

V. Stargatt	M. Lynch
J. Beeson	E. Swainston
B. Murphy	

ATAIU TAS DIVISIONAL BRANCH

ATAIU TAS DIVISIONAL BRANCH OFFICERS

Divisional President	C. Butler
Divisional Secretary	S. Murphy
Divisional Vice Presidents	R. Ford
	D. Turriff

ATAIU TAS DIVISIONAL BRANCH TRUSTEES

C. Butler	S. Cahoon
R. Smith	

ATAIU TAS DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

M. Barber	S. Cahoon
R. Foster	R. French
D. Harkes	N. Lincoln
B. Riley	R. Smith

ATAIU TAS DIVISIONAL COUNCIL DELEGATES

C. Butler	S. Murphy

ATAIU WA DIVISIONAL BRANCH

ATAIU WA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Cook
Divisional Branch Secretary	A. A'Vard
Divisional Branch Vice President	D. Murie
Divisional Branch Treasurer	R. Taylor

ATAIU WA DIVISIONAL BRANCH TRUSTEES

P. McCarthy	K. Smith
R. Henry	

ATAIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

R. J. Smith	C. Hagelund
R. Reiter	K. Cameron
V. McGlinn	J. Savage
G. P. Jaeschke	M. Bennett
W. J. Hall	

ATAIU NO. 7 DIVISIONAL BRANCH

ATAIU NO. 7 DIVISIONAL BRANCH OFFICERS

Divisional Branch President	P. Illidge
Divisional Branch Secretary/Treasurer	C. Northover
Divisional Branch Assistant Secretary/Treasurer	M. Graham
Divisional Vice Presidents	A. Dunlop
	R. Johnson

ATAIU NO. 7 DIVISIONAL BRANCH TRUSTEES

C. Northover	M. Graham

ATAIU NO. 7 DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

D. Garlick	G. Aston
T. Mackerell	G. Morley
N. Anderson	C. Glaubitz
N. Allen	D. McKay
M. Donoghue	P. Graham
J. Wright	T. Kelly
W. Hardy	G. Lincoln
G. Draper	T. Dwyer

ATAIU NO. 7 DIVISIONAL COUNCIL DELEGATES

C. Northover	M. Graham
P. Illidge	

ATAIU NOWRA SUB-BRANCH

President	Peter Graham
Senior Vice President	Harry Knowles
Junior Vice President	Tim Cato

Secretary-Treasurer	Mervyn Donoghue
Committee of Management	Rhonda Shelley
	Jim Evans
	Ray Clarke
	Alan Whitton
Delegate to No. 7 Branch	
Committee of Management	Mervyn Donoghue
	Peter Graham

ATAIU BURNIE SUB-BRANCH

President	George Draper
Senior Vice President	Barry Connors
Junior Vice President	Eric Edwards
Secretary-Treasurer	Geoffrey Lincoln

Committee of Management

Alan Claridge	Graham Wells
Anthony Johnson	Andrew Crawn
Jack Wylie	Russell Norton
Danny Rowlands	Richard Troughton
Noel Stubbs	Rex Berry

Delegate to No. 7 Branch	
Committee of Management	Geoffrey Lincoln
	George Draper

ATAIU PORT HUON SUB-BRANCH

President	Barry Young
Senior Vice President	Colin McMullin
Junior Vice President	Jeff Parsons
Secretary-Treasurer	Wayne Hardy

Committee of Management

Neville Burgess	Graeme Goaman
David Greatbatch	Ricky Cowen

Delegate to No. 7 Branch	
Committee of Management	Wayne Hardy

ATAIU MYRTLEFORD SUB-BRANCH

President	Vacant
Senior Vice President	Bruce Dale
Junior Vice President	Paul Ryan
Secretary-Treasurer	Trevor Dwyer
Committee of Management	Oliver Evans
	Colin Richardson
	Trevor Davis
	Robert Arnold
	Christopher Stone
Delegate to No. 7 Branch	
Committee of Management	Trevor Dwyer

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ATAIU MARYVALE SUB-BRANCH

President	Neville Anderson
Senior Vice Persident	Charles Glaubitz
Junior Vice President	Cidge Fabris
Secretary/Treasurer	Graeme Morley

Committee of Management

Steven Gilham	Robert Brown
Vernon Jones	Charles Stuart
Geoffrey Dorling	Brian McNamara
Peter Morris	Steven Mason
Wayne Snell	Vincent Nabel

Delegates to No. 7 Branch Committee of Management	Neville Anderson
	Charles Glaubitz
	Graeme Morley

Delegates Gippsland Trades & Labour Council	Graeme Morley
	Vernon Jones
	Brian McNamara
	Robert Brown

ATAIU SYDNEY SUB-BRANCH

President	Donald McKay
Senior Vice Pesident	Ron McElhinney
Junior Vice President	Edward Pram
Secretary-Treasurer	Philip Illidge

Committee of Management

William Daly	Les Smith
William Flowers	Anthony De Bono
Harry Marshall	Wayne Trewella
Mark Skennerton	Joseph Bodor

Delegates to No. 7 Branch Committee of Management	Philip Illidge
	Donald McKay

ATAIU BROADFORD SUB-BRANCH

President	Vacant
Senior Vice President	Vacant
Junior Vice President	Vacant
Secretary-Treasurer	Len Allen

Committee of Management	Garry Nesbitt
	Terry Hobson
	Alan Cole
	Craig Waters

Delegate to No. 7 Branch Committee of Management	Len Allen

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ATAIU MILLICENT SUB-BRANCH

President	John Wright
Senior Vice Pesident	Trevor Kelly
Junior Vice President	Richard Watts
Secretary-Treasurer	Robert Johnston
Committee of Management	Michael King
	Graeme Richards
	Mavis Kloock
	Graeme Richardson
	Gilbert Mouat
	Helen Walker
Delegates to No. 7 Branch Committee of Management	John Wright
	Trevor Kelly
	Robert Johnston

ATAIU MELBOURNE SUB-BRANCH

President	David Garlick
Senior Vice President	George Ashton
Junior Vice President	Vacant
Secretary-Treasurer	Alexander Dunlop

Committee of Management

William Horton	Stan Mazur
Terry Mackerell	Steve Morris
Tom Donelly	Ian James
Alex Miller	Michael Adamopolous

Delegates to No. 7 Branch Committee of Management	Alexander Dunlop
	David Garlick
	George Aston
Delegates to Victorian Trades Hall Council	Alexander Dunlop
	William Horton
	Terry Mackerell
	Malcolm Graham

UMW DIVISION

In accordance with Rule 42 - Transitional Provisions of the Rules of the Union being the National Rules the officers of the previously existing Mining Division immediately prior to the date of effect of the amalgamation shall be, on and from the date of effect of amalgamation the officers of the UMW Division which is the new name for the previous Mining Division and the only change therein shall be, to the extent necessary, the change in the title of office to reflect the change in the name of the Division from Mining Division to UMW Division.

FEDFA DIVISION

DIVISIONAL OFFICERS

Divisional President	M. McDonald
Divisional Secretary	V. Fitzgerald
Divisional Assistant Secretary	T. Maher

FEDFA DIVISIONAL EXECUTIVE

The Divisional Officers of FEDFA Division as set out above, and

I. Peel	New South Wales
J. Van Camp	Victoria
G. Betts	Queensland
G. Day	South Australia
B. O'Neil	Barrier
M. Grey	Tasmania
D. McIntyre	Western Australia

FEDFA DIVISIONAL CONFERENCE

The Divisional Officers of FEDFA Division and the Divisional Executive as set out above, and the following delegates from FEDFA Divisional Branches:

T. Maher	(NSW)
P. Jordan	(NSW)
B. Neilson	(VIC)
M. Hill	(VIC)
D. Holloway	(QLD)
G. Purtill	(QLD)
L. Wilson	(QLD)
B. Samson	(Barrier)
M. Buckley	(SA)
B. Low	(WA)
R. Harrison	(TAS)

FEDFA NSW DIVISIONAL BRANCH

Divisional Branch President	M. Smith
Divisional Branch Secretary	I. Peel
Divisional Branch Assistant Secretary	S. Gartrell

FEDFA NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above,

FEDFA NSW DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and regional delegates and organisers stated below,

Metropolitan	**Northern Region**
P. Wormleaton	N. Rose
R. Johnson	M. Sealby
B. Francis	G. Webb
D. Whitehead	D. Owens

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D. Dunn
J. Nixon

Southern Region
K. Anderson
B. Barnham
G. Freeman
T. Potter

Western Area
R. Fuller
W. Williams

FEDFA NSW DIVISIONAL BRANCH ORGANISERS

Metropolitian
G. Avouris
T. Grant
S. Cochran

Northern
M. Beehag
S. Harding
L. Sinclair

Riverina
S. King
J. Wilson

Western
G. Childs

Southern
H. Miller

Mining
P. Jordan

Energy
A. Drew

FEDFA NSW DIVISIONAL BRANCH TRUSTEES

D. Dunn
L. Robinson
J. Owens

FEDFA NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

V. Fitzgerald
T. Maher
P. Jordan
I. Peel

FEDFA VICTORIAN DIVISIONAL BRANCH

Divisional Branch President	M. McDonald
Divisional Branch Secretary	J. Van Camp
Divisional Branch Assistant Secretary	M. Greenbury
Divisional Branch Vice President	M. Hill

FEDFA VICTORIAN DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

M. French
D. McDonald
D. Baker
J. Kadziela
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional Officers as set out above, and -

SECV Yallourn
P. Wilson

SECV Morwell
G. Reid

SECV LaTrobe
(vacant)

Organisers Rep.
A. Riley
M. Hallett

Country Provisional
W. Fleet
M. French
T. McKenzie
P. Skinner

Metropolitian
D. Baker
J. Kadziela
D. McDonald
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH ORGANISERS

W. Fleet
M. French
R. Hallett
M. Hill
A. Riley

TRUSTEES

M. McDonald
J. Van Camp

FEDFA VICTORIAN DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

J. Van Camp
M. McDonald
M. Hill
B. Nielson

FEDFA BARRIER DIVISIONAL BRANCH

Divisional Branch President	B. Samson
Divisional Branch Secretary	W. O'Neil
Divisional Branch Vice President	R. Hunter

FEDFA BARRIER DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above,

FEDFA BARRIER DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

D. Brennan
A. Fraser
E. Snaith
R. Adams
B. Sayers

FEDFA BARRIER DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. O'Neil
B. Samson

TRUSTEES

R. Adams
B. Sayer
E. Snaith

FEDFA TASMANIAN DIVISIONAL BRANCH

Divisional Branch President — B. Bishop
Divisional Branch Secretary — M. Grey

FEDFA TASMANIAN DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and - D. Dawson

FEDFA TASMANIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

Launceston
D. Dawson

Hobart
M. Hyland

Devonport
(vacant)

Tullah
T. Jones

Burnie
L. Britton

Savage River
R. Harrison

Rosebery/Lyell
N. Hartnell

Organisers
D. Moncrieff
B. Best

FEDFA TASMANIAN DIVISONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

M. Grey
R. Harrison

FEDFA WA DIVISONAL BRANCH

Divisional Branch President — (vacant)
Divisional Branch Secretary — (vacant)

FEDFA WA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

FEDFA WA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

P. Bates
I. Douglas
T. Feeney
D. Hellyer

FEDFA WA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

B. Low
(vacant)

FEDFA SA DIVISIONAL BRANCH

Divisional Branch President	G. Bull
Divisional Branch Secretary	G. Day
Divisional Branch Vice President	F. Stonys

FEDFA SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Rogers	R. Brewer

FEDFA SA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

J. Rodgers	K. Maywald
F. Grosso	F. Harrison
R. Brewer	

ORGANISER

R. Brewer

FEDFA SA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

G. Day
M. Buckley

FEDFA QUEENSLAND DIVISONAL BRANCH

Divisional Branch President	D. Holloway
Divisional Branch Secretary	G. Betts
Divisional Branch Assistant Secretary	G. Wilson

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

S. Douglas	B. Scheuber
C. Swift	R. Coleman
L. Wilson	J. Spencer

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch State Management Committee as set out above, and -

M. Dowvendans	T. Quaid
L. Genrich	N. Rampton
R. Beattie	H. Heumiller
J. Rossington	C. Price
(vacant)	

FEDFA QUEENSLAND DIVISIONAL BRANCH ORGANISERS

D. Bloxsom	H. Heumiller
G. Flack	C. Price
C. Gillespie	T. Rosier

J. Rossington
R. Tremlin
B. Stacker

FEDFA QUEENSLAND DIVISIONAL BRANCH TRUSTEES

D. Holloway
G. Betts
S. Douglas
L. Wilson

FFTS UNION DIVISION

DIVISIONAL OFFICERS

Divisional President	A. Findlay
Divisional Secretary	L. Kyriacou
Divisional Assistant Secretary	M. Haritou
Divisional Senior Vice-President	S. Wales
Divisional Junior Vice-President	D. Frater

FFTS UNION DIVISIONAL EXECUTIVE

The Divisional Officers of the FFTS Union Division as set out above, and

A. Smith	New South Wales
V. Robinson	Queensland

FFTS UNION DIVISIONAL CONFERENCE

The Divisional Officers of the FFTS Union Division and the Divisional Executive as set out above, and the following delegates from the FFTS Union Divisional Branches;

W. Brown	(VIC)
M. Findlay	(VIC)
R. Smith	(NSW)
R. Groat	(SA)
A. Cookson	(QLD)
R. Orange	(TAS)

FFTS UNION VIC. DIVISIONAL BRANCH

Divisional Branch President	M. Mitten
Divisional Branch Secretary	L. Kyriacou
Divisional Branch Assistant Secretary	A. Findlay
Divisional Branch Senior Vice-President	W. Brown
Divisional Branch Junior Vice-President	C. Avent
Divisional Branch Organiser	M. Haritou
Divisional Branch Organiser	R. Shugg

FFTS UNION VIC. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch Officers as set out above and -

A. Frazer
G. Lee
J. Maines
J. Patti
I. Whitcroft
J. Calvert
N. Hazeldine
P. Linzos
J. O'Brien
J. Robins
L. Zanandrea

FFTS UNION NSW DIVISIONAL BRANCH

Divisional Branch President	R. Smith
Divisional Branch Secretary	S. Wales
Divisional Branch Assistant Secretary	R. Smith
Divisional Branch Vice-President	J. Callaway
Divisional Branch Organiser	Jack Lawrence

FFTS UNION NSW DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

J. Campbell	R. Davies
K. Campbell	W. Kraan
Robert Cumbo (Trustee)	Harry Irvine (Trustee)

FFTS UNION S.A. DIVISIONAL BRANCH

Divisional Branch President	R. Groat
Divisional Branch Secretary	D. Frater
Divisional Branch Assistant Secretary	S. Rowe
Divisional Branch Senior Vice-President	J. Emery
Divisional Branch Junior Vice-President	A. Reeves
Divisional Branch Organiser	S. Rowe
Divisional Branch Organiser	P. Wong
Divisional Branch Organiser	T. Woods

FFTS UNION S.A. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

B. Billington	M. Brownlie
P. Crisanti	A. Czora
A. Howlett	J. Salter
G. Whitford	

FFTS UNION QLD DIVISIONAL BRANCH

Divisional Branch President	G. William
Divisional Branch Secretary	V. Robinson
Divisional Branch Vice-President	A. Amos
Divisional Branch Assistant Secretary	A. Cookson

FFTS UNION QLD. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and - G. Dawson

FFTS UNION TAS DIVISIONAL BRANCH

Divisional Branch President	S. Negus
Divisional Branch Secretary	J. Gill
Divisional Branch Assistant Secretary	R. Orange
Divisional Branch Vice-President	C. Schoenwald
Additional Divisional Branch Executive member	W. Picken
Additional Divisional Branch Executive member	P. Green

FFTS UNION TAS DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

C. Sproule
W. Bandlow

END OF RULES

[105N-FED: Incorporates alterations of 19/03/2015 in matter R2015/22]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 101 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union.

DELEGATE OF GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission]

Rules of the Construction, Forestry, Mining and Energy Union
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1 - NAME

The name of the Union shall be the "Construction, Forestry, Mining and Energy Union".

2 - CONSTITUTION

(A)(A) The following unlimited number of persons, whether male or female, are eligible to be members of the Union

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in

paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;
(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, shall be eligible to be members of the Union including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

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

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker

Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due

south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:

(i) All persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) An unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board, strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) Such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members are eligible to be members of the Union.

(E) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:-

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

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

(b) Further, provided that, without limiting the generality of the foregoing the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building are eligible to be members of the Union. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other sub-rule or paragraph or being limited thereby an unlimited number of persons who are employed in, or competent to be employed in or in connection with the following industries or trades are eligible to be members of the Union:
Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and

employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland are eligible to be members of the Union.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

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1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the following are eligible to be members of the Union: an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

(O) **Additional Eligibility for Admission to Membership in the State of Queensland**

This rule 2(O) does not apply outside the State of Queensland.

Without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provide for additional eligibility for admission to membership of the Union in the State of Queensland:-

(i)

SECTION A

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

(b) This Union shall also consist of an unlimited number of persons employed in or usually employed in the painting and decorating industry in connection with

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buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(i) On ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational Offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind.

(ii) The painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind.

(iii) The painting of or in connection with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise). The painting of or in connection with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts or prefabricated building and structures as aforementioned.

(iv) The painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensors, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or seas, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases.

(v) Glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars.

(vi) Paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering.

(vii) Signwriting, designing and/or lettering of price tickets and show cards.

(viii) Pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering.

(ix) Leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections.

(x) Employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, putty stopping, caulking mixtures, compositions or compounds, oils, varnishes, watercolours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings will not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 1.2.2, Constitution hereof

(other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, watercolour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water solvents, electrical, mechanical, air powered or hand tools or by grit, shot, or other abrasives or by any other means.

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

(c) Nothing in this Section A rule will make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time. Provided further that, notwithstanding the foregoing provisions of this rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

(d) Notwithstanding any other provision in these Section A rules, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the union under this sub-rule.

(e) The Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connection with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accommodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattressmakers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy

makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

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

(g) Without limiting the generality of the foregoing Sub-Rules of this Section A Rule, or being limited thereby, independent contractors who, if they were employees performing work of the kind that they usually perform as independent contractors, would be employees eligible for membership of the Union, will be eligible for membership of the Union, and the Union will consist of an unlimited number of such persons.

SECTION B

(a) The Association shall consist of an unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow-motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Association or a Branch of the Association or whilst financial members of the Association are elected as representatives of any working class organisation to which the Association or a Branch thereof is affiliated or as a working class member of parliament. Provided that mobile crane drivers, operators of fork lifts and/or towmotors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership. Provided further that, notwithstanding the foregoing provisions of this Section B rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

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

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(c) Notwithstanding any other provision in this Section B rule, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the association under this sub-rule.

(d) Notwithstanding any other provision in this Section B rule, the persons employed by Dalrymple Bay Coal Terminal Pty Ltd at the Dalrymple Bay Coal Terminal site shall not be eligible for membership under this sub-rule.

SECTION C

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

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

Without limiting any other rule, sub-rule (O)(i) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(ii) The Union shall consist of an unlimited number of persons employed or usually employed as Builders' Labourers throughout Queensland on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any tradesperson engaged in building operations, or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings, or as scaffolder, rigger, gear hand, gantry hand or crane hand or as dogperson, or as a drainer on all building contracts, any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete work, tarpaving or asphalt work, or mortar or concrete mixing in connection with, or incidental to the foregoing operations, together with such other persons whether employees in the industry or not, as have been appointed officers of the Association and admitted as members thereof. Provided that, notwithstanding the foregoing provision of this rule, the union does not have any right to enrol as members under this sub-rule persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.

Without limiting any other rule, sub-rule (O)(ii) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman

Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler, generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries

and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools

or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

4 - OBJECTS

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

2. To regulate the conditions under which all members, of the Union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or association, or association of Trades Unions or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Branches, Divisions, Divisional Branches, Sub-Branches, Districts or Sections of the Union throughout the Commonwealth of Australia.

7. To further any scheme that has for its object the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labour and Trade Union newspapers and wireless broadcasting and television stations, and to invest in shares in such newspapers and radio and television stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide labour or Trade Union Organisation or Association.

10. To establish and manage a Union Journal or Journals.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

14. To render legal and other assistance to members, to protect the interests of the Union in all its Branches and to assist other trade unions by any legal method.

15. To obtain such other objects as the National Conference or National Executive shall from time to time determine.

16. To organise the education of members.

17. To establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Divisional or Divisional Branches.

18. The advancement of members intellectually, morally and socially and to do all things which, in the opinion of the Union, is in the interest of members including donations to political parties, the achievement of compulsory unionism, preference in employment, retrenchment, promotion, demotion and transfer in employment, the production and distribution of newspapers, journals and the like.

19. To achieve such other objects as may be lawfully adopted by any Division of the Union.

20. To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

"BOARD" means a group of persons who supervise a corporation, organisation, association or other like body including a Board of Directors.

"DECLARED PERSON OR BODY" - a person or body is a declared person or body of the Union or a Branch of the Union for the purpose of rule 24D (and 50D) if:

(i) an officer of the Union or the Branch (as the case may be) has disclosed a material personal interest under rule 24C/50C; and

(ii) the interest relates to, or is in, the person or body; and

(iii) the officer has not notified the Union or the Branch (as the case may be) that the officer no longer has the interest.

"DISCLOSURE PERIOD" means the financial year of the Union as referred to in Rule 24.

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

"FINANCIAL DUTIES" includes duties that relate to the financial management of the Union or a Branch of the Union.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"FINANCIAL YEAR" means the financial year of the Union as referred to in Rule 24.

"GENERAL MANGAGER" means the General Manager of the Fair Work Commission.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"NON-CASH BENEFIT" means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.

"OFFICE" has the same meaning as defined by Section 9 of the *Fair Work (Registered Organisations) Act* 2009.

"PEAK COUNCIL" means a national or State council or federation that is effectively representative of a significant number of organisations (within the ordinary meaning of the term) representing employers or employees in a range of industries.

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

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union and in the case of the Forestry, Furnishing, Building Products and Manufacturing Division, of the Division.

"RELATED PARTY" has the same meaning as defined by section 9B of the *Fair Work (Registered Organisations) Act* 2009.

"RELATIVE" in relation to a person means:

(i) parent, step-parent, child, step-child, grandparent, grandchild, brother or sister or the person; or

(ii) the spouse of the first mentioned person.

"RELEVANT NON-CASH BENEFITS" in relation to an officer of the Union/Branch for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer's duties as an officer, by the Union/Branch or by a related party of the Union/Branch.

"RELEVANT REMUNERATION" in relation to an officer of the Union/Branch for a disclosure period is the sum of the following:

(i) any remuneration disclosed to the Union/Branch by the officer under Rules 24B/50B during the disclosure period;

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(ii) any remuneration paid during the disclosure period, to the officer by the Union/Branch.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

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

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

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

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

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

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

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Mining and Energy Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Workplace Relations Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

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

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v) (a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in

fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

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

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

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

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.202 of the Industrial Relations Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

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

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional

District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

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

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

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

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member

or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.
Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telegram or telex.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, telephonic, telegraphic, telex, verbal and/or written vote (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) The National Executive Committee shall, on and from the first election for National Officers held after July 2010, consist of the National Officers, being the National Secretary, National President, National Assistant Secretary and three (3) National Vice

Presidents of the Union together with such of the following elected officers of each Division at a National level namely:-

- in the case of the Construction and General Division, the Divisional Secretary, two (2) Divisional Assistant Secretaries, the Divisional President and three (3) additional National Executive Committee members elected by and from the Construction and General Division Divisional Conference.

- in the case of the Forestry, Furnishing, Building Products and Manufacturing Division, the Divisional Secretary, the Divisional Senior Assistant Secretary, the Divisional President and the Divisional Assistant Secretary who is also the District Secretary of the PPW District of the Division.

- in the case of the Mining and Energy Division, the General President, the General Secretary and two (2) additional National Executive Committee members elected by and from the Mining and Energy Divisional Conference.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive and National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six (6). A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a facsimile, telephonic, email, written and/or postal vote of members of the National Executive or National Executive Committee at any time. Members of the National Executive or National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or facsimile or email or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or email.

15 - NATIONAL EXECUTIVE

(i) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

Provided that in the case of the Forestry, Furnishing, Building Products and Manufacturing Division for purposes of this sub-rule a reference to the Principal Officer of a Divisional Branch shall be a reference to the District Secretary of a District of that Division.

(ii) The National Officers shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

Provided that, the National Principal Officers holding office at 16 July 2010 shall, unless they resign or are removed from office in accordance with these rules, continue to hold office until 31 December 2010.

The National Officers elected in 2010 shall commence office on 1 January 2011.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

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

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Industrial Relations Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

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

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

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

16 - ELECTION OF NATIONAL OFFICERS

(i) The National Officers shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union (howsoever described in the Divisional Rules) and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Forestry Division and the General President of the Mining and Energy Division shall between them hold the positions of National Secretary, National Assistant Secretary and National President.

Further provided that, there shall be one Vice President from each Division who shall be nominated by and from their own Divisional Conference.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office

or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office. Further provided that in the case of a vacancy in one or more of the National Officer positions, the National Executive may fill such office by appointment from those members of the National Executive Committee who are otherwise eligible to hold the vacant office.

Provided however that any such appointment/s shall ensure that each Division maintains its representation of two (2) officers amongst the National Officers.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by post, letter, telegram, telephone, telex, facsimile and/or verbally as soon as the count is completed.

(ix) In any ballot of the National Collegiate for the election of National Officers, the representatives of each of the Divisions shall cast votes proportionate to the membership of their respective Divisions determined in the same way, the necessary changes being made, as votes cast by delegates to the National Conference in accordance with Rule 13(iii) and (iv) herein.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(ii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iii) Except in the case of the Mining & Energy Division and the Forestry, Furnishing, Building Products and Manufacturing Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) That nominations are called in accordance with the rules of the Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) That the nominations process, closure and receiving of, are in accordance with the rules of the Division.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) Officers of all Divisional Branches holding such office at the date of amalgamation shall remain in office until the general election of officers held in 1996 and shall be eligible to nominate in that election. In this paragraph officers of all Divisional Branches shall mean officers of branches of the amalgamating unions being the persons listed in the schedule hereto.

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall, in accordance with the Rules of the Division, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only:-

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) The candidate's statement provided for in accordance with sub-rule (h) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail all ballot papers, in accordance with the Rules of the Division.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed closed in accordance with the rules of the Division.

(r) That the opening and closing of the ballot shall be in accordance with the rules of the Division.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any

Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

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

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

fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preference shall be the same as is above prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except Mining and Energy Division and Forestry, Furnishing, Building Products and Manufacturing Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(ii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iii) The Divisional Officers at a national level shall be members of that Divisional Executive.

(iv) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

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

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

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

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the

Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

National Executive shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS/MEMBERS

1. The following sets out the duties of the National Officers outlined herein. The National Secretary shall be a full time position. The wages and costs relating to the office of the full time officer shall be borne by the Union.

2. National President:

The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

The National President shall have a deliberative vote only.

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

3. National Secretary:

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

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

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

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

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

The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretaries:

National Assistant Secretaries shall perform all duties assigned to them by National Conference and National Executive. They shall attend all meetings of National Conference and National Executive.

5. National Vice-Presidents:

The National Vice-Presidents shall assist the National President in the conduct of meetings and in the absence of the National President, shall act as President.

He/she shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

6. Members of National Executive and Delegates to National Conference:

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

7. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

8. No officers, employees, delegates or members shall be required to do, or required to omit to do, any act in breach of legislation applicable to the CFMEU.

9. Except as provided for by resolution of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof), it shall not be part of the duties of any delegate/steward, officer or employee, including organisers, whether temporary or not, to threaten, initiate, counsel, procure, induce, be involved in, engage in or be party to industrial action as defined by the Workplace Relations Act 1996 or building industrial action as defined by the Building and Construction Industry Improvement Act 2005.

22A - TRAINING OF OFFICERS

(a) This rule shall take effect on the commencement of Schedule 1 Part 2 of the *Fair Work (Registered Organisations) Amendment Act 2012*.

(b) Each person holding an office in the Union, including its Branches, Divisions and Divisional/District Branches whose duties include duties that relate to the financial management of the Union, including its Branches, Divisions and Divisional/District Branches shall undertake training:

(i) approved by the General Manager under the provisions of the *Fair Work (Registered Organisations) Act 200*9 or an Act replacing that Act; and

(ii) that covers each of the officer's financial duties.

(c) An officer shall complete the training required by sub-rule (b) within:

(i) six (6) months after the person begins to hold office; or

(ii) if the officer holds office at the date of the Proclamation referred to in sub-rule (a), within six (6) months of that date.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

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

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. No funds shall be drawn from the Bank or financial institution except by cheque signed by two persons who are a National Secretary, National Assistant Secretary, National President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President or National Assistant Secretary. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in

that Division which, by the rules of that Division is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

(viii) Any fines, penalties, damages, costs or other sum(s) ordered by a court against the Union is, if the conduct of a Division's officers, employees, agents or members made the Union liable for such amount(s), to be funded by that Division.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

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

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the National Secretary of a petition, signed by not less than 5% of the members of the Union, requesting that a general meeting of members of the Union be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the National Office, the National Secretary shall convene such meeting as soon as is practicable.

24A - POLICIES AND PROCEDURES - EXPENDITURE

(a) The Union shall develop and implement internal control policies and procedures relating to the expenditure of the Union, to ensure that the Union is conducted in accordance with the principles of good governance and to ensure accountability to members of the Union.

(b) Such policies and procedures shall be adopted by the National Executive and once adopted, shall be binding on all officers and members of the Union. Such policies and procedures must be identified in the resolutions of the National Executive as Rule 24A policies and procedures.

(c) Rule 24A policies and procedures must be published on the website of the Union with fourteen (14) days of their adoption.

(d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Branch, Division and Divisional/District Branch of the Union.

24B - DISCLOSURE BY OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

(a) Each person holding office in the Union shall disclose to the Union any remuneration paid to the officer:

(i) because the officer is a member of a board if:

(A) the officer is a member of the board only because the officer is an officer of the Union; or

(B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or

(ii) by a related party of the Union, in connection with the performance of the officer's duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Union shall disclose to the members of the Union:

(i) the identity of each officer of the Union who, when all officers of the Union are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than fifth;

(ii) the identity of each officer of each Division and Divisional/District Branch who, when all officers of the Division and Divisional/District Branches are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second; and

(iii) for each of those officers

(A) the actual amount of the officer's relevant remuneration for the disclosure period; and

(B) the form of the officer's relevant non-cash benefits for the disclosure period.

(d) For the purposes of sub-rules (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

24C - DISCLOSURE BY OFFICERS OF MATERIAL PERSONAL INTEREST

(a) Each person holding an office in the Union shall disclose to the Union any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Union including any Branch, Division or Divisional/District Branch thereof.

(b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The National Executive shall disclose to the members of the Union the interests disclosed to the Union pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year:

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

24D - DISCLOSURE BY UNION OF PAYMENTS

(a) The Union shall disclose to the members of the Union including its Branches, Divisions and Divisional/District Branches either of the following

(i) each payment made by the Union, during the disclosure period:

(A) to a related party of the Union or Branch; or

(B) to a declared person or body of the Union including its Branches, Divisions and Divisional/District Branches; or

(ii) the total of the payments made by the Union including its Branches, Divisions and Divisional/District Branches, during the disclosure period:

(A) to each related party of the Union or Branch; or

(B) to each declared person or body of the Union including its Branches, Divisions and Divisional/District Branches.

(b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Union including its Branches, Divisions and Divisional/District Branches from remuneration payable to officers or employees of the Union including its Branches, Divisions and Divisional/District Branches.

(c) Sub-rule (a) does not apply to a payment made to a related party if:

(i) the related party is an officer of the union; and

(ii) the payment:

(A) consists of remuneration paid to the officer by the union; or

(B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(d) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

25 - ALTERATION OF RULES

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

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telegraphic, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Industrial Relations Act (Commonwealth) or the regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the Industrial Relations Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

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

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each division shall have autonomy in relation to its funds and property.

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

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

(vi) Divisions, other than the Forestry, Furnishing, Building Products and Manufacturing Division, shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland, New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.202 of the Industrial Relations Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of state unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or National Assistant Secretary or any person authorised by a National Secretary or National President or National Assistant Secretary so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary or any person authorised by a Divisional Secretary or Divisional Assistant Secretary may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, Divisional Secretary or Divisional Assistant Secretary, or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests

issued by a Divisional Secretary or Divisional Assistant Secretary or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National Assistant Secretary, National President, Divisional Secretary and/or Divisional Assistant Secretary shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.

(g) The taking of industrial action (within the meaning of the Workplace Relations Act 1996), building industrial action (within the meaning of the Building and Construction Industry Improvement Act 2005) or picketing by members is not authorised by the union without the consent of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof).

Provided however that the preceding paragraph shall not restrict the right of a person or body duly authorised by such a committee of management to authorise industrial action in accordance with s 446 (1)(a) of the Workplace Relations Act 1996, or any successor provisions thereto.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 361 Kent Street, Sydney in the State of New South Wales, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

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

Where the Union is dissolved the property of the Union shall be vested in the trustees of each existing Division at the time of dissolution for the benefit of the members thereof on the basis that each such

Division will continue to hold its own property and funds and any property or funds not vested at the time of dissolution in a Division shall be divided between the existing Divisions on a basis proportionate to the membership of each such Division.

35 - RECOVERY OF DUES

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

36 - LEVIES

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

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

(iii) A Division or Divisional Branch may impose a levy on its members.

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

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

37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

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

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

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

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

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

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

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

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

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

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

   If the votes are equal the question is resolved in the negative.

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

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

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

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

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

11. Any delegate or member speaking shall at once resume their seat -

    (a) If the chairperson rises to speak; or
    (b) If a point of order is raised.

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

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

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

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

CHAIRPERSON'S RULINGS

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

SUSPENSION OF ORDER OF BUSINESS

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

SITTING AS A COMMITTEE

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

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

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

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

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the Industrial Relations Act 1988, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, telex, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above

demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee, following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted

(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) deleted

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes

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place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary

shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - Divisional Restructuring (FEDFA)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps which steps may deal with one Division at a time, Divisional Branches within a Division and/or the Divisional Office of any particular Division.

2. In relation to the above, the FEDFA Division shall be restructured in steps which shall involve:

(a) The abolition of full-time Divisional Officers at a national level and the allocation of responsibility for the FEDFA Division between the Building Unions Division and the UMW Division;

(b) The allocation of full-time Divisional Officers of the FEDFA Division to the Building Unions Division and the UMW Division;

(c) The continued operation of the Divisional Branches of the FEDFA Division with the intent, over time, of the restructuring of said Divisional Branches in accordance with Rule 42, into the Building Unions/Construction and General Division, UMW/Mining & Energy Division and the ATAIU/Forestry Division;

(d) The payment of capitation fees by FEDFA Divisional Branches to a designated fund which shall be administered by the Divisional Secretary of the FEDFA Division or, if or when that Office is abolished by the former Divisional Secretary and the Divisional Secretaries of the Building Unions and/or Construction and General Division and the UMW and/or Mining and Energy Division.

(e) The continued meeting of the Division Executive of the FEDFA Division for so long as is necessary before the complete restructuring of the FEDFA Division is effected in accordance with Rule 42.

3. On and from 27 September 1993, in accordance with the above procedure, the current Divisional Secretary of the FEDFA Division shall be and become the Divisional President of the Building Unions Division and the current Divisional Assistant Secretary of the FEDFA Division shall be and become a Divisional General Vice-President of the UMW Division and upon translation in accordance with Rule 42 (iii), shall hold the corresponding offices in the Construction and General Division and the Mining & Energy Division respectively.

4. The current Divisional Secretary and Divisional Assistant Secretary of the FEDFA Division shall continue to hold those positions in the FEDFA Division on an honorary basis until such time as the FEDFA Division no longer meets on a national basis.

5. This Rule shall come into force after its adoption by the National Executive and agreement thereto by the FEDFA Divisional Executive, UMW Divisional Executive and Building Unions Divisional Executive and thereupon shall be registered with the Australian Industrial Registry and shall take effect upon registration, or 27 September 1993, whichever is the later.

6. Further to the above provisions, and notwithstanding any other rule of the Union to the contrary, during the process of restructuring, any Divisional Branch of the FEDFA Division may reach agreement with any or all of the UMW Division/Mining & Energy Division and/or the Building Unions Division/Construction and General Division and/or the Forestry Division or the relevant Divisional Branches thereof to transfer members and officers of the FEDFA Division to any and/or all of the other aforementioned Divisions. Such agreement shall be reached with the approval of the Management Committee or its equivalent in each Divisional Branch and the officers concerned. Any such Divisional Branch may reach agreement on some or all of the matters relating to such transfer and, failing agreement on any or all of such matters, refer the matters by agreement to the National Executive for decision. Until such time as there no longer exists an FEDFA Division in accordance with the Rules of the Union, all such officers transferred shall, notwithstanding the holding of positions in other Divisions, continue to hold the office or position in the FEDFA Division on an honorary basis and shall, to the extent that the Rules require same, continue to perform the functions associated with that office in relation to the FEDFA Division. All agreements in relation to the transfer of members and officers shall be notified to the National Executive Committee and attached to the Minutes thereof. Such agreements shall have force and effect in accordance with the terms thereof and from the date of effect of that agreement as specified in that agreement, or failing any specification thereof, on the date of the agreement.

7. The following table shows the restructuring of the FEDFA Division, merging with the appropriate Union Division to create Industry Divisions:

	(	merged with	)
STATE	CONSTRUCTION AND GENERAL	MINING AND ENERGY	FORESTRY
National Office	27 Sept 1993	27 Sept 1993	
Queensland	4 Feb 1994	1 Jan 1993	
New South Wales		Northern 2/4/93 Southern 1/7/93 Western 8/4/93 Energy 21/7/93	
Tasmania	31 July 1996	24 August 1996	1 Jan 1994
Sth Aust	1 Aug 1993	1 Aug 1993	
West Aust	1 Sept 1993	1 Sept 1993	

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Victoria	1 Aug 2003	2 Jan 2001
Barrier		1 July 1996

42B - Merger with ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DIVISIONAL RESTRUCTURING (FFTS)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps, such steps may deal with one Division at a time and/or Divisional Branches within a restructured Division at a time.

2. In relation to the above, the FFTS Division shall on and from the 11th February 2002, be restructured in the first instance into the Forestry Division to form “The Forestry, Furnishing, Building Products and Manufacturing Division” (FFPD) which shall result in:

   (a) The abolition of full-time FFTS Divisional Officers at a national level and the allocation of responsibility for the FFTS Division to the restructured Division.

   (b) The allocation of Divisional/Branch Office Holders of the FFTS Division to the Office Holders positions of the restructured Division.

   (c) The continued operation of the Victorian and Queensland Divisional Branches of the FFTS Division within the restructured Division of up to four years beyond the expiration of the eight years referred to in sub-rule 42(xii). This sub-rule shall not otherwise affect the operation of sub-rule 42(xii). For the avoidance of doubt, the four years referred to in this sub-rule shall expire on 26 March 2005.

3. Further to the above provisions and notwithstanding any other rule of the Union to the contrary, the FFTS Victorian Branch shall unless otherwise agreed by the FFTS Victorian Branch Management Committee maintain its current structure and existence within the restructured Division up until 26 March 2005.

4. Prior to the 26 March 2005, the FFPD (which shall include representatives of the former FFTS Division) and the Construction & General Division (which shall include representatives from the National Office and all interested Branches) will meet under the chairpersonship of the National Secretary of the CFMEU to reach agreement to finalise translation/integration provisions intended by the respective Schemes of Amalgamation and the Rules of the Union in respect to the Forestry, FFTS and C&G Divisions.

5. Should agreement not be reached between the Divisions the matter shall be referred to the CFMEU National Executive to determine in accordance with the Schemes of Amalgamation and Rules of the Union.

6. Until the elections scheduled to be held in August 2004 the FFPD shall be constituted and represented as follows:-

(a) Divisional Conference shall consist of:-

(i) Forestry Division Representatives

Trevor Smith	SA	Jane Calvert	VIC
Paul Martinella	SA	Andy Laing	VIC
Mark Nicholls	SA	Ian Mullen	VIC
Brenton Lockwood	SA	Michael O'Connor	VIC
Scott McLean	TAS	Brad Platschinda	VIC
Colin Butler	TAS	Bevan Anderson	NSW
Gary Jaeschke	WA	Bruce CampbellNSW	
Christopher Northover	P&P	Craig Smith	NSW
Phillip Illidge	P&P	Eileen Anderson	NSW
Alex Millar	P&P	Kenneth Miller	NSW
Debbie Brennan	P&P		

(ii) FFTS Division Representation

Jim Emery	SA	Leo Skourdoumbis	VIC
David Kirner	SA	Frank Vari	VIC
Brad Parker	NSW	Joe Patti	VIC
Greg Williams	QLD	Cliff Palmer	VIC
John O'Brien	VIC	Alwin Seneviratne	VIC

(iii) Representation

Representation of the Forestry and FFTS Division Branches shall be in accordance with Rule 8 of the Forestry Division Rules.

(b) Divisional Executive shall consist of:-

(i)

Jane Calvert	Divisional President
Phillip Illidge	Divisional Snr V/President
Brad Parker	Divisional V/President
Craig Smith	Divisional V/President
Trevor Smith	Divisional Secretary
Chris Northover	Divisional Snr Assistant Secretary (Honorary)
Michael O'Connor	Divisional Assistant Secretary
Leo Skourdoumbis	Divisional Assistant Secretary (Honorary)

Kenneth Miller	Divisional Trustee
Dave Kirner	Divisional Trustee
Frank Vari	Divisional Trustee
Scott McLean	Divisional Trustee
Paul Martinella	Divisional Executive Member
Greg Williams	Divisional Executive Member
Gary Jaeschke	Divisional Executive Member

(c) FFPD NSW Branch Executive/Committee of Management

Brad Parker	Joint President (full-time)
Bevan Anderson	Joint President (Honorary)
Bruce CampbellSnr V/President	
Jayne Willet	Jnr V/President (AA)
Tom Abramovic	Jnr V/President
Craig Smith	Secretary
Sala Taalilil	Trustee
Eileen Anderson	Trustee (AA)
Peter Reilly	Trustee
Ronnie Watson	Trustee
Kenneth Miller	Trustee
Alan Lanyon	Committee Member
Barry Barrakett	Committee Member
Cheryl Hampton	Committee Member
Kerry Hickey	Committee Member
Mark Thompson	Committee Member
Michael Schuppan	Committee Member
Peter StClair	Committee Member
Anthony Ovington	Committee Member
(2 Vacant COM positions to be filled by FFTS)	

(d) (a) FFPD VIC FFTS Branch Executive/Committee of Management

Joe Patti	President
Cliff Palmer	V/President
John O'Brien	V/President
Leo Skourdoumbis	Secretary
Frank Vari	Assistant Secretary
Michael Doran	Trustee
Ernie Landolt	Trustee
Les Ford	Trustee
Florencio P Carrion	Committee Member
Eric Maher	Committee Member
Jeffery Connor	Committee Member
Brenda Crawford	Committee Member
Penny Lintzos	Committee Member
James Maine	Committee Member
Alwin Seneviratne	Committee Member
Greg Wheeler	Committee Member
Chris Christou	Committee Member
Damian Cooke	Committee Member
Ian Morris	Committee Member

(b) FFPD VIC Forestry Branch Executive/Committee of Management

Andy Laing	President
Ian Mullen	Snr V/President
Andrew Wareham	V/President

Kim Mason	V/President (AA)
Jane Calvert	Secretary
Yorick Piper	Assistant Secretary
Kevin Wyley	Trustee
Clare Burford	Trustee (AA)
Ken Tonkin	Trustee
Mark Nelson	Trustee
Ricky Owens	Committee Member
Bob Salmnon	Committee Member
Wayne Smith	Committee Member
Neil Saunders	Committee Member
David Sheppard	Committee Member
Sunsera Verhoven	Committee Member
Anthony Jones	Committee Member
Duncan Ingram	Committee Member
Graeme Howe	Committee Member

(1 vacant COM AA position to be filled)

(e) FFPD Pulp & Paper Branch Executive/Committee of Management

Phillip Illidge	President
Robert Johnston	Snr V/President
Alex Millar	Jnr V/President
Chris Northover	Secretary/Treasurer
Grant Keys	Trustee
Chris Northover	Trustee
Alex Millar	Trustee
Geoff Gasperotti	Committee Member
Wayne Hardy	Committee Member
Andrew Ball	Committee Member
Greg Stewart	Committee Member
David Jessup	Committee Member
Mervyn Donoghue	Committee Member
Tom Blacka	Committee Member
Craig Waters	Committee Member
Ken Fraser	Committee Member
William Davey	Committee Member
Greg Godde	Committee Member
Trevor Sinclair	Committee Member
Marne Gurney	Committee Member

(f) FFPD SA Branch Executive & Committee of Management

Jim Emery	President
Mark Nicholls	Snr V/President
Tony Howlett	V/President
Maree Gale	V/President
Paul Martinella	Secretary
David Kirner	Assistant Secretary
Steve Crafter	Trustee
Tom Kenny	Trustee
Ross Bennetta	Trustee
Leonie Kiploks	Trustee (AA)
Karen Cory	Committee Member
Mark Vickers	Committee Member
Peter Nelson	Committee Member
Greg Muhovics	Committee Member
Andrew Sampson	Committee Member

Kym Isaacson	Committee Member
Peter Starr	Committee Member
Bill Burns	Committee Member
Bernie Maguire	Committee Member
Laurie Barbary	Committee Member

(1 Vacant COM AA position to be filled by FFTS)

(g) FFPD TAS Branch Executive & Committee of Management

Colin Butler	President
Angela Lord	Snr V/President
Narrelle Bassett	V/President (AA)
Anthony Clay	V/President
Scott McLean	Secretary
Shiralee Gillespie	Trustee (AA)
Ronald Brown	Trustee
Leanne Hardy	Trustee (AA)
Lindsay Hills	Trustee
Robert Bowden	Committee Member
Paul Worker	Committee Member
Peter Mason	Committee Member
Margaret Watson	Committee Member
Kylie Dundas	Committee Member
Joseph Kelly	Committee Member
Anthony Barnes	Committee Member
Adrian Littlejohn	Committee Member

(h) FFPD QLD Branch Executive/Committee of Management

Ursula Korableff	President
Desmond Flanagan	V/President
Stephan Williams	V/President
Greg Williams	Secretary
Rodney Black	Committee Member
Vincent Breen	Committee Member
John Forrest	Committee Member

(i) FFPD WA Branch Executive/Committee of Management

John Rudge	President
Vincent Preedy	Snr V/President
Douglas Ashcroft	V/President
Gary Jaeschke	Secretary (Honorary)
John Cleary	Trustee
Garry Rampling	Trustee

7. This rule shall come into force on and from 11 February 2002 in accordance with the unanimous decision of the National Executive and shall be registered with the Australian Industrial Registry.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

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44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State

Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS

(i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

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

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

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

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made pursuant thereto.

Upon receipt by the State Branch Secretary of a petition, signed by not less than 5% of the members of the State Branch, requesting that a general meeting of members of the State Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the State Branch, the State Branch Secretary shall convene such meeting as soon as is practicable.

50A - POLICIES AND PROCEDURES - EXPENDITURE

(a) Each Branch shall develop and implement internal control policies and procedures relating to the expenditure of the Branch, to ensure that the Branch is conducted in accordance with the principles of good governance and to ensure accountability to members of the Branch.

(b) Such policies and procedures shall be adopted by the State Executive and once adopted, shall be binding on all officers and members of the Branch. Such policies and procedures must be identified in the resolutions of the State Executive as Rule 50A policies and procedures.

(c) Rule 50A policies and procedures must be published on the website of the Branch with fourteen (14) days of their adoption.

(d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Division and Divisional/District Branch of the Union.

50B - DISCLOSURE BY BRANCH OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

(a) Each person holding office in a Branch shall disclose to the Branch any remuneration paid of the officer:

(i) because the officer is a member of a board if:

(A) the officer is a member of the board only because the officer is an officer of the Branch; or

(B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or

(ii) by a related party of the Branch, in connection with the performance of the officer's duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Branch shall disclose to the members of the Branch:

(i) the identity of each officer of the Branch who, when all officers of the Branch are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second;

(ii) for each of those officers

(A) the actual amount of the officer's relevant remuneration for the disclosure period; and

(B) the form of the officer's relevant non-cash benefits for the disclosure period.

(d) For the purposes of sub-rules (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50C - DISCLOSURE BY BRANCH OFFICERS OF MATERIAL PERSONAL INTEREST

(a) Each person holding an office in the Branch shall disclose to the Branch any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Union or Branch.

(b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The State Executive shall disclose to the members of the Branch the interests disclosed to the Branch pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year:

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50D - DISCLOSURE BY BRANCH OF PAYMENTS

(a) The Branch shall disclose to the members of the Branch either of the following

(i) each payment made by the Branch, during the disclosure period:

(A) to a related party of the Branch; or

(B) to a declared person or body of the Branch; or

(ii) the total of the payments made by the Branch during the disclosure period:

(A) to each related party of the Branch; or

(B) to each declared person or body of the Branch.

(b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Branch from remuneration payable to officers or employees of the Branch.

(c) Sub-rule (a) does not apply to a payment made to a related party if:

(i) the related party is an officer of the Branch; and

(ii) the payment:

(A) consists of remuneration paid to the officer by the Branch; or

(B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(d) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

SCHEDULE OF OFFICERS REFERRED TO IN RULE 42 (xiv) (a)

POSITION	PERSON TO HOLD POSITION
NATIONAL UNION	
** Joint National Secretary	Stanley Sharkey
** Joint National Secretary	Vic Fitzgerald
** Joint National President	John Maitland
** Joint National President	Trevor Smith
** National Assistant Secretary	John Sutton
** National Senior Vice President	Lou Kyriacou
* National Senior Vice President	Albert Littler
National Senior Vice President	Bill Ethell
Joint National Vice President	Christopher Northover
Joint National Vice President	Kenneth Hawkins
Joint National Vice President	Malcolm McDonald
Joint National Vice President	Thomas Burke
* FEDFA Divisional Assistant Secretary	Tony Maher
* BWIU/Plasterers Divisional Assistant Secretary	Lindsay Fraser
* ATAIU Divisional Assistant Secretary	Chris Northover
* UMW Divisional General Secretary	Eric A Wilks
* UMW Divisional Vice President	Kenneth Hawkins

NATIONAL EXECUTIVE COMMITTEE shall consist of the six (6) principal officers (marked **) plus the other full-time Divisional Officers of each Division (marked *).

NATIONAL EXECUTIVE shall consist of the persons who constitute the National Executive Committee set out above and the Divisional Branch Secretary of each Divisional Branch of each Division set out herein and shall, in accordance with Rule 42 (viii) (a) include the National President and National Secretary of the former OPPWF. This body shall also include the Divisional Branch Secretaries from Victoria, New South Wales, South Australia and Queensland of the FFTS Union Division.

It also includes the South Australian, Victoria and Queensland Branch Secretaries and the NSW Branch Assistant Secretary of the former OPDU.

NATIONAL CONFERENCE shall consist of the persons listed as the members of the four (4) divisional executives set out herein until 2 January 1997, the following shall also be a delegate,

T. Richardson - Secretary of former OPPWF, Queensland Branch.

The National Conference shall also include the persons (as set out herein) comprising the Federal Executive of the FFTS Union Division while that Union Division remains autonomous.

BRANCHES OF THE UNION

NEW SOUTH WALES BRANCH

New South Wales State Officers

Joint NSW State Secretary	Dennis Matthews
Joint NSW State Secretary	Ian Peel
Joint NSW State President	Gavin Hillier
Joint NSW State President	Michael Watson
Joint NSW State Assistant Secretary	Andrew Ferguson
Joint NSW State Assistant Secretary	Alf Rankin
Joint NSW State Senior Vice President	Thomas Burke
Joint NSW State Senior Vice President	Peter McClelland
Joint NSW State Senior Vice President	Edward Curran
Joint NSW State Senior Vice President	Sid Wales
Joint NSW State Vice President	Bevan Anderson
Joint NSW State Vice President	Howard Fisher
Joint NSW State Vice President	Mick Smith
Joint NSW State Vice President	Gary McArthur

New South Wales State Executive

Shall consist of the abovenamed persons being the NSW State Officers together with the persons who are the full-time Divisional Branch officers, other than organisers, of each Divisional Branch, being,

ATAIU NSW Divisional State Assistant Secretary, Joyce Tuckwell
FEDFA NSW Divisional State Assistant Secretary, Scott Gartrell
FFTS NSW Union Divisional State Assistant Secretary, Rex Smith

New South Wales State Conference

Shall consist of the persons who constitute NSW State Executive as listed above (i.e. including NSW State Officers) and the persons being the other members of ATAIU NSW Divisional Branch Management Committee and the Building Unions NSW Divisional Branch Management Committee and the UMW Divisional Branch Management Committee, and the FEDFA NSW Divisional Branch Management Committee and the FFTS Union Division NSW Branch Management Committee listed herein.

VICTORIAN BRANCH

Victorian State Officers

Joint Vic State Secretary	John Van Camp
Joint Vic State Secretary	Vince Raffa
Joint Vic State President	Barry King
Joint Vic State President	Lou Kyriacou
Joint Vic State Assistant Secretary	Martin Kingham
Joint Vic State Assistant Secretary	Vacant

Vic State Senior Vice President	Frank O'Grady
Joint Vic State Vice President	Vilma Stargatt
Joint Vic State Vice President	Malcolm McDonald
Joint Vic State Vice President	Alex Findlay
Joint Vic State Vice President	Vacant

Victorian State Executive

Shall consist of the abovenamed persons being the Victorian Divisional Officers, Building Unions Victorian Divisional State Assistant Secretary and the FEDFA Victorian Divisional State Assistant Secretary plus FFTS Union Division Victorian Divisional Branch Senior Organiser.

Victorian State Conference

Shall consist of the persons who constitute the persons being the other members of the ATAIU Victorian Divisional Branch Management Committee, the BWIU Victorian Divisional Branch Management Committee and the FEDFA Victorian Branch Management Committee and the FFTS Union Division Victorian Divisional Branch Management Committee listed herein.

SOUTH AUSTRALIAN BRANCH

South Australian State Officers

SA State Secretary	Ben Carslake
SA State President	Quentin Cook
Joint SA Senior State Vice President	A. Johnson
Joint SA Senior State Vice President	D. Frater
Joint SA State Vice President	A. Young
Joint SA State Vice President	G. Bull
Joint SA State Vice President	D. Stapleton
Joint SA State Assistant Secretary	Terry Carrol
Joint SA State Assistant Secretary	Geoff Day
Joint SA State Assistant Secretary	J. McGirr

South Australian State Executive

Shall consist of the abovenamed persons being South Australian State Officers and

ATAIU SA Divisional Branch Assistant Secretary
FFTS SA Divisional Branch Assistant Secretary

South Australian State Conference

Shall consist of the persons who constitute South Australian State Executive set out above and the persons being the other members of the ATAIU South Australian Divisional Branch Management Committee, the Building Unions South Australian Divisional Branch Management Committee the FFTS Union Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee listed herein.

TASMANIAN BRANCH

Tasmanian State Officers

Joint Tas State Secretary	Max Cordwell
Joint Tas State Secretary	Mike Grey
Joint Tas State President	Shayne Murphy
Joint Tas State President	Leonard Miles
Tas State Senior Vice President	Stephen Hevey

Joint Tas State Vice President	J. Gill
Joint Tas State Vice President	Colin Butler
Joint Tas State Vice President	M. Collins
Joint Tas State Vice President	David Bean
Joint Tas State Vice President	Barry Bishop
Joint Tas State Vice President	Ray Carroll
Tas State Assistant Secretary	

Tasmanian State Executive

Shall consist of the Full Time Tasmanian State Officers.

Tasmanian State Conference

Shall consist of the persons listed as the Tasmanian State Executive set out above and, the other persons being the persons listed as members of the ATAIU Tasmanian Divisional Branch Management Committee, UMW Tasmanian Divisional Branch Management Committee, the Building Unions Tasmanian Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee and the FFTS Union Division Tasmanian Branch Management Committee listed herein.

AUSTRALIAN CAPITAL TERRITORY BRANCH

ACT State Officers

ACT State Secretary	George Wason
ACT State President	Rod Driver
Joint ACT State Vice President	Kate Lundy
Joint ACT State Vice President	J. McHugh
Joint ACT State Assistant Secretary	Trevor Zeltner
Joint ACT State Assistant Secretary	Stan Hambesis

ACT State Executive

Shall consist of the abovenamed persons listed as ACT State Officers.

ACT State Conference

Shall consist of those persons listed above as being the ACT State Executive and the other persons listed herein as members of the Building Unions ACT Divisional Branch Management Committee.

WESTERN AUSTRALIAN BRANCH

Western Australian State Officers

WA State Secretary	Bill Ethell
Joint WA State President	John Borlini
Joint WA State President	Alex A'Vard
Joint WA State Vice President	Gary Wood
Joint WA State Vice President	A. Baxter
Joint WA State Vice President	Ron Kielty
Joint WA State Vice President	A. Cook
Joint WA State Vice President	K. Reynolds
Joint WA State Assistant Secretary	Rick Todd
Joint WA State Assistant Secretary	Dave McIntyre

WA State Executive

Shall consist of the abovenamed persons listed as WA State Officers.

WA State Conference

Shall consist of those persons listed above as being the WA State Executive and the persons listed herein as members of the both Building Unions Divisional Branches' Management Committees, the members of the UMW WA District Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee.

QUEENSLAND BRANCH

Queensland State Officers

Joint Qld State Secretary	William Trohear
Joint Qld State Secretary	Greg Betts
Joint Qld State President	Andrew Vickers
Joint Qld State President	Peter Stone
Joint Qld State President	Des Holloway
Joint Qld State Senior Vice President	V. Robinson
Joint Qld State Vice President	B. Rushan
Joint Qld State Vice President	Kevin Anderson
Joint Qld State Vice President	Peter Neilson
Joint Qld State Assistant Secretary	Mark Hickey
Joint Qld State Assistant Secretary	Geoff Wilson
Joint Qld State Assistant Secretary	P. Waters

Queensland State Executive

Shall consist of the abovenamed persons listed as Queensland State Officers plus an additional person being the FFTS Union Division Qld Branch Assistant Secretary.

Queensland State Conference

Shall consist of those persons listed above as being the Queensland State Executive and the persons listed herein as members of the Building Unions Queensland Divisional Branch Management Committee, the members of the UMW Divisional Branch Management Committee and the members of the FEDFA Divisional Branch Management Committee and members of the FFTS Union Division Qld Divisional Branch Management Committee.

BUILDING UNIONS DIVISION

DIVISIONAL OFFICERS

Joint Divisional President	A. Littler
Joint Divisional President	B. Ethell
Divisional Secretary	S. Sharkey
Joint Divisional Assistant Secretary	J. Sutton
Joint Divisional Assistant Secretary	L. Fraser
Joint Divisional Senior Vice President	D. McDonald
Joint Divisional Senior Vice President	J. McGirr
Joint Divisional Vice President	C. Bates
Joint Divisional Vice President	M. Bingham
Joint Divisional Vice President	T. Burke

BUILDING UNIONS DIVISIONAL EXECUTIVE

The Divisional Officers of Building Unions Division as set out above, and

W. Trohear	Queensland
M. Cordwell	Tasmania
B. Carslake	South Australia
V. Raffa	Victoria
D. Cafferty	Victoria
G. Wason	Australian Capital Territory
D. Matthews	New South Wales
A. Rankin	New South Wales
B. Ethell	Western Australia
T. Carroll	Plasterers
K. Reynolds	WA Plasterers

BUILDING UNIONS DIVISIONAL CONFERENCE

The Divisional Officers of Building Unions Division and the Divisional Executive as set out above, and the following delegates from Building Unions Divisional Branches:

A. Ferguson	(NSW)	A. Wigchert	(QLD)
P. Grainger	(NSW)	M. Hickey	(QLD)
J. Briggs	(NSW)	T. Richardson	(QLD)
T. Morrison	(NSW)		
T. Mawdsley	(NSW)	F. O'Grady	(VIC)
J. Taylor	(NSW)	R. Williams	(VIC)
I. Smith	(NSW)	M. Kingham	(VIC)
B. Woodham	(NSW)	J. Saddington	(VIC)
T. McDonald	(NSW)		
E. Boatswain	(NSW)	R. Todd	(WA)

- together with the OPDU Federal Council as at the date of amalgamation.

BUILDING UNIONS DIVISIONAL TRUSTEES

W. Trohear	(QLD)
R. Driver	(ACT)

BUILDING UNIONS NSW DIVISIONAL BRANCH

Divisional State President	P. McClelland
Divisional State Secretary	D. Matthews
Joint Divisional State Assistant Secretary	A. Ferguson
Joint Divisional State Assistant Secretary	T. Burke
Joint Divisional State Assistant Secretary	A. Rankin
Divisional State Vice President	G. McArthur

BUILDING UNIONS NSW DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners
T. Morrison
J. Pineiro
I. Smith
L. Strutzenberger
M. Barrios

Bricklayers
H.D. Eisenhammer
A. Baxter

Builders Labourers
J. Ashdown
P. Balcombe

Bridge & Wharf
A. Melnikoff

Tilelayer
L. Quill

Slater & Tiler
M. Murphy

Painters
J. Anning
J. Foster
J. Hoddle

I. Gavin
S. Green

Stonemason
S. Cafarella

Plasterer
C. Howarth

BUILDING UNIONS NSW DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and -

Sydney Zone

Sydney Carpenters & Joiners
H. Brazao
P. Bristow
T. Connolly
P. Eggers
E. Elder
G. Kelly
F. Malis
P. Leyden
A. Zdrilic

Sydney Bricklayers
V. Catania
J. Taylor
M. McAliney

Sydney Builders Labourers
B. Granata
E. Harbidge
G. Sheen
D. Stean
J. McGee
S. Whetter

Country Zone

Country Carpenters & Joiners
L. Allen
R. Wills

Country Bricklayer
D. Atkinson

Country Builders Labourer
W. Shipman

Bridge & Wharf
C. Ford

Tilelayers
L. Quill

Slaters & Tilers
M. French

Stonemasons
J. Robinson

Plasterer
K. Andrews

Newcastle Zone

Newcastle Carpenters & Joiners
J. Allen
P. Cuskelly

Newcastle Bricklayer
L. Deeks

Newcastle Builders Labourer
E. Purins

Wollongong Zone

Wollongong Carpenters & Joiners
T. Gray
G. Karry

Wollongong Bricklayer
W. Hall

Wollongong Builders Labourer
M. Ward

BUILDING UNIONS NSW DIVISIONAL BRANCH TRUSTEES

T. Morrison
L. Strutzenberger
S. Green
J. Anning

BUILDING UNIONS NSW DIVISIONAL BRANCH ORGANISERS

B. Miller
P. Grainger
W. Baker
J. Briggs
B. Cochrane
N. Fodor
J. Higgins
J. Curruthers
J. Prentice
J. McKee
T. Hunt
M. Lawler
P. Zaboyak
M. Lynch
S. Manna
T. Mawdsley
D. Sullivan
C. Bates
J. Adams
J. McGahan
B. Beasley

Newcastle: R. Jarman

BUILDING UNIONS NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

T. McDonald
S. Sharkey
D. McDonald
J. Briggs
I. Smith
P. Grainger
J. Taylor
J. Sutton
T. Burke
E. Boatswain
D. Matthews
L. Fraser
C. Bates
A. Ferguson
T. Morrison
T. Mawdsley
B. Woodham

BUILDING UNIONS QLD DIVISIONAL BRANCH

Divisional State President	P. Stone
Divisional State Secretary	W.W. Trohear
Divisional State Assistant Secretary	M. Hickey
Divisional State Assistant Secretary	P. Waters
Divisional State Vice President	K. Anderson
Divisional State Vice President	B. Rushan

BUILDING UNIONS QLD DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

B. Tucker
P. Stone
T. Richardson
R. Bostock
K. Marcus
K. Anderson
B. Hopton
K. Bull
R. Vanderhorst
A. Pountey
F. Pearson
J. Gruer
G. Federer
B. Hall
G. Horn
B. McGill
M. Edwards

BUILDING UNIONS QLD DIVISIONAL BRANCH TRUSTEES

P. Stone
T. Richardson
R. Bostock
R. Vanderhorst

BUILDING UNIONS QLD DIVISIONAL BRANCH ORGANISERS

W. Perrett
D. Kersey
T. Richardson
K. Murphy
K. Carroll
G. Howcroft
A. Wigchert

BUILDING UNIONS QLD DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. Trohear
A. Wigchert
M. Hickey
T. Richardson

BUILDING UNIONS WA DIVISIONAL BRANCH

Divisional State President	A. Baxter
Divisional State Secretary	B. Ethell
Divisional State Assistant Secretary	R. Todd

BWIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

N. Houston
P. Alcantara
B. Churchill
B. Freeman
T. Bird
H. Johnson
M. Banks
J. Giles

BWIU WA DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

Perth
G. Curtin
R. Gaskell
C. Knight
B. Waller
A. De Klerk
M. Floud
N. Drayton
A. Hughes
K. Bulloch
J. Fitzgerald

Fremantle/Medina
C. Gorham
A. Phillips
J. Allison
P. Fairbotham
J. Curran

South West
J. McDonell

BWIU WA DIVISIONAL BRANCH ORGANISERS

D. Wildgoose
J. Gallagher

BWIU WA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Ethell
R. Todd

BUILDING UNIONS WA PLASTERERS DIVISIONAL BRANCH

Divisional State President	Mark Hudston
Divisional State Secretary	Kevin Reynolds
Divisional Branch Delegate to National Conference	Kevin Reynolds
Divisional State Vice President	Roy Cox
Divisional Committee of Management	James Hamilton
	Michael Naughton
Divisional Branch Organiser	Robert Manwaring

BUILDING UNIONS TAS DIVISIONAL BRANCH

Divisional State President	Stephen Hevey
Divisional State Secretary	Max Cordwell
Divisional State Assistant Secretary	T. Benson
Joint Divisional State Vice President	Ray Browne
Joint Divisional State Vice President	Ray Carroll
Joint Divisional State Vice President	M. Collins

BUILDING UNIONS TAS DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Adrian Telha	Paul Ridgeway
Roy Smedley	Grant Jackson
Ray Carroll	Gary Taylor
R. Edwards	L. Verrell

BUILDING UNIONS TAS DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

002 Area	003 Area
C. Green	A.J. Smith
A. Currie	L. Edwards
R. Dillon	P. Harris

004 Area

W. Maloney
B. Knowles
R. Doe

BUILDING UNIONS TAS DIVISIONAL BRANCH TRUSTEES

Max Cordwell	Stephen Hevey
Ray Browne	Adrian Telha
R. C. Edwards	A. R. Benson

BUILDING UNIONS TAS DIVISIONAL BRANCH ORGANISERS

Mark Telha
Martin Clifford
Ray Carroll

BUILDING UNIONS TAS DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

M. Cordwell

BUILDING UNIONS VIC DIVISIONAL BRANCH

Divisional State President	F. O'Grady
Divisional State Secretary	V. Raffa
Divisional Branch Assistant Secretaries	M. Kingham M. Bingham
Divisional State Vice President	B. Oliver

BUILDING UNIONS VIC DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners	**Builders Labourers**	**Painters**
R. Williams	T. Sinclair	M. Baird
R. Carter	R. Ryan	M. Garcia
G. Lavery	J. Nicol	K. B. Hughes
D. Van Dam	P. Lennon	P. Boyle
M. Santana	M. Bingham	M. Evans
W. Torpey	M. Ratel	
D. Noonan		
B. Giagnacovo		

Tilelayer	**Stonemason**
Z. Prazac	M. Newham

BUILDING UNIONS VIC DIVISIONAL BRANCH COUNCIL

Carpenters & Joiners	**Builders Labourers**
V. Nicoli	T. Bockting
K. Green	G. Young
D. Black	G. Miles
A. Moore	D. Noonan
W. Oliver	K. Hughes
H. Kotsabis	J. Bruce
D. Jacobson	J. McPartlin
G. Preddy	C. Leatham
D. Shacklock	

Stonemasons	**Tilelayers**
A. Patience	O. Kypta
G. Slack	Z. Prazak

Zone Delegates

Ballarat	Bendigo
V. Broes	T. Coleman
L. Brown	N. Pyle
N. Davidson	L. Worme

Brunswick
M. Kingham
W. McConnel
F. Stradijot

Camberwell
J. Baysinger
R. Bentley
S. Mitchell

Clifton Hill
F. Amarante
R. Collins
S. West

Essendon
D. Deprisco
T. Hancy
V. Raffa

Footscray
P. Leckie
F. Lopez
R. Storey

Geelong
J. Cody
J. O'Mara
B. Roche

Goulburn Valley
C. Craig
A. Kerris
P. O'Flaherty

Latrobe Valley
V. Beaton
M. Smith
A. Nabulsi

Melbourne
R. Carter
M. Santana
G. Tsotsos

Mordialloc
G. Burleigh
I. Nichol
P. Sullivan

Murray Valley
L. Fahey
S. Masterson
J. Salinger

Oakleigh
L. Bacolas
J. Medlyn
B. Smith

Preston
M. Collingburn
R. Lucas
N. Porter

Prahran
B. Giagnacovo
A. Medina
S. Delaney

Richmond
D. Blake
C. Commons
R. Hakainsson

South Western
K. O'Connor
A. Sargent
G. Sullivan

Sunraysia
A. Boldock
D. Costa
M. Dawes

Wimmera
R. Nesibit
G. Scott
A. Patterson

BUILDING UNIONS VIC DIVISIONAL BRANCH TRUSTEES

M. Kingham
B. Oliver
Vacant

M. Bingham
F. O'Grady
M. Baird

BUILDING UNIONS VIC DIVISIONAL BRANCH ORGANISERS

R. Welsh
T. Sinclair
R. Storey
W. Bingham
A. Medina

H. Kotsabis
R. Carter
T. O'Kane
D. Riddell
G. Young

D. Jacobson
D. Noonan
P. Muldeary
M. Kingham
M. Garcia

BUILDING UNIONS VIC DIVISIONAL BRANCH DELEGATES DIVISIONAL CONFERENCE

F. O'Grady
M. Kingham
V. Raffa
R. Williams
J. Saddington
M. Bingham

BUILDING UNIONS SA DIVISIONAL BRANCH

Divisional State President	A. Johnson
Divisional State Secretary	B. Carslake
Divisional State Vice President	G. Millar
Divisional State Vice President	D. Stapleton
Divisional State Assistant Secretary/Treasurer	T. Carroll
Divisional State Assistant Secretary/Treasurer	J. McGirr

BUILDING UNIONS SA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

BWIU	PLASTERERS	PAINTERS
F. Gosden	G. Parrish	George Tilley
T. Karrandjis	R. Watson	Greg Tilley
C. Morton	R. Bennett	Lambden
D. Sellmann	A. Spano	Weir
T. Middleton	S. Kesisoglou	McEwan
		Evans

BUILDING UNIONS SA DIVISIONAL BRANCH ORGANISERS

M. Gnatenko
H. Koemecker
M. Bella

BUILDING UNIONS SA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Carslake

BUILDING UNIONS ACT DIVISIONAL BRANCH

Divisional State President	R. Driver
Divisional State Secretary	G. Wason
Joint Divisional State Assistant Secretary	S. Hambesis
Joint Divisional State Assistant Secretary	T. Zeltner
Divisional State Vice President	K. Lundy
Divisional State Vice President	J. McHugh

BUILDING UNIONS ACT DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Pyner
J. Grey Reitz

A. Dillon
J. Long
T. Lagoya
J. Diamante
G. McGowan-Lay
P. Johnstone
D. Rail
G. Roderick
L. Lancsar
B. Larke
G. Cleghorn
P. Trapani

BUILDING UNIONS ACT DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

D. Thompson
B. Norman
C. Kaskoutas
M. Morgan
T. Gooden
G. Kirkwood
G. Frasin
W. Thompson
J. Clyde
R. Hemsley

BUILDING UNIONS ACT DIVISIONAL BRANCH TRUSTEES

G. Wason
S. Hambesis
G. McGowan-Lay
R. Driver
K. Lundy

BUILDING UNIONS ACT DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

G. Wason

ATAIU DIVISIONAL BRANCH OFFICE HOLDERS

ATAIU DIVISIONAL OFFICERS

Divisional President	G. Hillier
Divisional Secretary	T. Smith
Divisional Assistant Secretary	C. Northover
Divisional Senior Vice President	S. Murphy
Joint Divisional Vice President	P. Illidge
Joint Divisional Vice President	B. King

ATAIU DIVISIONAL TRUSTEES

J. Tuckwell
V. Stargatt
Q. Cook

Who form the Divisional Executive, and who with the following form the Divisional Conference

A. Roberg (SA)
C. Butler (TAS)
J. Gallogley (NSW)
M. Schuppan (NSW)
J. Beeson (VIC)
E. Swainston (VIC)
A. Dunlop (Pulp & Paper)
M. St Clair (SA)
B. Anderson (NSW)
J. Quartermaine (NSW)
B. Campbell (NSW)
B. Murpy (VIC)
M. Graham (Pulp & Paper)

ATAIU SA DIVISIONAL BRANCH

ATAIU SA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Young
Divisional Branch Secretary	Q. Cook
Divisional Branch Vice Presidents	M. St Clair
	A. Roberg

ATAIU SA DIVISIONAL BRANCH TRUSTEES

E. Cathro	P. Martinella
J. Nicks	

Who form the Executive.

ATAIU SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

L. Barry	T. Goodrich
L. Kilsby	F. Beimans
G. Schultz	L. Pelkonen
B. Lockwood	

ATAIU SA DIVISIONAL COUNCIL DELEGATES

M. St Clair	A. Young
T. Smith	Q. Cook

ATAIU NSW DIVISIONAL BRANCH

ATAIU NSW DIVISIONAL BRANCH OFFICERS

Divisional President	B. Anderson
Divisional Secretary	G. Hillier
Divisional Assistant Secretary	J. Tuckwell
Divisional Vice Presidents	G. Sacco
	J. Gallogley

ATAIU NSW DIVISIONAL BRANCH TRUSTEES

S. McDonald	M. Schuppan
B. Campbell	

Who are officers and form the Executive.

ATAIU NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

W. Englert	K. Yelverton
S. Hudson	J. Quartermain
W. Sentance	C. McGowan
C. Brooks	

ATAIU NSW DIVISIONAL COUNCIL DELEGATES

G. Hillier
J. Gallogley
J. Quartermain
B. Campbell
B. Anderson
S. McDonald
K. Yvelton

ATAIU VIC DIVISIONAL BRANCH

ATAIU VIC DIVISIONAL OFFICERS

Divisional President	V. Stargatt
Divisional Secretary	B. King
Divisional Vice Presidents	V. Iluk
	E. Swainston

ATAIU VIC DIVISIONAL BRANCH TRUSTEES

J. Beeson
B. Murphy
T. Carley

ATAIU VIC DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

J. Browne
P. Love
T. Stinton
S. Wilson
B. Harms
R. Owens
C. Walkear
P. Tait

ATAIU VIC DIVISIONAL COUNCIL DELEGATES

V. Stargatt
J. Beeson
B. Murphy
M. Lynch
E. Swainston

ATAIU TAS DIVISIONAL BRANCH

ATAIU TAS DIVISIONAL BRANCH OFFICERS

Divisional President	C. Butler
Divisional Secretary	S. Murphy
Divisional Vice Presidents	R. Ford
	D. Turriff

ATAIU TAS DIVISIONAL BRANCH TRUSTEES

C. Butler
R. Smith
S. Cahoon

ATAIU TAS DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

M. Barber
R. Foster
D. Harkes
B. Riley
S. Cahoon
R. French
N. Lincoln
R. Smith

ATAIU TAS DIVISIONAL COUNCIL DELEGATES

C. Butler
S. Murphy

ATAIU WA DIVISIONAL BRANCH

ATAIU WA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Cook
Divisional Branch Secretary	A. A'Vard
Divisional Branch Vice President	D. Murie
Divisional Branch Treasurer	R. Taylor

ATAIU WA DIVISIONAL BRANCH TRUSTEES

P. McCarthy	K. Smith
R. Henry	

ATAIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

R. J. Smith	C. Hagelund
R. Reiter	K. Cameron
V. McGlinn	J. Savage
G. P. Jaeschke	M. Bennett
W. J. Hall	

ATAIU NO. 7 DIVISIONAL BRANCH

ATAIU NO. 7 DIVISIONAL BRANCH OFFICERS

Divisional Branch President	P. Illidge
Divisional Branch Secretary/Treasurer	C. Northover
Divisional Branch Assistant Secretary/Treasurer	M. Graham
Divisional Vice Presidents	A. Dunlop
	R. Johnson

ATAIU NO. 7 DIVISIONAL BRANCH TRUSTEES

C. Northover	M. Graham

ATAIU NO. 7 DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

D. Garlick	G. Aston
T. Mackerell	G. Morley
N. Anderson	C. Glaubitz
N. Allen	D. McKay
M. Donoghue	P. Graham
J. Wright	T. Kelly
W. Hardy	G. Lincoln
G. Draper	T. Dwyer

ATAIU NO. 7 DIVISIONAL COUNCIL DELEGATES

C. Northover	M. Graham
P. Illidge	

ATAIU NOWRA SUB-BRANCH

President	Peter Graham
Senior Vice President	Harry Knowles
Junior Vice President	Tim Cato

Secretary-Treasurer	Mervyn Donoghue
Committee of Management	Rhonda Shelley
	Jim Evans
	Ray Clarke
	Alan Whitton

Delegate to No. 7 Branch	
Committee of Management	Mervyn Donoghue
	Peter Graham

ATAIU BURNIE SUB-BRANCH

President	George Draper
Senior Vice President	Barry Connors
Junior Vice President	Eric Edwards
Secretary-Treasurer	Geoffrey Lincoln

Committee of Management

Alan Claridge	Graham Wells
Anthony Johnson	Andrew Crawn
Jack Wylie	Russell Norton
Danny Rowlands	Richard Troughton
Noel Stubbs	Rex Berry

Delegate to No. 7 Branch	
Committee of Management	Geoffrey Lincoln
	George Draper

ATAIU PORT HUON SUB-BRANCH

President	Barry Young
Senior Vice President	Colin McMullin
Junior Vice President	Jeff Parsons
Secretary-Treasurer	Wayne Hardy

Committee of Management

Neville Burgess	Graeme Goaman
David Greatbatch	Ricky Cowen

Delegate to No. 7 Branch	
Committee of Management	Wayne Hardy

ATAIU MYRTLEFORD SUB-BRANCH

President	Vacant
Senior Vice President	Bruce Dale
Junior Vice President	Paul Ryan
Secretary-Treasurer	Trevor Dwyer
Committee of Management	Oliver Evans
	Colin Richardson
	Trevor Davis
	Robert Arnold
	Christopher Stone

Delegate to No. 7 Branch	
Committee of Management	Trevor Dwyer

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ATAIU MARYVALE SUB-BRANCH

President	Neville Anderson
Senior Vice Persident	Charles Glaubitz
Junior Vice President	Cidge Fabris
Secretary/Treasurer	Graeme Morley
Committee of Management	
Steven Gilham	Robert Brown
Vernon Jones	Charles Stuart
Geoffrey Dorling	Brian McNamara
Peter Morris	Steven Mason
Wayne Snell	Vincent Nabel
Delegates to No. 7 Branch Committee of Management	Neville Anderson Charles Glaubitz Graeme Morley
Delegates Gippsland Trades & Labour Council	Graeme Morley Vernon Jones Brian McNamara Robert Brown

ATAIU SYDNEY SUB-BRANCH

President	Donald McKay
Senior Vice Pesident	Ron McElhinney
Junior Vice President	Edward Pram
Secretary-Treasurer	Philip Illidge
Committee of Management	
William Daly	Les Smith
William Flowers	Anthony De Bono
Harry Marshall	Wayne Trewella
Mark Skennerton	Joseph Bodor
Delegates to No. 7 Branch Committee of Management	Philip Illidge Donald McKay

ATAIU BROADFORD SUB-BRANCH

President	Vacant
Senior Vice President	Vacant
Junior Vice President	Vacant
Secretary-Treasurer	Len Allen
Committee of Management	Garry Nesbitt Terry Hobson Alan Cole Craig Waters
Delegate to No. 7 Branch Committee of Management	Len Allen

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ATAIU MILLICENT SUB-BRANCH

President	John Wright
Senior Vice Pesident	Trevor Kelly
Junior Vice President	Richard Watts
Secretary-Treasurer	Robert Johnston
Committee of Management	Michael King
	Graeme Richards
	Mavis Kloock
	Graeme Richardson
	Gilbert Mouat
	Helen Walker
Delegates to No. 7 Branch Committee of Management	John Wright
	Trevor Kelly
	Robert Johnston

ATAIU MELBOURNE SUB-BRANCH

President	David Garlick
Senior Vice President	George Ashton
Junior Vice President	Vacant
Secretary-Treasurer	Alexander Dunlop

Committee of Management

William Horton	Stan Mazur
Terry Mackerell	Steve Morris
Tom Donelly	Ian James
Alex Miller	Michael Adamopolous

Delegates to No. 7 Branch Committee of Management	Alexander Dunlop
	David Garlick
	George Aston
Delegates to Victorian Trades Hall Council	Alexander Dunlop
	William Horton
	Terry Mackerell
	Malcolm Graham

UMW DIVISION

In accordance with Rule 42 - Transitional Provisions of the Rules of the Union being the National Rules the officers of the previously existing Mining Division immediately prior to the date of effect of the amalgamation shall be, on and from the date of effect of amalgamation the officers of the UMW Division which is the new name for the previous Mining Division and the only change therein shall be, to the extent necessary, the change in the title of office to reflect the change in the name of the Division from Mining Division to UMW Division.

FEDFA DIVISION

DIVISIONAL OFFICERS

Divisional President	M. McDonald
Divisional Secretary	V. Fitzgerald
Divisional Assistant Secretary	T. Maher

FEDFA DIVISIONAL EXECUTIVE

The Divisional Officers of FEDFA Division as set out above, and

I. Peel	New South Wales
J. Van Camp	Victoria
G. Betts	Queensland
G. Day	South Australia
B. O'Neil	Barrier
M. Grey	Tasmania
D. McIntyre	Western Australia

FEDFA DIVISIONAL CONFERENCE

The Divisional Officers of FEDFA Division and the Divisional Executive as set out above, and the following delegates from FEDFA Divisional Branches:

T. Maher	(NSW)
P. Jordan	(NSW)
B. Neilson	(VIC)
M. Hill	(VIC)
D. Holloway	(QLD)
G. Purtill	(QLD)
L. Wilson	(QLD)
B. Samson	(Barrier)
M. Buckley	(SA)
B. Low	(WA)
R. Harrison	(TAS)

FEDFA NSW DIVISIONAL BRANCH

Divisional Branch President	M. Smith
Divisional Branch Secretary	I. Peel
Divisional Branch Assistant Secretary	S. Gartrell

FEDFA NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above,

FEDFA NSW DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and regional delegates and organisers stated below,

Metropolitan	**Northern Region**
P. Wormleaton	N. Rose
R. Johnson	M. Sealby
B. Francis	G. Webb
D. Whitehead	D. Owens

D. Dunn
J. Nixon

Southern Region
K. Anderson
B. Barnham
G. Freeman
T. Potter

Western Area
R. Fuller
W. Williams

FEDFA NSW DIVISIONAL BRANCH ORGANISERS

Metropolitian
G. Avouris
T. Grant
S. Cochran

Northern
M. Beehag
S. Harding
L. Sinclair

Riverina
S. King
J. Wilson

Western
G. Childs

Southern
H. Miller

Mining
P. Jordan

Energy
A. Drew

FEDFA NSW DIVISIONAL BRANCH TRUSTEES

D. Dunn
L. Robinson
J. Owens

FEDFA NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

V. Fitzgerald
T. Maher
P. Jordan
I. Peel

FEDFA VICTORIAN DIVISIONAL BRANCH

Divisional Branch President	M. McDonald
Divisional Branch Secretary	J. Van Camp
Divisional Branch Assistant Secretary	M. Greenbury
Divisional Branch Vice President	M. Hill

FEDFA VICTORIAN DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

M. French
D. McDonald
D. Baker
J. Kadziela
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional Officers as set out above, and -

SECV Yallourn
P. Wilson

SECV Morwell
G. Reid

SECV LaTrobe
(vacant)

Organisers Rep.
A. Riley
M. Hallett

Country Provisional
W. Fleet
M. French
T. McKenzie
P. Skinner

Metropolitian
D. Baker
J. Kadziela
D. McDonald
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH ORGANISERS

W. Fleet
M. French
R. Hallett
M. Hill
A. Riley

TRUSTEES

M. McDonald
J. Van Camp

FEDFA VICTORIAN DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

J. Van Camp
M. McDonald
M. Hill
B. Nielson

FEDFA BARRIER DIVISIONAL BRANCH

Divisional Branch President — B. Samson
Divisional Branch Secretary — W. O'Neil
Divisional Branch Vice President — R. Hunter

FEDFA BARRIER DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above,

FEDFA BARRIER DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

D. Brennan
A. Fraser
E. Snaith
R. Adams
B. Sayers

FEDFA BARRIER DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. O'Neil
B. Samson

TRUSTEES

R. Adams
E. Snaith
B. Sayer

FEDFA TASMANIAN DIVISIONAL BRANCH

Divisional Branch President — B. Bishop
Divisional Branch Secretary — M. Grey

FEDFA TASMANIAN DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and - D. Dawson

FEDFA TASMANIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

Launceston
D. Dawson

Hobart
M. Hyland

Devonport
(vacant)

Tullah
T. Jones

Burnie
L. Britton

Savage River
R. Harrison

Rosebery/Lyell
N. Hartnell

Organisers
D. Moncrieff
B. Best

FEDFA TASMANIAN DIVISONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

M. Grey
R. Harrison

FEDFA WA DIVISONAL BRANCH

Divisional Branch President — (vacant)
Divisional Branch Secretary — (vacant)

FEDFA WA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

FEDFA WA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

P. Bates
T. Feeney
I. Douglas
D. Hellyer

FEDFA WA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

B. Low
(vacant)

FEDFA SA DIVISIONAL BRANCH

Divisional Branch President	G. Bull
Divisional Branch Secretary	G. Day
Divisional Branch Vice President	F. Stonys

FEDFA SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Rogers	R. Brewer

FEDFA SA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

J. Rodgers	K. Maywald
F. Grosso	F. Harrison
R. Brewer	

ORGANISER

R. Brewer

FEDFA SA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

G. Day
M. Buckley

FEDFA QUEENSLAND DIVISONAL BRANCH

Divisional Branch President	D. Holloway
Divisional Branch Secretary	G. Betts
Divisional Branch Assistant Secretary	G. Wilson

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

S. Douglas	B. Scheuber
C. Swift	R. Coleman
L. Wilson	J. Spencer

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch State Management Committee as set out above, and -

M. Dowvendans	T. Quaid
L. Genrich	N. Rampton
R. Beattie	H. Heumiller
J. Rossington	C. Price
(vacant)	

FEDFA QUEENSLAND DIVISIONAL BRANCH ORGANISERS

D. Bloxsom	H. Heumiller
G. Flack	C. Price
C. Gillespie	T. Rosier

J. Rossington
R. Tremlin
B. Stacker

FEDFA QUEENSLAND DIVISIONAL BRANCH TRUSTEES

D. Holloway
G. Betts
S. Douglas
L. Wilson

FFTS UNION DIVISION

DIVISIONAL OFFICERS

Divisional President	A. Findlay
Divisional Secretary	L. Kyriacou
Divisional Assistant Secretary	M. Haritou
Divisional Senior Vice-President	S. Wales
Divisional Junior Vice-President	D. Frater

FFTS UNION DIVISIONAL EXECUTIVE

The Divisional Officers of the FFTS Union Division as set out above, and

A. Smith	New South Wales
V. Robinson	Queensland

FFTS UNION DIVISIONAL CONFERENCE

The Divisional Officers of the FFTS Union Division and the Divisional Executive as set out above, and the following delegates from the FFTS Union Divisional Branches;

W. Brown	(VIC)
M. Findlay	(VIC)
R. Smith	(NSW)
R. Groat	(SA)
A. Cookson	(QLD)
R. Orange	(TAS)

FFTS UNION VIC. DIVISIONAL BRANCH

Divisional Branch President	M. Mitten
Divisional Branch Secretary	L. Kyriacou
Divisional Branch Assistant Secretary	A. Findlay
Divisional Branch Senior Vice-President	W. Brown
Divisional Branch Junior Vice-President	C. Avent
Divisional Branch Organiser	M. Haritou
Divisional Branch Organiser	R. Shugg

FFTS UNION VIC. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch Officers as set out above and -

A. Frazer
G. Lee
J. Maines
J. Patti
I. Whitcroft
J. Calvert
N. Hazeldine
P. Linzos
J. O'Brien
J. Robins
L. Zanandrea

FFTS UNION NSW DIVISIONAL BRANCH

Divisional Branch President	R. Smith
Divisional Branch Secretary	S. Wales
Divisional Branch Assistant Secretary	R. Smith
Divisional Branch Vice-President	J. Callaway
Divisional Branch Organiser	Jack Lawrence

FFTS UNION NSW DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

J. Campbell	R. Davies
K. Campbell	W. Kraan
Robert Cumbo (Trustee)	Harry Irvine (Trustee)

FFTS UNION S.A. DIVISIONAL BRANCH

Divisional Branch President	R. Groat
Divisional Branch Secretary	D. Frater
Divisional Branch Assistant Secretary	S. Rowe
Divisional Branch Senior Vice-President	J. Emery
Divisional Branch Junior Vice-President	A. Reeves
Divisional Branch Organiser	S. Rowe
Divisional Branch Organiser	P. Wong
Divisional Branch Organiser	T. Woods

FFTS UNION S.A. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

B. Billington	M. Brownlie
P. Crisanti	A. Czora
A. Howlett	J. Salter
G. Whitford	

FFTS UNION QLD DIVISIONAL BRANCH

Divisional Branch President	G. William
Divisional Branch Secretary	V. Robinson
Divisional Branch Vice-President	A. Amos
Divisional Branch Assistant Secretary	A. Cookson

FFTS UNION QLD. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and - G. Dawson

FFTS UNION TAS DIVISIONAL BRANCH

Divisional Branch President	S. Negus
Divisional Branch Secretary	J. Gill
Divisional Branch Assistant Secretary	R. Orange
Divisional Branch Vice-President	C. Schoenwald
Additional Divisional Branch Executive member	W. Picken
Additional Divisional Branch Executive member	P. Green

FFTS UNION TAS DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

C. Sproule
W. Bandlow

END OF RULES

[105N-FED: Incorporates alterations of 06/08/2015 in matter R2015/19]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 103 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union.

DELEGATE OF GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission]

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1 - NAME

The name of the Union shall be the "Construction, Forestry, Mining and Energy Union".

2 - CONSTITUTION

(A)(A) The following unlimited number of persons, whether male or female, are eligible to be members of the Union

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in

paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;
(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, shall be eligible to be members of the Union including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

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

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker

Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due

south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:

(i) All persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) An unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board, strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) Such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members are eligible to be members of the Union.

(E) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:-

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

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

(b) Further, provided that, without limiting the generality of the foregoing the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building are eligible to be members of the Union. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other sub-rule or paragraph or being limited thereby an unlimited number of persons who are employed in, or competent to be employed in or in connection with the following industries or trades are eligible to be members of the Union:
Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and

employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland are eligible to be members of the Union.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the following are eligible to be members of the Union: an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

(O) **Additional Eligibility for Admission to Membership in the State of Queensland**

This rule 2(O) does not apply outside the State of Queensland.

Without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provide for additional eligibility for admission to membership of the Union in the State of Queensland:-

(i)

SECTION A

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

(b) This Union shall also consist of an unlimited number of persons employed in or usually employed in the painting and decorating industry in connection with buildings and structures, plant, machinery and equipment, fences and posts,

(commercial, residential, industrial or otherwise), general and ship painting, including the following:

(i) On ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational Offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind.

(ii) The painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind.

(iii) The painting of or in connection with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise). The painting of or in connection with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts or prefabricated building and structures as aforementioned.

(iv) The painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensors, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or seas, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases.

(v) Glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars.

(vi) Paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering.

(vii) Signwriting, designing and/or lettering of price tickets and show cards.

(viii) Pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering.

(ix) Leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections.

(x) Employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, putty stopping, caulking mixtures, compositions or compounds, oils, varnishes, watercolours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings will not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 1.2.2, Constitution hereof (other than mixing of paint, paint mixtures, protective coatings and/or

plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, watercolour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water solvents, electrical, mechanical, air powered or hand tools or by grit, shot, or other abrasives or by any other means.

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

(c) Nothing in this Section A rule will make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time. Provided further that, notwithstanding the foregoing provisions of this rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

(d) Notwithstanding any other provision in these Section A rules, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the union under this sub-rule.

(e) The Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connection with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accommodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattressmakers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products

or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

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

(g) Without limiting the generality of the foregoing Sub-Rules of this Section A Rule, or being limited thereby, independent contractors who, if they were employees performing work of the kind that they usually perform as independent contractors, would be employees eligible for membership of the Union, will be eligible for membership of the Union, and the Union will consist of an unlimited number of such persons.

SECTION B

(a) The Association shall consist of an unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow-motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Association or a Branch of the Association or whilst financial members of the Association are elected as representatives of any working class organisation to which the Association or a Branch thereof is affiliated or as a working class member of parliament. Provided that mobile crane drivers, operators of fork lifts and/or towmotors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership. Provided further that, notwithstanding the foregoing provisions of this Section B rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

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

(c) Notwithstanding any other provision in this Section B rule, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the association under this sub-rule.

(d) Notwithstanding any other provision in this Section B rule, the persons employed by Dalrymple Bay Coal Terminal Pty Ltd at the Dalrymple Bay Coal Terminal site shall not be eligible for membership under this sub-rule.

SECTION C

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

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

Without limiting any other rule, sub-rule (O)(i) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(ii) The Union shall consist of an unlimited number of persons employed or usually employed as Builders' Labourers throughout Queensland on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any tradesperson engaged in building operations, or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings, or as scaffolder, rigger, gear hand, gantry hand or crane hand or as dogperson, or as a drainer on all building contracts, any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete work, tarpaving or asphalt work, or mortar or concrete mixing in connection with, or incidental to the foregoing operations, together with such other persons whether employees in the industry or not, as have been appointed officers of the Association and admitted as members thereof. Provided that, notwithstanding the foregoing provision of this rule, the union does not have any right to enrol as members under this sub-rule persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.

Without limiting any other rule, sub-rule (O)(ii) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker

Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever

materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler, generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or

wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

4 - OBJECTS

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

2. To regulate the conditions under which all members, of the Union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or association, or association of Trades Unions or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Branches, Divisions, Divisional Branches, Sub-Branches, Districts or Sections of the Union throughout the Commonwealth of Australia.

7. To further any scheme that has for its object the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labour and Trade Union newspapers and wireless broadcasting and television stations, and to invest in shares in such newspapers and radio and television stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide labour or Trade Union Organisation or Association.

10. To establish and manage a Union Journal or Journals.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

14. To render legal and other assistance to members, to protect the interests of the Union in all its Branches and to assist other trade unions by any legal method.

15. To obtain such other objects as the National Conference or National Executive shall from time to time determine.

16. To organise the education of members.

17. To establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Divisional or Divisional Branches.

18. The advancement of members intellectually, morally and socially and to do all things which, in the opinion of the Union, is in the interest of members including donations to political parties, the achievement of compulsory unionism, preference in employment, retrenchment, promotion, demotion and transfer in employment, the production and distribution of newspapers, journals and the like.

19. To achieve such other objects as may be lawfully adopted by any Division of the Union.

20. To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

"BOARD" means a group of persons who supervise a corporation, organisation, association or other like body including a Board of Directors.

"DECLARED PERSON OR BODY" - a person or body is a declared person or body of the Union or a Branch of the Union for the purpose of rule 24D (and 50D) if:

(i) an officer of the Union or the Branch (as the case may be) has disclosed a material personal interest under rule 24C/50C; and

(ii) the interest relates to, or is in, the person or body; and

(iii) the officer has not notified the Union or the Branch (as the case may be) that the officer no longer has the interest.

"DISCLOSURE PERIOD" means the financial year of the Union as referred to in Rule 24.

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

"FINANCIAL DUTIES" includes duties that relate to the financial management of the Union or a Branch of the Union.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"FINANCIAL YEAR" means the financial year of the Union as referred to in Rule 24.

"GENERAL MANGAGER" means the General Manager of the Fair Work Commission.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"NON-CASH BENEFIT" means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.

"OFFICE" has the same meaning as defined by Section 9 of the *Fair Work (Registered Organisations) Act* 2009.

"PEAK COUNCIL" means a national or State council or federation that is effectively representative of a significant number of organisations (within the ordinary meaning of the term) representing employers or employees in a range of industries.

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

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union and in the case of the Forestry, Furnishing, Building Products and Manufacturing Division, of the Division.

"RELATED PARTY" has the same meaning as defined by section 9B of the *Fair Work (Registered Organisations) Act* 2009.

"RELATIVE" in relation to a person means:

(i) parent, step-parent, child, step-child, grandparent, grandchild, brother or sister or the person; or

(ii) the spouse of the first mentioned person.

"RELEVANT NON-CASH BENEFITS" in relation to an officer of the Union/Branch for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer's duties as an officer, by the Union/Branch or by a related party of the Union/Branch.

"RELEVANT REMUNERATION" in relation to an officer of the Union/Branch for a disclosure period is the sum of the following:

(i) any remuneration disclosed to the Union/Branch by the officer under Rules 24B/50B during the disclosure period;

(ii) any remuneration paid during the disclosure period, to the officer by the Union/Branch.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any

Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

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

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

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

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

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

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

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Mining and Energy Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Workplace Relations Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

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

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v) (a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised

officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

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

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

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

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.202 of the Industrial Relations Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

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

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

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

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

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

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary

of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.
Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telegram or telex.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, telephonic, telegraphic, telex, verbal and/or written vote (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) The National Executive Committee shall, on and from the first election for National Officers held after July 2010, consist of the National Officers, being the National Secretary, National President, National Assistant Secretary and three (3) National Vice Presidents of the Union together with such of the following elected officers of each Division at a National level namely:-

- in the case of the Construction and General Division, the Divisional Secretary, two (2) Divisional Assistant Secretaries, the Divisional President and three (3) additional National Executive Committee members elected by and from the Construction and General Division Divisional Conference.

- in the case of the Forestry, Furnishing, Building Products and Manufacturing Division, the Divisional Secretary, the Divisional Senior Assistant Secretary, the Divisional President and the Divisional Assistant Secretary who is also the District Secretary of the PPW District of the Division.

- in the case of the Mining and Energy Division, the General President, the General Secretary and two (2) additional National Executive Committee members elected by and from the Mining and Energy Divisional Conference.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive and National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six (6). A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a facsimile, telephonic, email, written and/or postal vote of members of the National Executive or National Executive Committee at any time. Members of the National Executive or National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or facsimile or email or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or email.

15 - NATIONAL EXECUTIVE

(i) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a

Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

Provided that in the case of the Forestry, Furnishing, Building Products and Manufacturing Division for purposes of this sub-rule a reference to the Principal Officer of a Divisional Branch shall be a reference to the District Secretary of a District of that Division.

(ii) The National Officers shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

Provided that, the National Principal Officers holding office at 16 July 2010 shall, unless they resign or are removed from office in accordance with these rules, continue to hold office until 31 December 2010.

The National Officers elected in 2010 shall commence office on 1 January 2011.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

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

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Industrial Relations Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

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

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

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

16 - ELECTION OF NATIONAL OFFICERS

(i) The National Officers shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union (howsoever described in the Divisional Rules) and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Forestry Division and the General President of the Mining and Energy Division shall between them hold the positions of National Secretary, National Assistant Secretary and National President.

Further provided that, there shall be one Vice President from each Division who shall be nominated by and from their own Divisional Conference.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office. Further provided that in the case of a vacancy in one or more of the National Officer positions, the National Executive may fill such office by appointment from those members of the National Executive Committee who are otherwise eligible to hold the vacant office.

Provided however that any such appointment/s shall ensure that each Division maintains its representation of two (2) officers amongst the National Officers.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by post, letter, telegram, telephone, telex, facsimile and/or verbally as soon as the count is completed.

(ix) In any ballot of the National Collegiate for the election of National Officers, the representatives of each of the Divisions shall cast votes proportionate to the membership of their respective Divisions determined in the same way, the necessary changes being made, as votes cast by delegates to the National Conference in accordance with Rule 13(iii) and (iv) herein.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(ii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iii) Except in the case of the Mining & Energy Division and the Forestry, Furnishing, Building Products and Manufacturing Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) That nominations are called in accordance with the rules of the Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) That the nominations process, closure and receiving of, are in accordance with the rules of the Division.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) Officers of all Divisional Branches holding such office at the date of amalgamation shall remain in office until the general election of officers held in 1996 and shall be eligible to nominate in that election. In this paragraph officers of all Divisional Branches shall mean officers of branches of the amalgamating unions being the persons listed in the schedule hereto.

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall, in accordance with the Rules of the Division, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only:-

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) The candidate's statement provided for in accordance with sub-rule (h) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail all ballot papers, in accordance with the Rules of the Division.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed closed in accordance with the rules of the Division.

(r) That the opening and closing of the ballot shall be in accordance with the rules of the Division.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

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

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

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except Mining and Energy Division and Forestry, Furnishing, Building Products and Manufacturing Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(ii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iii) The Divisional Officers at a national level shall be members of that Divisional Executive.

(iv) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

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

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

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

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

National Executive shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS/MEMBERS

1. The following sets out the duties of the National Officers outlined herein. The National Secretary shall be a full time position. The wages and costs relating to the office of the full time officer shall be borne by the Union.

2. National President:

   The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

   The National President shall have a deliberative vote only.

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

3. National Secretary:

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

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

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

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

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

The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretaries:

National Assistant Secretaries shall perform all duties assigned to them by National Conference and National Executive. They shall attend all meetings of National Conference and National Executive.

5. National Vice-Presidents:

The National Vice-Presidents shall assist the National President in the conduct of meetings and in the absence of the National President, shall act as President.

He/she shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

6. Members of National Executive and Delegates to National Conference:

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

7. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

8. No officers, employees, delegates or members shall be required to do, or required to omit to do, any act in breach of legislation applicable to the CFMEU.

9. Except as provided for by resolution of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof), it shall not be part of the duties of any delegate/steward, officer or employee, including organisers, whether temporary or not, to threaten, initiate, counsel, procure, induce, be involved in, engage in or be party to industrial action as defined by the Workplace Relations Act 1996 or building industrial action as defined by the Building and Construction Industry Improvement Act 2005.

22A - TRAINING OF OFFICERS

(a) This rule shall take effect on the commencement of Schedule 1 Part 2 of the *Fair Work (Registered Organisations) Amendment Act 2012*.

(b) Each person holding an office in the Union, including its Branches, Divisions and Divisional/District Branches whose duties include duties that relate to the financial management of

the Union, including its Branches, Divisions and Divisional/District Branches shall undertake training:

(i) approved by the General Manager under the provisions of the *Fair Work (Registered Organisations) Act 2009* or an Act replacing that Act; and

(ii) that covers each of the officer's financial duties.

(c) An officer shall complete the training required by sub-rule (b) within:

(i) six (6) months after the person begins to hold office; or

(ii) if the officer holds office at the date of the Proclamation referred to in sub-rule (a), within six (6) months of that date.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

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

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. No funds shall be drawn from the Bank or financial institution except by cheque signed by two persons who are a National Secretary, National Assistant Secretary, National President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President or National Assistant Secretary. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents

the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

(viii) Any fines, penalties, damages, costs or other sum(s) ordered by a court against the Union is, if the conduct of a Division's officers, employees, agents or members made the Union liable for such amount(s), to be funded by that Division.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

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

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the National Secretary of a petition, signed by not less than 5% of the members of the Union, requesting that a general meeting of members of the Union be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the National Office, the National Secretary shall convene such meeting as soon as is practicable.

24A - POLICIES AND PROCEDURES - EXPENDITURE

(a) The Union shall develop and implement internal control policies and procedures relating to the expenditure of the Union, to ensure that the Union is conducted in accordance with the principles of good governance and to ensure accountability to members of the Union.

(b) Such policies and procedures shall be adopted by the National Executive and once adopted, shall be binding on all officers and members of the Union. Such policies and procedures must be identified in the resolutions of the National Executive as Rule 24A policies and procedures.

(c) Rule 24A policies and procedures must be published on the website of the Union with fourteen (14) days of their adoption.

(d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Branch, Division and Divisional/District Branch of the Union.

24B - DISCLOSURE BY OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

(a) Each person holding office in the Union shall disclose to the Union any remuneration paid to the officer:

(i) because the officer is a member of a board if:

(A) the officer is a member of the board only because the officer is an officer of the Union; or

(B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or

(ii) by a related party of the Union, in connection with the performance of the officer's duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Union shall disclose to the members of the Union:

(i) the identity of each officer of the Union who, when all officers of the Union are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than fifth;

(ii) the identity of each officer of each Division and Divisional/District Branch who, when all officers of the Division and Divisional/District Branches are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second; and

(iii) for each of those officers

(A) the actual amount of the officer's relevant remuneration for the disclosure period; and

(B) the form of the officer's relevant non-cash benefits for the disclosure period.

(d) For the purposes of sub-rules (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

24C - DISCLOSURE BY OFFICERS OF MATERIAL PERSONAL INTEREST

(a) Each person holding an office in the Union shall disclose to the Union any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Union including any Branch, Division or Divisional/District Branch thereof.

(b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The National Executive shall disclose to the members of the Union the interests disclosed to the Union pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year:

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

24D - DISCLOSURE BY UNION OF PAYMENTS

(a) The Union shall disclose to the members of the Union including its Branches, Divisions and Divisional/District Branches either of the following

(i) each payment made by the Union, during the disclosure period:

(A) to a related party of the Union or Branch; or

(B) to a declared person or body of the Union including its Branches, Divisions and Divisional/District Branches; or

(ii) the total of the payments made by the Union including its Branches, Divisions and Divisional/District Branches, during the disclosure period:

(A) to each related party of the Union or Branch; or

(B) to each declared person or body of the Union including its Branches, Divisions and Divisional/District Branches.

(b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Union including its Branches, Divisions and Divisional/District Branches from remuneration payable to officers or employees of the Union including its Branches, Divisions and Divisional/District Branches.

(c) Sub-rule (a) does not apply to a payment made to a related party if:

(i) the related party is an officer of the union; and

(ii) the payment:

(A) consists of remuneration paid to the officer by the union; or

(B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(d) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

25 - ALTERATION OF RULES

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

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telegraphic, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Industrial Relations Act (Commonwealth) or the regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the Industrial Relations Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

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

26A - COMPLAINTS BY MEMBERS

1. Any financial member of the Union may raise a complaint over the actions of another member or members (including officers).

2. The complaint may be about a member or members:

   a. refusing to obey the rules of the union;

   b. refusing to obey a policy of the union;

   c. refusing to abide by a resolution carried at a properly constituted meeting of a management committee which has relevant control or management over the member;

   d. obstructing any properly constituted meeting of a management committee;

   e. obstructing any officer or employee of the union in the course of his/her duties;

f. Misappropriation of the funds of the union;

g. engaging in gross misbehaviour;

h. engaging in gross neglect of duty;

i. wrongfully and unreasonably holding out that he or she holds an office or position in the union;

j. making a false charge or complaint against a fellow member, including a complaint under this rule; or

k. aiding or encouraging any other member or members in any of the matters referred to above.

3. Members shall not subject a member who has made a complaint under this rule to adverse treatment.

4. The complaint must be raised in writing to the National Secretary. The complaint must clearly identify the member or members the subject of the complaint and the relevant action or actions that gave rise to the complaint. If the complaint is about the conduct of the National Secretary then the complaint may be raised with another National Officer.

5. The National Secretary (or if another National Officer receives the complaint, that National Officer) and at least one of the National Assistant Secretary or National President may refuse to accept a complaint if he or she considers the complaint to be trivial.

6. The National Secretary must refer the complaint to the National Executive Committee for the purpose of appointing an Investigator.

7. The National Executive Committee shall appoint an Investigator. The Investigator must be a member of the National Executive. The Investigator must not be an officer from the same Division as the member or members the subject of the complaint.

8. The Investigator shall investigate the complaint and provide a report to the National Executive Committee.

9. During the course of the investigation the Investigator may:

a. interview members or officers for the purpose of the investigation, and

b. require members or officers to provide documents relevant to the investigation.

10. Members will cooperate with the Investigator by attending interviews and providing all documents requested.

11. No one is entitled to legal representation during the investigation.

12. In the report the Investigator shall include his or her findings on the matters the subject of the complaint and include recommendations for action to be taken by the National Executive Committee. The Investigator may conclude that no action is necessary.

13. A copy of the Investigator's report shall be provided to the member who raised the complaint and to the member or members the subject of the complaint. Where the report recommends action against any member or members the member or members shall be given the opportunity to respond to the Report before the National Executive Committee considers any action.

14. Upon receipt of the Investigators report the National Executive Committee may take action in accordance with the recommendations of the Investigator's or take other action, as it considers appropriate.

15. Any decision of the National Executive Committee to take action against a member or members may be appealed to the National Executive.

16. The procedure in this rule shall apply in addition to any other procedure in the rules dealing with complaints about the conduct of members

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each division shall have autonomy in relation to its funds and property.

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

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

(vi) Divisions, other than the Forestry, Furnishing, Building Products and Manufacturing Division, shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland, New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.202 of the Industrial Relations Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of state unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or National Assistant Secretary or any person authorised by a National Secretary or National President or National Assistant Secretary so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary or any person authorised by a Divisional Secretary or Divisional Assistant Secretary may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, Divisional Secretary or Divisional Assistant Secretary, or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests

issued by a Divisional Secretary or Divisional Assistant Secretary or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National Assistant Secretary, National President, Divisional Secretary and/or Divisional Assistant Secretary shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.

(g) The taking of industrial action (within the meaning of the Workplace Relations Act 1996), building industrial action (within the meaning of the Building and Construction Industry Improvement Act 2005) or picketing by members is not authorised by the union without the consent of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof).

Provided however that the preceding paragraph shall not restrict the right of a person or body duly authorised by such a committee of management to authorise industrial action in accordance with s 446 (1)(a) of the Workplace Relations Act 1996, or any successor provisions thereto.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 361 Kent Street, Sydney in the State of New South Wales, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

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

Where the Union is dissolved the property of the Union shall be vested in the trustees of each existing Division at the time of dissolution for the benefit of the members thereof on the basis that each such

Division will continue to hold its own property and funds and any property or funds not vested at the time of dissolution in a Division shall be divided between the existing Divisions on a basis proportionate to the membership of each such Division.

35 - RECOVERY OF DUES

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

36 - LEVIES

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

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

(iii) A Division or Divisional Branch may impose a levy on its members.

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

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

37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

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

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

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

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

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

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

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

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

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

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

   If the votes are equal the question is resolved in the negative.

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

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

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

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

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

11. Any delegate or member speaking shall at once resume their seat -

    (a) If the chairperson rises to speak; or
    (b) If a point of order is raised.

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

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

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

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

CHAIRPERSON'S RULINGS

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

SUSPENSION OF ORDER OF BUSINESS

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

SITTING AS A COMMITTEE

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

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

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

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

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the Industrial Relations Act 1988, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, telex, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above

demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee, following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted

(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) deleted

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes

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place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary

shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - Divisional Restructuring (FEDFA)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps which steps may deal with one Division at a time, Divisional Branches within a Division and/or the Divisional Office of any particular Division.

2. In relation to the above, the FEDFA Division shall be restructured in steps which shall involve:

(a) The abolition of full-time Divisional Officers at a national level and the allocation of responsibility for the FEDFA Division between the Building Unions Division and the UMW Division;

(b) The allocation of full-time Divisional Officers of the FEDFA Division to the Building Unions Division and the UMW Division;

(c) The continued operation of the Divisional Branches of the FEDFA Division with the intent, over time, of the restructuring of said Divisional Branches in accordance with Rule 42, into the Building Unions/Construction and General Division, UMW/Mining & Energy Division and the ATAIU/Forestry Division;

(d) The payment of capitation fees by FEDFA Divisional Branches to a designated fund which shall be administered by the Divisional Secretary of the FEDFA Division or, if or when that Office is abolished by the former Divisional Secretary and the Divisional Secretaries of the Building Unions and/or Construction and General Division and the UMW and/or Mining and Energy Division.

(e) The continued meeting of the Division Executive of the FEDFA Division for so long as is necessary before the complete restructuring of the FEDFA Division is effected in accordance with Rule 42.

3. On and from 27 September 1993, in accordance with the above procedure, the current Divisional Secretary of the FEDFA Division shall be and become the Divisional President of the Building Unions Division and the current Divisional Assistant Secretary of the FEDFA Division shall be and become a Divisional General Vice-President of the UMW Division and upon translation in accordance with Rule 42 (iii), shall hold the corresponding offices in the Construction and General Division and the Mining & Energy Division respectively.

4. The current Divisional Secretary and Divisional Assistant Secretary of the FEDFA Division shall continue to hold those positions in the FEDFA Division on an honorary basis until such time as the FEDFA Division no longer meets on a national basis.

5. This Rule shall come into force after its adoption by the National Executive and agreement thereto by the FEDFA Divisional Executive, UMW Divisional Executive and Building Unions Divisional Executive and thereupon shall be registered with the Australian Industrial Registry and shall take effect upon registration, or 27 September 1993, whichever is the later.

6. Further to the above provisions, and notwithstanding any other rule of the Union to the contrary, during the process of restructuring, any Divisional Branch of the FEDFA Division may reach agreement with any or all of the UMW Division/Mining & Energy Division and/or the Building Unions Division/Construction and General Division and/or the Forestry Division or the relevant Divisional Branches thereof to transfer members and officers of the FEDFA Division to any and/or all of the other aforementioned Divisions. Such agreement shall be reached with the approval of the Management Committee or its equivalent in each Divisional Branch and the officers concerned. Any such Divisional Branch may reach agreement on some or all of the matters relating to such transfer and, failing agreement on any or all of such matters, refer the matters by agreement to the National Executive for decision. Until such time as there no longer exists an FEDFA Division in accordance with the Rules of the Union, all such officers transferred shall, notwithstanding the holding of positions in other Divisions, continue to hold the office or position in the FEDFA Division on an honorary basis and shall, to the extent that the Rules require same, continue to perform the functions associated with that office in relation to the FEDFA Division. All agreements in relation to the transfer of members and officers shall be notified to the National Executive Committee and attached to the Minutes thereof. Such agreements shall have force and effect in accordance with the terms thereof and from the date of effect of that agreement as specified in that agreement, or failing any specification thereof, on the date of the agreement.

7. The following table shows the restructuring of the FEDFA Division, merging with the appropriate Union Division to create Industry Divisions:

	(	merged with	)
STATE	CONSTRUCTION AND GENERAL	MINING AND ENERGY	FORESTRY
National Office	27 Sept 1993	27 Sept 1993	
Queensland	4 Feb 1994	1 Jan 1993	
New South Wales		Northern 2/4/93 Southern 1/7/93 Western 8/4/93 Energy 21/7/93	
Tasmania	31 July 1996	24 August 1996	1 Jan 1994
Sth Aust	1 Aug 1993	1 Aug 1993	
West Aust	1 Sept 1993	1 Sept 1993	

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Victoria	1 Aug 2003	2 Jan 2001
Barrier		1 July 1996

42B - Merger with ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DIVISIONAL RESTRUCTURING (FFTS)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps, such steps may deal with one Division at a time and/or Divisional Branches within a restructured Division at a time.

2. In relation to the above, the FFTS Division shall on and from the 11th February 2002, be restructured in the first instance into the Forestry Division to form "The Forestry, Furnishing, Building Products and Manufacturing Division" (FFPD) which shall result in:

   (a) The abolition of full-time FFTS Divisional Officers at a national level and the allocation of responsibility for the FFTS Division to the restructured Division.

   (b) The allocation of Divisional/Branch Office Holders of the FFTS Division to the Office Holders positions of the restructured Division.

   (c) The continued operation of the Victorian and Queensland Divisional Branches of the FFTS Division within the restructured Division of up to four years beyond the expiration of the eight years referred to in sub-rule 42(xii). This sub-rule shall not otherwise affect the operation of sub-rule 42(xii). For the avoidance of doubt, the four years referred to in this sub-rule shall expire on 26 March 2005.

3. Further to the above provisions and notwithstanding any other rule of the Union to the contrary, the FFTS Victorian Branch shall unless otherwise agreed by the FFTS Victorian Branch Management Committee maintain its current structure and existence within the restructured Division up until 26 March 2005.

4. Prior to the 26 March 2005, the FFPD (which shall include representatives of the former FFTS Division) and the Construction & General Division (which shall include representatives from the National Office and all interested Branches) will meet under the chairpersonship of the National Secretary of the CFMEU to reach agreement to finalise translation/integration provisions intended by the respective Schemes of Amalgamation and the Rules of the Union in respect to the Forestry, FFTS and C&G Divisions.

5. Should agreement not be reached between the Divisions the matter shall be referred to the CFMEU National Executive to determine in accordance with the Schemes of Amalgamation and Rules of the Union.

6. Until the elections scheduled to be held in August 2004 the FFPD shall be constituted and represented as follows:-

(a) Divisional Conference shall consist of:-

(i) Forestry Division Representatives

Trevor Smith	SA	Jane Calvert	VIC
Paul Martinella	SA	Andy Laing	VIC
Mark Nicholls	SA	Ian Mullen	VIC
Brenton Lockwood	SA	Michael O'Connor	VIC
Scott McLean	TAS	Brad Platschinda	VIC
Colin Butler	TAS	Bevan Anderson	NSW
Gary Jaeschke	WA	Bruce Campbell	NSW
Christopher Northover	P&P	Craig Smith	NSW
Phillip Illidge	P&P	Eileen Anderson	NSW
Alex Millar	P&P	Kenneth Miller	NSW
Debbie Brennan	P&P		

(ii) FFTS Division Representation

Jim Emery	SA	Leo Skourdoumbis	VIC
David Kirner	SA	Frank Vari	VIC
Brad Parker	NSW	Joe Patti	VIC
Greg Williams	QLD	Cliff Palmer	VIC
John O'Brien	VIC	Alwin Seneviratne	VIC

(iii) Representation

Representation of the Forestry and FFTS Division Branches shall be in accordance with Rule 8 of the Forestry Division Rules.

(b) Divisional Executive shall consist of:-

(i)

Jane Calvert	Divisional President
Phillip Illidge	Divisional Snr V/President
Brad Parker	Divisional V/President
Craig Smith	Divisional V/President
Trevor Smith	Divisional Secretary
Chris Northover	Divisional Snr Assistant Secretary (Honorary)
Michael O'Connor	Divisional Assistant Secretary
Leo Skourdoumbis	Divisional Assistant Secretary (Honorary)

Kenneth Miller	Divisional Trustee
Dave Kirner	Divisional Trustee
Frank Vari	Divisional Trustee
Scott McLean	Divisional Trustee
Paul Martinella	Divisional Executive Member
Greg Williams	Divisional Executive Member
Gary Jaeschke	Divisional Executive Member

(c) FFPD NSW Branch Executive/Committee of Management

Brad Parker	Joint President (full-time)
Bevan Anderson	Joint President (Honorary)
Bruce Campbell	Snr V/President
Jayne Willet	Jnr V/President (AA)
Tom Abramovic	Jnr V/President
Craig Smith	Secretary
Sala Taalilil	Trustee
Eileen Anderson	Trustee (AA)
Peter Reilly	Trustee
Ronnie Watson	Trustee
Kenneth Miller	Trustee
Alan Lanyon	Committee Member
Barry Barrakett	Committee Member
Cheryl Hampton	Committee Member
Kerry Hickey	Committee Member
Mark Thompson	Committee Member
Michael Schuppan	Committee Member
Peter StClair	Committee Member
Anthony Ovington	Committee Member

(2 Vacant COM positions to be filled by FFTS)

(d) (a) FFPD VIC FFTS Branch Executive/Committee of Management

Joe Patti	President
Cliff Palmer	V/President
John O'Brien	V/President
Leo Skourdoumbis	Secretary
Frank Vari	Assistant Secretary
Michael Doran	Trustee
Ernie Landolt	Trustee
Les Ford	Trustee
Florencio P Carrion	Committee Member
Eric Maher	Committee Member
Jeffery Connor	Committee Member
Brenda Crawford	Committee Member
Penny Lintzos	Committee Member
James Maine	Committee Member
Alwin Seneviratne	Committee Member
Greg Wheeler	Committee Member
Chris Christou	Committee Member
Damian Cooke	Committee Member
Ian Morris	Committee Member

(b) FFPD VIC Forestry Branch Executive/Committee of Management

Andy Laing	President
Ian Mullen	Snr V/President
Andrew Wareham	V/President

Kim Mason	V/President (AA)
Jane Calvert	Secretary
Yorick Piper	Assistant Secretary
Kevin Wyley	Trustee
Clare Burford	Trustee (AA)
Ken Tonkin	Trustee
Mark Nelson	Trustee
Ricky Owens	Committee Member
Bob Salmnon	Committee Member
Wayne Smith	Committee Member
Neil Saunders	Committee Member
David Sheppard	Committee Member
Sunsera Verhoven	Committee Member
Anthony Jones	Committee Member
Duncan Ingram	Committee Member
Graeme Howe	Committee Member

(1 vacant COM AA position to be filled)

(e) FFPD Pulp & Paper Branch Executive/Committee of Management

Phillip Illidge	President
Robert Johnston	Snr V/President
Alex Millar	Jnr V/President
Chris Northover	Secretary/Treasurer
Grant Keys	Trustee
Chris Northover	Trustee
Alex Millar	Trustee
Geoff Gasperotti	Committee Member
Wayne Hardy	Committee Member
Andrew Ball	Committee Member
Greg Stewart	Committee Member
David Jessup	Committee Member
Mervyn Donoghue	Committee Member
Tom Blacka	Committee Member
Craig Waters	Committee Member
Ken Fraser	Committee Member
William Davey	Committee Member
Greg Godde	Committee Member
Trevor Sinclair	Committee Member
Marne Gurney	Committee Member

(f) FFPD SA Branch Executive & Committee of Management

Jim Emery	President
Mark Nicholls	Snr V/President
Tony Howlett	V/President
Maree Gale	V/President
Paul Martinella	Secretary
David Kirner	Assistant Secretary
Steve Crafter	Trustee
Tom Kenny	Trustee
Ross Bennetta	Trustee
Leonie Kiploks	Trustee (AA)
Karen Cory	Committee Member
Mark Vickers	Committee Member
Peter Nelson	Committee Member
Greg Muhovics	Committee Member
Andrew Sampson	Committee Member

Kym Isaacson	Committee Member
Peter Starr	Committee Member
Bill Burns	Committee Member
Bernie Maguire	Committee Member
Laurie Barbary	Committee Member

(1 Vacant COM AA position to be filled by FFTS)

(g) FFPD TAS Branch Executive & Committee of Management

Colin Butler	President
Angela Lord	Snr V/President
Narrelle Bassett	V/President (AA)
Anthony Clay	V/President
Scott McLean	Secretary
Shiralee Gillespie	Trustee (AA)
Ronald Brown	Trustee
Leanne Hardy	Trustee (AA)
Lindsay Hills	Trustee
Robert Bowden	Committee Member
Paul Worker	Committee Member
Peter Mason	Committee Member
Margaret Watson	Committee Member
Kylie Dundas	Committee Member
Joseph Kelly	Committee Member
Anthony Barnes	Committee Member
Adrian Littlejohn	Committee Member

(h) FFPD QLD Branch Executive/Committee of Management

Ursula Korableff	President
Desmond Flanagan	V/President
Stephan Williams	V/President
Greg Williams	Secretary
Rodney Black	Committee Member
Vincent Breen	Committee Member
John Forrest	Committee Member

(i) FFPD WA Branch Executive/Committee of Management

John Rudge	President
Vincent Preedy	Snr V/President
Douglas Ashcroft	V/President
Gary Jaeschke	Secretary (Honorary)
John Cleary	Trustee
Garry Rampling	Trustee

7. This rule shall come into force on and from 11 February 2002 in accordance with the unanimous decision of the National Executive and shall be registered with the Australian Industrial Registry.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State

Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS

(i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

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

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

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

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made pursuant thereto.

Upon receipt by the State Branch Secretary of a petition, signed by not less than 5% of the members of the State Branch, requesting that a general meeting of members of the State Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the State Branch, the State Branch Secretary shall convene such meeting as soon as is practicable.

50A - POLICIES AND PROCEDURES - EXPENDITURE

(a) Each Branch shall develop and implement internal control policies and procedures relating to the expenditure of the Branch, to ensure that the Branch is conducted in accordance with the principles of good governance and to ensure accountability to members of the Branch.

(b) Such policies and procedures shall be adopted by the State Executive and once adopted, shall be binding on all officers and members of the Branch. Such policies and procedures must be identified in the resolutions of the State Executive as Rule 50A policies and procedures.

(c) Rule 50A policies and procedures must be published on the website of the Branch with fourteen (14) days of their adoption.

(d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Division and Divisional/District Branch of the Union.

50B - DISCLOSURE BY BRANCH OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

(a) Each person holding office in a Branch shall disclose to the Branch any remuneration paid of the officer:

(i) because the officer is a member of a board if:

(A) the officer is a member of the board only because the officer is an officer of the Branch; or

(B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or

(ii) by a related party of the Branch, in connection with the performance of the officer's duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Branch shall disclose to the members of the Branch:

(i) the identity of each officer of the Branch who, when all officers of the Branch are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second;

(ii) for each of those officers

(A) the actual amount of the officer's relevant remuneration for the disclosure period; and

(B) the form of the officer's relevant non-cash benefits for the disclosure period.

(d) For the purposes of sub-rules (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50C - DISCLOSURE BY BRANCH OFFICERS OF MATERIAL PERSONAL INTEREST

(a) Each person holding an office in the Branch shall disclose to the Branch any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Union or Branch.

(b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The State Executive shall disclose to the members of the Branch the interests disclosed to the Branch pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year:

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50D - DISCLOSURE BY BRANCH OF PAYMENTS

(a) The Branch shall disclose to the members of the Branch either of the following

(i) each payment made by the Branch, during the disclosure period:

(A) to a related party of the Branch; or

(B) to a declared person or body of the Branch; or

(ii) the total of the payments made by the Branch during the disclosure period:

(A) to each related party of the Branch; or

(B) to each declared person or body of the Branch.

(b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Branch from remuneration payable to officers or employees of the Branch.

(c) Sub-rule (a) does not apply to a payment made to a related party if:

(i) the related party is an officer of the Branch; and

(ii) the payment:

(A) consists of remuneration paid to the officer by the Branch; or

(B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(d) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

SCHEDULE OF OFFICERS REFERRED TO IN RULE 42 (xiv) (a)

POSITION	PERSON TO HOLD POSITION
NATIONAL UNION	
** Joint National Secretary	Stanley Sharkey
** Joint National Secretary	Vic Fitzgerald
** Joint National President	John Maitland
** Joint National President	Trevor Smith
** National Assistant Secretary	John Sutton
** National Senior Vice President	Lou Kyriacou
* National Senior Vice President	Albert Littler
National Senior Vice President	Bill Ethell
Joint National Vice President	Christopher Northover
Joint National Vice President	Kenneth Hawkins
Joint National Vice President	Malcolm McDonald
Joint National Vice President	Thomas Burke
* FEDFA Divisional Assistant Secretary	Tony Maher
* BWIU/Plasterers Divisional Assistant Secretary	Lindsay Fraser
* ATAIU Divisional Assistant Secretary	Chris Northover
* UMW Divisional General Secretary	Eric A Wilks
* UMW Divisional Vice President	Kenneth Hawkins

NATIONAL EXECUTIVE COMMITTEE shall consist of the six (6) principal officers (marked **) plus the other full-time Divisional Officers of each Division (marked *).

NATIONAL EXECUTIVE shall consist of the persons who constitute the National Executive Committee set out above and the Divisional Branch Secretary of each Divisional Branch of each Division set out herein and shall, in accordance with Rule 42 (viii) (a) include the National President and National Secretary of the former OPPWF. This body shall also include the Divisional Branch Secretaries from Victoria, New South Wales, South Australia and Queensland of the FFTS Union Division.

It also includes the South Australian, Victoria and Queensland Branch Secretaries and the NSW Branch Assistant Secretary of the former OPDU.

NATIONAL CONFERENCE shall consist of the persons listed as the members of the four (4) divisional executives set out herein until 2 January 1997, the following shall also be a delegate,

T. Richardson - Secretary of former OPPWF, Queensland Branch.

The National Conference shall also include the persons (as set out herein) comprising the Federal Executive of the FFTS Union Division while that Union Division remains autonomous.

BRANCHES OF THE UNION

NEW SOUTH WALES BRANCH

New South Wales State Officers

Joint NSW State Secretary	Dennis Matthews
Joint NSW State Secretary	Ian Peel
Joint NSW State President	Gavin Hillier
Joint NSW State President	Michael Watson
Joint NSW State Assistant Secretary	Andrew Ferguson
Joint NSW State Assistant Secretary	Alf Rankin
Joint NSW State Senior Vice President	Thomas Burke
Joint NSW State Senior Vice President	Peter McClelland
Joint NSW State Senior Vice President	Edward Curran
Joint NSW State Senior Vice President	Sid Wales
Joint NSW State Vice President	Bevan Anderson
Joint NSW State Vice President	Howard Fisher
Joint NSW State Vice President	Mick Smith
Joint NSW State Vice President	Gary McArthur

New South Wales State Executive

Shall consist of the abovenamed persons being the NSW State Officers together with the persons who are the full-time Divisional Branch officers, other than organisers, of each Divisional Branch, being,

ATAIU NSW Divisional State Assistant Secretary, Joyce Tuckwell
FEDFA NSW Divisional State Assistant Secretary, Scott Gartrell
FFTS NSW Union Divisional State Assistant Secretary, Rex Smith

New South Wales State Conference

Shall consist of the persons who constitute NSW State Executive as listed above (i.e. including NSW State Officers) and the persons being the other members of ATAIU NSW Divisional Branch Management Committee and the Building Unions NSW Divisional Branch Management Committee and the UMW Divisional Branch Management Committee, and the FEDFA NSW Divisional Branch Management Committee and the FFTS Union Division NSW Branch Management Committee listed herein.

VICTORIAN BRANCH

Victorian State Officers

Joint Vic State Secretary	John Van Camp
Joint Vic State Secretary	Vince Raffa
Joint Vic State President	Barry King
Joint Vic State President	Lou Kyriacou
Joint Vic State Assistant Secretary	Martin Kingham
Joint Vic State Assistant Secretary	Vacant

Vic State Senior Vice President	Frank O'Grady
Joint Vic State Vice President	Vilma Stargatt
Joint Vic State Vice President	Malcolm McDonald
Joint Vic State Vice President	Alex Findlay
Joint Vic State Vice President	Vacant

Victorian State Executive

Shall consist of the abovenamed persons being the Victorian Divisional Officers, Building Unions Victorian Divisional State Assistant Secretary and the FEDFA Victorian Divisional State Assistant Secretary plus FFTS Union Division Victorian Divisional Branch Senior Organiser.

Victorian State Conference

Shall consist of the persons who constitute the persons being the other members of the ATAIU Victorian Divisional Branch Management Committee, the BWIU Victorian Divisional Branch Management Committee and the FEDFA Victorian Branch Management Committee and the FFTS Union Division Victorian Divisional Branch Management Committee listed herein.

SOUTH AUSTRALIAN BRANCH

South Australian State Officers

SA State Secretary	Ben Carslake
SA State President	Quentin Cook
Joint SA Senior State Vice President	A. Johnson
Joint SA Senior State Vice President	D. Frater
Joint SA State Vice President	A. Young
Joint SA State Vice President	G. Bull
Joint SA State Vice President	D. Stapleton
Joint SA State Assistant Secretary	Terry Carrol
Joint SA State Assistant Secretary	Geoff Day
Joint SA State Assistant Secretary	J. McGirr

South Australian State Executive

Shall consist of the abovenamed persons being South Australian State Officers and

ATAIU SA Divisional Branch Assistant Secretary
FFTS SA Divisional Branch Assistant Secretary

South Australian State Conference

Shall consist of the persons who constitute South Australian State Executive set out above and the persons being the other members of the ATAIU South Australian Divisional Branch Management Committee, the Building Unions South Australian Divisional Branch Management Committee the FFTS Union Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee listed herein.

TASMANIAN BRANCH

Tasmanian State Officers

Joint Tas State Secretary	Max Cordwell
Joint Tas State Secretary	Mike Grey
Joint Tas State President	Shayne Murphy
Joint Tas State President	Leonard Miles
Tas State Senior Vice President	Stephen Hevey

Joint Tas State Vice President	J. Gill
Joint Tas State Vice President	Colin Butler
Joint Tas State Vice President	M. Collins
Joint Tas State Vice President	David Bean
Joint Tas State Vice President	Barry Bishop
Joint Tas State Vice President	Ray Carroll
Tas State Assistant Secretary	

Tasmanian State Executive

Shall consist of the Full Time Tasmanian State Officers.

Tasmanian State Conference

Shall consist of the persons listed as the Tasmanian State Executive set out above and, the other persons being the persons listed as members of the ATAIU Tasmanian Divisional Branch Management Committee, UMW Tasmanian Divisional Branch Management Committee, the Building Unions Tasmanian Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee and the FFTS Union Division Tasmanian Branch Management Committee listed herein.

AUSTRALIAN CAPITAL TERRITORY BRANCH

ACT State Officers

ACT State Secretary	George Wason
ACT State President	Rod Driver
Joint ACT State Vice President	Kate Lundy
Joint ACT State Vice President	J. McHugh
Joint ACT State Assistant Secretary	Trevor Zeltner
Joint ACT State Assistant Secretary	Stan Hambesis

ACT State Executive

Shall consist of the abovenamed persons listed as ACT State Officers.

ACT State Conference

Shall consist of those persons listed above as being the ACT State Executive and the other persons listed herein as members of the Building Unions ACT Divisional Branch Management Committee.

WESTERN AUSTRALIAN BRANCH

Western Australian State Officers

WA State Secretary	Bill Ethell
Joint WA State President	John Borlini
Joint WA State President	Alex A'Vard
Joint WA State Vice President	Gary Wood
Joint WA State Vice President	A. Baxter
Joint WA State Vice President	Ron Kielty
Joint WA State Vice President	A. Cook
Joint WA State Vice President	K. Reynolds
Joint WA State Assistant Secretary	Rick Todd
Joint WA State Assistant Secretary	Dave McIntyre

WA State Executive

Shall consist of the abovenamed persons listed as WA State Officers.

WA State Conference

Shall consist of those persons listed above as being the WA State Executive and the persons listed herein as members of the both Building Unions Divisional Branches' Management Committees, the members of the UMW WA District Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee.

QUEENSLAND BRANCH

Queensland State Officers

Joint Qld State Secretary	William Trohear
Joint Qld State Secretary	Greg Betts
Joint Qld State President	Andrew Vickers
Joint Qld State President	Peter Stone
Joint Qld State President	Des Holloway
Joint Qld State Senior Vice President	V. Robinson
Joint Qld State Vice President	B. Rushan
Joint Qld State Vice President	Kevin Anderson
Joint Qld State Vice President	Peter Neilson
Joint Qld State Assistant Secretary	Mark Hickey
Joint Qld State Assistant Secretary	Geoff Wilson
Joint Qld State Assistant Secretary	P. Waters

Queensland State Executive

Shall consist of the abovenamed persons listed as Queensland State Officers plus an additional person being the FFTS Union Division Qld Branch Assistant Secretary.

Queensland State Conference

Shall consist of those persons listed above as being the Queensland State Executive and the persons listed herein as members of the Building Unions Queensland Divisional Branch Management Committee, the members of the UMW Divisional Branch Management Committee and the members of the FEDFA Divisional Branch Management Committee and members of the FFTS Union Division Qld Divisional Branch Management Committee.

BUILDING UNIONS DIVISION

DIVISIONAL OFFICERS

Joint Divisional President	A. Littler
Joint Divisional President	B. Ethell
Divisional Secretary	S. Sharkey
Joint Divisional Assistant Secretary	J. Sutton
Joint Divisional Assistant Secretary	L. Fraser
Joint Divisional Senior Vice President	D. McDonald
Joint Divisional Senior Vice President	J. McGirr
Joint Divisional Vice President	C. Bates
Joint Divisional Vice President	M. Bingham
Joint Divisional Vice President	T. Burke

BUILDING UNIONS DIVISIONAL EXECUTIVE

The Divisional Officers of Building Unions Division as set out above, and

W. Trohear	Queensland
M. Cordwell	Tasmania
B. Carslake	South Australia
V. Raffa	Victoria
D. Cafferty	Victoria
G. Wason	Australian Capital Territory
D. Matthews	New South Wales
A. Rankin	New South Wales
B. Ethell	Western Australia
T. Carroll	Plasterers
K. Reynolds	WA Plasterers

BUILDING UNIONS DIVISIONAL CONFERENCE

The Divisional Officers of Building Unions Division and the Divisional Executive as set out above, and the following delegates from Building Unions Divisional Branches:

A. Ferguson	(NSW)	A. Wigchert	(QLD)
P. Grainger	(NSW)	M. Hickey	(QLD)
J. Briggs	(NSW)	T. Richardson	(QLD)
T. Morrison	(NSW)		
T. Mawdsley	(NSW)	F. O'Grady	(VIC)
J. Taylor	(NSW)	R. Williams	(VIC)
I. Smith	(NSW)	M. Kingham	(VIC)
B. Woodham	(NSW)	J. Saddington	(VIC)
T. McDonald	(NSW)		
E. Boatswain	(NSW)	R. Todd	(WA)

- together with the OPDU Federal Council as at the date of amalgamation.

BUILDING UNIONS DIVISIONAL TRUSTEES

W. Trohear	(QLD)
R. Driver	(ACT)

BUILDING UNIONS NSW DIVISIONAL BRANCH

Divisional State President	P. McClelland
Divisional State Secretary	D. Matthews
Joint Divisional State Assistant Secretary	A. Ferguson
Joint Divisional State Assistant Secretary	T. Burke
Joint Divisional State Assistant Secretary	A. Rankin
Divisional State Vice President	G. McArthur

BUILDING UNIONS NSW DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners
T. Morrison
J. Pineiro
I. Smith
L. Strutzenberger
M. Barrios

Bricklayers
H.D. Eisenhammer
A. Baxter

Builders Labourers
J. Ashdown
P. Balcombe

Bridge & Wharf
A. Melnikoff

Tilelayer
L. Quill

Slater & Tiler
M. Murphy

Painters
J. Anning
J. Foster
J. Hoddle

I. Gavin
S. Green

Stonemason
S. Cafarella

Plasterer
C. Howarth

BUILDING UNIONS NSW DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and -

Sydney Zone

Sydney Carpenters & Joiners
H. Brazao
P. Bristow
T. Connolly
P. Eggers
E. Elder
G. Kelly
F. Malis
P. Leyden
A. Zdrilic

Sydney Bricklayers
V. Catania
J. Taylor
M. McAliney

Sydney Builders Labourers
B. Granata
E. Harbidge
G. Sheen
D. Stean
J. McGee
S. Whetter

Country Zone

Country Carpenters & Joiners
L. Allen
R. Wills

Country Bricklayer
D. Atkinson

Country Builders Labourer
W. Shipman

Bridge & Wharf
C. Ford

Tilelayers
L. Quill

Slaters & Tilers
M. French

Stonemasons
J. Robinson

Plasterer
K. Andrews

Newcastle Zone

Newcastle Carpenters & Joiners
J. Allen
P. Cuskelly

Newcastle Bricklayer
L. Deeks

Newcastle Builders Labourer
E. Purins

Wollongong Zone

Wollongong Carpenters & Joiners
T. Gray
G. Karry

Wollongong Bricklayer
W. Hall

Wollongong Builders Labourer
M. Ward

BUILDING UNIONS NSW DIVISIONAL BRANCH TRUSTEES

T. Morrison
L. Strutzenberger
S. Green
J. Anning

BUILDING UNIONS NSW DIVISIONAL BRANCH ORGANISERS

B. Miller
P. Grainger
W. Baker
J. Briggs
B. Cochrane
N. Fodor
J. Higgins
J. Curruthers
J. Prentice
J. McKee
T. Hunt
M. Lawler
P. Zaboyak
M. Lynch
S. Manna
T. Mawdsley
D. Sullivan
C. Bates
J. Adams
J. McGahan
B. Beasley

Newcastle: R. Jarman

BUILDING UNIONS NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

T. McDonald
S. Sharkey
D. McDonald
J. Briggs
I. Smith
P. Grainger
J. Taylor
J. Sutton
T. Burke
E. Boatswain
D. Matthews
L. Fraser
C. Bates
A. Ferguson
T. Morrison
T. Mawdsley
B. Woodham

BUILDING UNIONS QLD DIVISIONAL BRANCH

Divisional State President — P. Stone
Divisional State Secretary — W.W. Trohear
Divisional State Assistant Secretary — M. Hickey
Divisional State Assistant Secretary — P. Waters
Divisional State Vice President — K. Anderson
Divisional State Vice President — B. Rushan

BUILDING UNIONS QLD DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

B. Tucker
P. Stone
T. Richardson
R. Bostock
K. Marcus
K. Anderson
B. Hopton
K. Bull
R. Vanderhorst
A. Pountey
F. Pearson
J. Gruer
G. Federer
B. Hall
G. Horn
B. McGill
M. Edwards

BUILDING UNIONS QLD DIVISIONAL BRANCH TRUSTEES

P. Stone
T. Richardson
R. Bostock
R. Vanderhorst

BUILDING UNIONS QLD DIVISIONAL BRANCH ORGANISERS

W. Perrett
D. Kersey
T. Richardson
K. Murphy
K. Carroll
G. Howcroft
A. Wigchert

BUILDING UNIONS QLD DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. Trohear
A. Wigchert
M. Hickey
T. Richardson

BUILDING UNIONS WA DIVISIONAL BRANCH

Divisional State President	A. Baxter
Divisional State Secretary	B. Ethell
Divisional State Assistant Secretary	R. Todd

BWIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

N. Houston
P. Alcantara
B. Churchill
B. Freeman
T. Bird
H. Johnson
M. Banks
J. Giles

BWIU WA DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

Perth
G. Curtin
R. Gaskell
C. Knight
B. Waller
A. De Klerk
M. Floud
N. Drayton
A. Hughes
K. Bulloch
J. Fitzgerald

Fremantle/Medina
C. Gorham
A. Phillips
J. Allison
P. Fairbotham
J. Curran

South West
J. McDonell

BWIU WA DIVISIONAL BRANCH ORGANISERS

D. Wildgoose
J. Gallagher

BWIU WA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Ethell
R. Todd

BUILDING UNIONS WA PLASTERERS DIVISIONAL BRANCH

Divisional State President	Mark Hudston
Divisional State Secretary	Kevin Reynolds
Divisional Branch Delegate to National Conference	Kevin Reynolds
Divisional State Vice President	Roy Cox
Divisional Committee of Management	James Hamilton
	Michael Naughton
Divisional Branch Organiser	Robert Manwaring

BUILDING UNIONS TAS DIVISIONAL BRANCH

Divisional State President	Stephen Hevey
Divisional State Secretary	Max Cordwell
Divisional State Assistant Secretary	T. Benson
Joint Divisional State Vice President	Ray Browne
Joint Divisional State Vice President	Ray Carroll
Joint Divisional State Vice President	M. Collins

BUILDING UNIONS TAS DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Adrian Telha	Paul Ridgeway
Roy Smedley	Grant Jackson
Ray Carroll	Gary Taylor
R. Edwards	L. Verrell

BUILDING UNIONS TAS DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

002 Area

C. Green
A. Currie
R. Dillon

003 Area

A.J. Smith
L. Edwards
P. Harris

004 Area

W. Maloney
B. Knowles
R. Doe

BUILDING UNIONS TAS DIVISIONAL BRANCH TRUSTEES

Max Cordwell	Stephen Hevey
Ray Browne	Adrian Telha
R. C. Edwards	A. R. Benson

BUILDING UNIONS TAS DIVISIONAL BRANCH ORGANISERS

Mark Telha
Martin Clifford
Ray Carroll

BUILDING UNIONS TAS DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

M. Cordwell

BUILDING UNIONS VIC DIVISIONAL BRANCH

Divisional State President	F. O'Grady
Divisional State Secretary	V. Raffa
Divisional Branch Assistant Secretaries	M. Kingham M. Bingham
Divisional State Vice President	B. Oliver

BUILDING UNIONS VIC DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners	**Builders Labourers**	**Painters**
R. Williams	T. Sinclair	M. Baird
R. Carter	R. Ryan	M. Garcia
G. Lavery	J. Nicol	K. B. Hughes
D. Van Dam	P. Lennon	P. Boyle
M. Santana	M. Bingham	M. Evans
W. Torpey	M. Ratel	
D. Noonan		
B. Giagnacovo		

Tilelayer	**Stonemason**
Z. Prazac	M. Newham

BUILDING UNIONS VIC DIVISIONAL BRANCH COUNCIL

Carpenters & Joiners	**Builders Labourers**
V. Nicoli	T. Bockting
K. Green	G. Young
D. Black	G. Miles
A. Moore	D. Noonan
W. Oliver	K. Hughes
H. Kotsabis	J. Bruce
D. Jacobson	J. McPartlin
G. Preddy	C. Leatham
D. Shacklock	

Stonemasons	**Tilelayers**
A. Patience	O. Kypta
G. Slack	Z. Prazak

Zone Delegates

Ballarat	Bendigo
V. Broes	T. Coleman
L. Brown	N. Pyle
N. Davidson	L. Worme

Brunswick
M. Kingham
W. McConnel
F. Stradijot

Camberwell
J. Baysinger
R. Bentley
S. Mitchell

Clifton Hill
F. Amarante
R. Collins
S. West

Essendon
D. Deprisco
T. Hancy
V. Raffa

Footscray
P. Leckie
F. Lopez
R. Storey

Geelong
J. Cody
J. O'Mara
B. Roche

Goulburn Valley
C. Craig
A. Kerris
P. O'Flaherty

Latrobe Valley
V. Beaton
M. Smith
A. Nabulsi

Melbourne
R. Carter
M. Santana
G. Tsotsos

Mordialloc
G. Burleigh
I. Nichol
P. Sullivan

Murray Valley
L. Fahey
S. Masterson
J. Salinger

Oakleigh
L. Bacolas
J. Medlyn
B. Smith

Preston
M. Collingburn
R. Lucas
N. Porter

Prahran
B. Giagnacovo
A. Medina
S. Delaney

Richmond
D. Blake
C. Commons
R. Hakainsson

South Western
K. O'Connor
A. Sargent
G. Sullivan

Sunraysia
A. Boldock
D. Costa
M. Dawes

Wimmera
R. Nesibit
G. Scott
A. Patterson

BUILDING UNIONS VIC DIVISIONAL BRANCH TRUSTEES

M. Kingham
B. Oliver
Vacant

M. Bingham
F. O'Grady
M. Baird

BUILDING UNIONS VIC DIVISIONAL BRANCH ORGANISERS

R. Welsh
T. Sinclair
R. Storey
W. Bingham
A. Medina

H. Kotsabis
R. Carter
T. O'Kane
D. Riddell
G. Young

D. Jacobson
D. Noonan
P. Muldeary
M. Kingham
M. Garcia

BUILDING UNIONS VIC DIVISIONAL BRANCH DELEGATES DIVISIONAL CONFERENCE

F. O'Grady
M. Kingham
V. Raffa
R. Williams
J. Saddington
M. Bingham

BUILDING UNIONS SA DIVISIONAL BRANCH

Divisional State President	A. Johnson
Divisional State Secretary	B. Carslake
Divisional State Vice President	G. Millar
Divisional State Vice President	D. Stapleton
Divisional State Assistant Secretary/Treasurer	T. Carroll
Divisional State Assistant Secretary/Treasurer	J. McGirr

BUILDING UNIONS SA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

BWIU	PLASTERERS	PAINTERS
F. Gosden	G. Parrish	George Tilley
T. Karrandjis	R. Watson	Greg Tilley
C. Morton	R. Bennett	Lambden
D. Sellmann	A. Spano	Weir
T. Middleton	S. Kesisoglou	McEwan
		Evans

BUILDING UNIONS SA DIVISIONAL BRANCH ORGANISERS

M. Gnatenko
H. Koemecker
M. Bella

BUILDING UNIONS SA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Carslake

BUILDING UNIONS ACT DIVISIONAL BRANCH

Divisional State President	R. Driver
Divisional State Secretary	G. Wason
Joint Divisional State Assistant Secretary	S. Hambesis
Joint Divisional State Assistant Secretary	T. Zeltner
Divisional State Vice President	K. Lundy
Divisional State Vice President	J. McHugh

BUILDING UNIONS ACT DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Pyner
J. Grey Reitz

A. Dillon	D. Rail
J. Long	G. Roderick
T. Lagoya	L. Lancsar
J. Diamante	B. Larke
G. McGowan-Lay	G. Cleghorn
P. Johnstone	P. Trapani

BUILDING UNIONS ACT DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

D. Thompson	G. Kirkwood
B. Norman	G. Frasin
C. Kaskoutas	W. Thompson
M. Morgan	J. Clyde
T. Gooden	R. Hemsley

BUILDING UNIONS ACT DIVISIONAL BRANCH TRUSTEES

G. Wason	R. Driver
S. Hambesis	K. Lundy
G. McGowan-Lay	

BUILDING UNIONS ACT DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

G. Wason

ATAIU DIVISIONAL BRANCH OFFICE HOLDERS

ATAIU DIVISIONAL OFFICERS

Divisional President	G. Hillier
Divisional Secretary	T. Smith
Divisional Assistant Secretary	C. Northover
Divisional Senior Vice President	S. Murphy
Joint Divisional Vice President	P. Illidge
Joint Divisional Vice President	B. King

ATAIU DIVISIONAL TRUSTEES

J. Tuckwell	Q. Cook
V. Stargatt	

Who form the Divisional Executive, and who with the following form the Divisional Conference

A. Roberg (SA)	M. St Clair (SA)
C. Butler (TAS)	B. Anderson (NSW)
J. Gallogley (NSW)	J. Quartermaine (NSW)
M. Schuppan (NSW)	B. Campbell (NSW)
J. Beeson (VIC)	B. Murpy (VIC)
E. Swainston (VIC)	M. Graham (Pulp & Paper)
A. Dunlop (Pulp & Paper)	

ATAIU SA DIVISIONAL BRANCH

ATAIU SA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Young
Divisional Branch Secretary	Q. Cook
Divisional Branch Vice Presidents	M. St Clair
	A. Roberg

ATAIU SA DIVISIONAL BRANCH TRUSTEES

E. Cathro	P. Martinella
J. Nicks	

Who form the Executive.

ATAIU SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

L. Barry	T. Goodrich
L. Kilsby	F. Beimans
G. Schultz	L. Pelkonen
B. Lockwood	

ATAIU SA DIVISIONAL COUNCIL DELEGATES

M. St Clair	A. Young
T. Smith	Q. Cook

ATAIU NSW DIVISIONAL BRANCH

ATAIU NSW DIVISIONAL BRANCH OFFICERS

Divisional President	B. Anderson
Divisional Secretary	G. Hillier
Divisional Assistant Secretary	J. Tuckwell
Divisional Vice Presidents	G. Sacco
	J. Gallogley

ATAIU NSW DIVISIONAL BRANCH TRUSTEES

S. McDonald	M. Schuppan
B. Campbell	

Who are officers and form the Executive.

ATAIU NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

W. Englert	K. Yelverton
S. Hudson	J. Quartermain
W. Sentance	C. McGowan
C. Brooks	

ATAIU NSW DIVISIONAL COUNCIL DELEGATES

G. Hillier
J. Gallogley
J. Quartermain
B. Campbell
B. Anderson
S. McDonald
K. Yvelton

ATAIU VIC DIVISIONAL BRANCH

ATAIU VIC DIVISIONAL OFFICERS

Divisional President	V. Stargatt
Divisional Secretary	B. King
Divisional Vice Presidents	V. Iluk
	E. Swainston

ATAIU VIC DIVISIONAL BRANCH TRUSTEES

J. Beeson
B. Murphy
T. Carley

ATAIU VIC DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

J. Browne
P. Love
T. Stinton
S. Wilson
B. Harms
R. Owens
C. Walkear
P. Tait

ATAIU VIC DIVISIONAL COUNCIL DELEGATES

V. Stargatt
J. Beeson
B. Murphy
M. Lynch
E. Swainston

ATAIU TAS DIVISIONAL BRANCH

ATAIU TAS DIVISIONAL BRANCH OFFICERS

Divisional President	C. Butler
Divisional Secretary	S. Murphy
Divisional Vice Presidents	R. Ford
	D. Turriff

ATAIU TAS DIVISIONAL BRANCH TRUSTEES

C. Butler
R. Smith
S. Cahoon

ATAIU TAS DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

M. Barber
R. Foster
D. Harkes
B. Riley
S. Cahoon
R. French
N. Lincoln
R. Smith

ATAIU TAS DIVISIONAL COUNCIL DELEGATES

C. Butler
S. Murphy

ATAIU WA DIVISIONAL BRANCH

ATAIU WA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Cook
Divisional Branch Secretary	A. A'Vard
Divisional Branch Vice President	D. Murie
Divisional Branch Treasurer	R. Taylor

ATAIU WA DIVISIONAL BRANCH TRUSTEES

P. McCarthy	K. Smith
R. Henry	

ATAIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

R. J. Smith	C. Hagelund
R. Reiter	K. Cameron
V. McGlinn	J. Savage
G. P. Jaeschke	M. Bennett
W. J. Hall	

ATAIU NO. 7 DIVISIONAL BRANCH

ATAIU NO. 7 DIVISIONAL BRANCH OFFICERS

Divisional Branch President	P. Illidge
Divisional Branch Secretary/Treasurer	C. Northover
Divisional Branch Assistant Secretary/Treasurer	M. Graham
Divisional Vice Presidents	A. Dunlop
	R. Johnson

ATAIU NO. 7 DIVISIONAL BRANCH TRUSTEES

C. Northover	M. Graham

ATAIU NO. 7 DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

D. Garlick	G. Aston
T. Mackerell	G. Morley
N. Anderson	C. Glaubitz
N. Allen	D. McKay
M. Donoghue	P. Graham
J. Wright	T. Kelly
W. Hardy	G. Lincoln
G. Draper	T. Dwyer

ATAIU NO. 7 DIVISIONAL COUNCIL DELEGATES

C. Northover	M. Graham
P. Illidge	

ATAIU NOWRA SUB-BRANCH

President	Peter Graham
Senior Vice President	Harry Knowles
Junior Vice President	Tim Cato

Secretary-Treasurer	Mervyn Donoghue
Committee of Management	Rhonda Shelley
	Jim Evans
	Ray Clarke
	Alan Whitton
Delegate to No. 7 Branch	
Committee of Management	Mervyn Donoghue
	Peter Graham

ATAIU BURNIE SUB-BRANCH

President	George Draper
Senior Vice President	Barry Connors
Junior Vice President	Eric Edwards
Secretary-Treasurer	Geoffrey Lincoln
Committee of Management	
Alan Claridge	Graham Wells
Anthony Johnson	Andrew Crawn
Jack Wylie	Russell Norton
Danny Rowlands	Richard Troughton
Noel Stubbs	Rex Berry
Delegate to No. 7 Branch	
Committee of Management	Geoffrey Lincoln
	George Draper

ATAIU PORT HUON SUB-BRANCH

President	Barry Young
Senior Vice President	Colin McMullin
Junior Vice President	Jeff Parsons
Secretary-Treasurer	Wayne Hardy
Committee of Management	
Neville Burgess	Graeme Goaman
David Greatbatch	Ricky Cowen
Delegate to No. 7 Branch	
Committee of Management	Wayne Hardy

ATAIU MYRTLEFORD SUB-BRANCH

President	Vacant
Senior Vice President	Bruce Dale
Junior Vice President	Paul Ryan
Secretary-Treasurer	Trevor Dwyer
Committee of Management	Oliver Evans
	Colin Richardson
	Trevor Davis
	Robert Arnold
	Christopher Stone
Delegate to No. 7 Branch	
Committee of Management	Trevor Dwyer

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ATAIU MARYVALE SUB-BRANCH

President	Neville Anderson
Senior Vice Persident	Charles Glaubitz
Junior Vice President	Cidge Fabris
Secretary/Treasurer	Graeme Morley
Committee of Management	
Steven Gilham	Robert Brown
Vernon Jones	Charles Stuart
Geoffrey Dorling	Brian McNamara
Peter Morris	Steven Mason
Wayne Snell	Vincent Nabel
Delegates to No. 7 Branch	
Committee of Management	Neville Anderson
	Charles Glaubitz
	Graeme Morley
Delegates Gippsland Trades &	
Labour Council	Graeme Morley
	Vernon Jones
	Brian McNamara
	Robert Brown

ATAIU SYDNEY SUB-BRANCH

President	Donald McKay
Senior Vice Pesident	Ron McElhinney
Junior Vice President	Edward Pram
Secretary-Treasurer	Philip Illidge
Committee of Management	
William Daly	Les Smith
William Flowers	Anthony De Bono
Harry Marshall	Wayne Trewella
Mark Skennerton	Joseph Bodor
Delegates to No. 7 Branch	
Committee of Management	Philip Illidge
	Donald McKay

ATAIU BROADFORD SUB-BRANCH

President	Vacant
Senior Vice President	Vacant
Junior Vice President	Vacant
Secretary-Treasurer	Len Allen
Committee of Management	Garry Nesbitt
	Terry Hobson
	Alan Cole
	Craig Waters
Delegate to No. 7 Branch	
Committee of Management	Len Allen

ATAIU MILLICENT SUB-BRANCH

President	John Wright
Senior Vice Pesident	Trevor Kelly
Junior Vice President	Richard Watts
Secretary-Treasurer	Robert Johnston
Committee of Management	Michael King
	Graeme Richards
	Mavis Kloock
	Graeme Richardson
	Gilbert Mouat
	Helen Walker
Delegates to No. 7 Branch Committee of Management	John Wright
	Trevor Kelly
	Robert Johnston

ATAIU MELBOURNE SUB-BRANCH

President	David Garlick
Senior Vice President	George Ashton
Junior Vice President	Vacant
Secretary-Treasurer	Alexander Dunlop

Committee of Management

William Horton	Stan Mazur
Terry Mackerell	Steve Morris
Tom Donelly	Ian James
Alex Miller	Michael Adamopolous

Delegates to No. 7 Branch Committee of Management	Alexander Dunlop
	David Garlick
	George Aston
Delegates to Victorian Trades Hall Council	Alexander Dunlop
	William Horton
	Terry Mackerell
	Malcolm Graham

UMW DIVISION

In accordance with Rule 42 - Transitional Provisions of the Rules of the Union being the National Rules the officers of the previously existing Mining Division immediately prior to the date of effect of the amalgamation shall be, on and from the date of effect of amalgamation the officers of the UMW Division which is the new name for the previous Mining Division and the only change therein shall be, to the extent necessary, the change in the title of office to reflect the change in the name of the Division from Mining Division to UMW Division.

FEDFA DIVISION

DIVISIONAL OFFICERS

Divisional President	M. McDonald
Divisional Secretary	V. Fitzgerald
Divisional Assistant Secretary	T. Maher

FEDFA DIVISIONAL EXECUTIVE

The Divisional Officers of FEDFA Division as set out above, and

I. Peel	New South Wales
J. Van Camp	Victoria
G. Betts	Queensland
G. Day	South Australia
B. O'Neil	Barrier
M. Grey	Tasmania
D. McIntyre	Western Australia

FEDFA DIVISIONAL CONFERENCE

The Divisional Officers of FEDFA Division and the Divisional Executive as set out above, and the following delegates from FEDFA Divisional Branches:

T. Maher	(NSW)
P. Jordan	(NSW)
B. Neilson	(VIC)
M. Hill	(VIC)
D. Holloway	(QLD)
G. Purtill	(QLD)
L. Wilson	(QLD)
B. Samson	(Barrier)
M. Buckley	(SA)
B. Low	(WA)
R. Harrison	(TAS)

FEDFA NSW DIVISIONAL BRANCH

Divisional Branch President	M. Smith
Divisional Branch Secretary	I. Peel
Divisional Branch Assistant Secretary	S. Gartrell

FEDFA NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above,

FEDFA NSW DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and regional delegates and organisers stated below,

Metropolitan	**Northern Region**
P. Wormleaton	N. Rose
R. Johnson	M. Sealby
B. Francis	G. Webb
D. Whitehead	D. Owens

D. Dunn
J. Nixon

Southern Region
K. Anderson
B. Barnham
G. Freeman
T. Potter

Western Area
R. Fuller
W. Williams

FEDFA NSW DIVISIONAL BRANCH ORGANISERS

Metropolitian
G. Avouris
T. Grant
S. Cochran

Northern
M. Beehag
S. Harding
L. Sinclair

Riverina
S. King
J. Wilson

Western
G. Childs

Southern
H. Miller

Mining
P. Jordan

Energy
A. Drew

FEDFA NSW DIVISIONAL BRANCH TRUSTEES

D. Dunn
L. Robinson
J. Owens

FEDFA NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

V. Fitzgerald
T. Maher
P. Jordan
I. Peel

FEDFA VICTORIAN DIVISIONAL BRANCH

Divisional Branch President	M. McDonald
Divisional Branch Secretary	J. Van Camp
Divisional Branch Assistant Secretary	M. Greenbury
Divisional Branch Vice President	M. Hill

FEDFA VICTORIAN DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

M. French
D. McDonald
D. Baker
J. Kadziela
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional Officers as set out above, and -

SECV Yallourn
P. Wilson

SECV Morwell
G. Reid

SECV LaTrobe
(vacant)

Organisers Rep.
A. Riley
M. Hallett

Country Provisional
W. Fleet
M. French
T. McKenzie
P. Skinner

Metropolitian
D. Baker
J. Kadziela
D. McDonald
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH ORGANISERS

W. Fleet
M. French
R. Hallett
M. Hill
A. Riley

TRUSTEES

M. McDonald
J. Van Camp

FEDFA VICTORIAN DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

J. Van Camp
M. McDonald
M. Hill
B. Nielson

FEDFA BARRIER DIVISIONAL BRANCH

Divisional Branch President — B. Samson
Divisional Branch Secretary — W. O'Neil
Divisional Branch Vice President — R. Hunter

FEDFA BARRIER DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above,

FEDFA BARRIER DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

D. Brennan
A. Fraser
E. Snaith
R. Adams
B. Sayers

FEDFA BARRIER DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. O'Neil
B. Samson

TRUSTEES

R. Adams
E. Snaith
B. Sayer

FEDFA TASMANIAN DIVISIONAL BRANCH

Divisional Branch President — B. Bishop
Divisional Branch Secretary — M. Grey

FEDFA TASMANIAN DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and - D. Dawson

FEDFA TASMANIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

Launceston
D. Dawson

Hobart
M. Hyland

Devonport
(vacant)

Tullah
T. Jones

Burnie
L. Britton

Savage River
R. Harrison

Rosebery/Lyell
N. Hartnell

Organisers
D. Moncrieff
B. Best

FEDFA TASMANIAN DIVISONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

M. Grey
R. Harrison

FEDFA WA DIVISONAL BRANCH

Divisional Branch President — (vacant)
Divisional Branch Secretary — (vacant)

FEDFA WA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

FEDFA WA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

P. Bates
T. Feeney
I. Douglas
D. Hellyer

FEDFA WA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

B. Low
(vacant)

FEDFA SA DIVISIONAL BRANCH

Divisional Branch President	G. Bull
Divisional Branch Secretary	G. Day
Divisional Branch Vice President	F. Stonys

FEDFA SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Rogers	R. Brewer

FEDFA SA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

J. Rodgers	K. Maywald
F. Grosso	F. Harrison
R. Brewer	

ORGANISER

R. Brewer

FEDFA SA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

G. Day
M. Buckley

FEDFA QUEENSLAND DIVISONAL BRANCH

Divisional Branch President	D. Holloway
Divisional Branch Secretary	G. Betts
Divisional Branch Assistant Secretary	G. Wilson

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

S. Douglas	B. Scheuber
C. Swift	R. Coleman
L. Wilson	J. Spencer

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch State Management Committee as set out above, and -

M. Dowvendans	T. Quaid
L. Genrich	N. Rampton
R. Beattie	H. Heumiller
J. Rossington	C. Price
(vacant)	

FEDFA QUEENSLAND DIVISIONAL BRANCH ORGANISERS

D. Bloxsom	H. Heumiller
G. Flack	C. Price
C. Gillespie	T. Rosier

J. Rossington
R. Tremlin
B. Stacker

FEDFA QUEENSLAND DIVISIONAL BRANCH TRUSTEES

D. Holloway
G. Betts
S. Douglas
L. Wilson

FFTS UNION DIVISION

DIVISIONAL OFFICERS

Divisional President	A. Findlay
Divisional Secretary	L. Kyriacou
Divisional Assistant Secretary	M. Haritou
Divisional Senior Vice-President	S. Wales
Divisional Junior Vice-President	D. Frater

FFTS UNION DIVISIONAL EXECUTIVE

The Divisional Officers of the FFTS Union Division as set out above, and

A. Smith	New South Wales
V. Robinson	Queensland

FFTS UNION DIVISIONAL CONFERENCE

The Divisional Officers of the FFTS Union Division and the Divisional Executive as set out above, and the following delegates from the FFTS Union Divisional Branches;

W. Brown	(VIC)
M. Findlay	(VIC)
R. Smith	(NSW)
R. Groat	(SA)
A. Cookson	(QLD)
R. Orange	(TAS)

FFTS UNION VIC. DIVISIONAL BRANCH

Divisional Branch President	M. Mitten
Divisional Branch Secretary	L. Kyriacou
Divisional Branch Assistant Secretary	A. Findlay
Divisional Branch Senior Vice-President	W. Brown
Divisional Branch Junior Vice-President	C. Avent
Divisional Branch Organiser	M. Haritou
Divisional Branch Organiser	R. Shugg

FFTS UNION VIC. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch Officers as set out above and -

A. Frazer
G. Lee
J. Maines
J. Patti
I. Whitcroft
J. Calvert
N. Hazeldine
P. Linzos
J. O'Brien
J. Robins
L. Zanandrea

FFTS UNION NSW DIVISIONAL BRANCH

Divisional Branch President	R. Smith
Divisional Branch Secretary	S. Wales
Divisional Branch Assistant Secretary	R. Smith
Divisional Branch Vice-President	J. Callaway
Divisional Branch Organiser	Jack Lawrence

FFTS UNION NSW DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

J. Campbell	R. Davies
K. Campbell	W. Kraan
Robert Cumbo (Trustee)	Harry Irvine (Trustee)

FFTS UNION S.A. DIVISIONAL BRANCH

Divisional Branch President	R. Groat
Divisional Branch Secretary	D. Frater
Divisional Branch Assistant Secretary	S. Rowe
Divisional Branch Senior Vice-President	J. Emery
Divisional Branch Junior Vice-President	A. Reeves
Divisional Branch Organiser	S. Rowe
Divisional Branch Organiser	P. Wong
Divisional Branch Organiser	T. Woods

FFTS UNION S.A. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

B. Billington	M. Brownlie
P. Crisanti	A. Czora
A. Howlett	J. Salter
G. Whitford	

FFTS UNION QLD DIVISIONAL BRANCH

Divisional Branch President	G. William
Divisional Branch Secretary	V. Robinson
Divisional Branch Vice-President	A. Amos
Divisional Branch Assistant Secretary	A. Cookson

FFTS UNION QLD. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and - G. Dawson

FFTS UNION TAS DIVISIONAL BRANCH

Divisional Branch President	S. Negus
Divisional Branch Secretary	J. Gill
Divisional Branch Assistant Secretary	R. Orange
Divisional Branch Vice-President	C. Schoenwald
Additional Divisional Branch Executive member	W. Picken
Additional Divisional Branch Executive member	P. Green

FFTS UNION TAS DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

C. Sproule
W. Bandlow

END OF RULES

[105N-FED: Incorporates alterations of 19/05/2016 in matter R2016/75]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 104 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union.

DELEGATE OF GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission]

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1 - NAME

The name of the Union shall be the "Construction, Forestry, Mining and Energy Union".

2 - CONSTITUTION

(A)(A) The following unlimited number of persons, whether male or female, are eligible to be members of the Union

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in tilelaying as defined in this sub-rule;

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(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;

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(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, shall be eligible to be members of the Union including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

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

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)

Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site
or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:

(i) All persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders,

implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) An unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board, strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) Such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members are eligible to be members of the Union.

(E) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:-

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

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

(b) Further, provided that, without limiting the generality of the foregoing the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building are eligible to be members of the Union. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other sub-rule or paragraph or being limited thereby an unlimited number of persons who are employed in, or competent to be employed in or in connection with the following industries or trades are eligible to be members of the Union:
Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article

workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland are eligible to be members of the Union.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

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1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the following are eligible to be members of the Union: an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and

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Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

(O) **Additional Eligibility for Admission to Membership in the State of Queensland**

This rule 2(O) does not apply outside the State of Queensland.

Without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provide for additional eligibility for admission to membership of the Union in the State of Queensland:-

(i)

SECTION A

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

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

(i) On ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational Offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind.

(ii) The painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind.

(iii) The painting of or in connection with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise). The painting of or in connection with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or

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other parts or prefabricated building and structures as aforementioned.

(iv) The painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensors, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or seas, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases.

(v) Glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars.

(vi) Paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering.

(vii) Signwriting, designing and/or lettering of price tickets and show cards.

(viii) Pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering.

(ix) Leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections.

(x) Employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, putty stopping, caulking mixtures, compositions or compounds, oils, varnishes, watercolours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings will not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 1.2.2, Constitution hereof (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, watercolour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water solvents, electrical, mechanical, air powered or hand tools or by grit, shot, or other abrasives or by any other means.

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

(c) Nothing in this Section A rule will make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time. Provided further that, notwithstanding the foregoing provisions of this rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

(d) Notwithstanding any other provision in these Section A rules, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the union under this sub-rule.

(e) The Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connection with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accommodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattressmakers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together

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with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

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

(g) Without limiting the generality of the foregoing Sub-Rules of this Section A Rule, or being limited thereby, independent contractors who, if they were employees performing work of the kind that they usually perform as independent contractors, would be employees eligible for membership of the Union, will be eligible for membership of the Union, and the Union will consist of an unlimited number of such persons.

SECTION B

(a) The Association shall consist of an unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow-motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Association or a Branch of the Association or whilst financial members of the Association are elected as representatives of any working class organisation to which the Association or a Branch thereof is affiliated or as a working class member of parliament. Provided that mobile crane drivers, operators of fork lifts and/or towmotors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership. Provided further that, notwithstanding the foregoing provisions of this Section B rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

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

(c) Notwithstanding any other provision in this Section B rule, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the association under this sub-rule.

(d) Notwithstanding any other provision in this Section B rule, the persons employed by Dalrymple Bay Coal Terminal Pty Ltd at the Dalrymple Bay Coal Terminal site shall not be eligible for membership under this sub-rule.

SECTION C

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

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

Without limiting any other rule, sub-rule (O)(i) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(ii) The Union shall consist of an unlimited number of persons employed or usually employed as Builders' Labourers throughout Queensland on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any tradesperson engaged in building operations, or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings, or as scaffolder, rigger, gear hand, gantry hand or crane hand or as dogperson, or as a drainer on all building contracts, any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete work, tarpaving or asphalt work, or mortar or concrete mixing in connection with, or incidental to the foregoing operations, together with such other persons whether employees in the industry or not, as have been appointed officers of the Association and admitted as members thereof. Provided that, notwithstanding the foregoing provision of this rule, the union does not have any right to enrol as members under this sub-rule persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.

Without limiting any other rule, sub-rule (O)(ii) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

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and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors
(whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator

Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler, generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

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(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is

registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

4 - OBJECTS

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

2. To regulate the conditions under which all members, of the Union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or association, or association of Trades Unions or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Branches, Divisions, Divisional Branches, Sub-Branches, Districts or Sections of the Union throughout the Commonwealth of Australia.

7. To further any scheme that has for its object the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labour and Trade Union newspapers and wireless broadcasting and television stations, and to invest in shares in such newspapers and radio and television stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide labour or Trade Union Organisation or Association.

10. To establish and manage a Union Journal or Journals.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

14. To render legal and other assistance to members, to protect the interests of the Union in all its Branches and to assist other trade unions by any legal method.

15. To obtain such other objects as the National Conference or National Executive shall from time to time determine.

16. To organise the education of members.

17. To establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Divisional or Divisional Branches.

18. The advancement of members intellectually, morally and socially and to do all things which, in the opinion of the Union, is in the interest of members including donations to political parties, the achievement of compulsory unionism, preference in employment, retrenchment, promotion, demotion and transfer in employment, the production and distribution of newspapers, journals and the like.

19. To achieve such other objects as may be lawfully adopted by any Division of the Union.

20. To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

"BOARD" means a group of persons who supervise a corporation, organisation, association or other like body including a Board of Directors.

"DECLARED PERSON OR BODY" - a person or body is a declared person or body of the Union or a Branch of the Union for the purpose of rule 24D (and 50D) if:

(i) an officer of the Union or the Branch (as the case may be) has disclosed a material personal interest under rule 24C/50C; and

(ii) the interest relates to, or is in, the person or body; and

(iii) the officer has not notified the Union or the Branch (as the case may be) that the officer no longer has the interest.

"DISCLOSURE PERIOD" means the financial year of the Union as referred to in Rule 24.

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

"FINANCIAL DUTIES" includes duties that relate to the financial management of the Union or a Branch of the Union.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"FINANCIAL YEAR" means the financial year of the Union as referred to in Rule 24.

"GENERAL MANGAGER" means the General Manager of the Fair Work Commission.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"NON-CASH BENEFIT" means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.

"OFFICE" has the same meaning as defined by Section 9 of the *Fair Work (Registered Organisations) Act* 2009.

"PEAK COUNCIL" means a national or State council or federation that is effectively representative of a significant number of organisations (within the ordinary meaning of the term) representing employers or employees in a range of industries.

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

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union and in the case of the Forestry, Furnishing, Building Products and Manufacturing Division, of the Division.

"RELATED PARTY" has the same meaning as defined by section 9B of the *Fair Work (Registered Organisations) Act* 2009.

"RELATIVE" in relation to a person means:

(i) parent, step-parent, child, step-child, grandparent, grandchild, brother or sister or the person; or

(ii) the spouse of the first mentioned person.

"RELEVANT NON-CASH BENEFITS" in relation to an officer of the Union/Branch for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer's duties as an officer, by the Union/Branch or by a related party of the Union/Branch.

"RELEVANT REMUNERATION" in relation to an officer of the Union/Branch for a disclosure period is the sum of the following:

(i) any remuneration disclosed to the Union/Branch by the officer under Rules 24B/50B during the disclosure period;

(ii) any remuneration paid during the disclosure period, to the officer by the Union/Branch.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

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

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

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

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

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

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

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Mining and Energy Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Workplace Relations Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

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

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v) (a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all

purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

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

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

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

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.202 of the Industrial Relations Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

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

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

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

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

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

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) (a) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(b) The National Conference shall also consist of the two National Women's Committee members elected by each Division in accordance with Rule 17, regardless of whether those women are otherwise members of their Divisional Executive.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same

way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.
Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to

the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telegram or telex.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, telephonic, telegraphic, telex, verbal and/or written vote (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

13A - NATIONAL WOMEN'S CONFERENCE

(a) There shall be a National Women's Conference at least once every two years. The role of the National Women's Conference shall be to provide advice and recommendations to the Union on matters affecting women members of the Union.
(b) The National Women's Conference shall include the elected National Women's Committee members from each Division. The number of participants shall be no more than 15 members per division.
(c) Delegates to the National Women's Conference shall be nominated by the Divisional Executive of each Division.
(d) Notwithstanding the number of observers nominated by any Division to attend the National Women's Conference, only the nominated delegates from each Division shall have voting rights at the National Women's Conference.
(e) Resolutions of the National Women's Conference shall be referred to the National Conference for consideration by that Conference.

13B - NATIONAL WOMEN'S COMMITTEE

(a) There shall be a National Women's Committee.
(b) The National Women's Committee shall be made up of two female members from each Division. Only one National Women's Committee member from each Division may be a Full Time Paid officer of that Division.
(c) The members of the National Women's Committee are to be elected by each Division in accordance with Rule 17, or otherwise in accordance with the rules for general quadrennial elections applicable to each Division.
(d) Members of the National Women's Committee shall be, ex officio, members of the National Women's Conference and members of the CFMEU National Conference.
(e) The National Women's Committee will operate in accordance with a set of rules that have been adopted by either the CFMEU National Conference or Executive after consultation with the Committee.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) The National Executive Committee shall, on and from the first election for National Officers held after July 2010, consist of the National Officers, being the National Secretary, National President, National Assistant Secretary and three (3) National Vice Presidents of the Union together with such of the following elected officers of each Division at a National level namely:-

- in the case of the Construction and General Division, the Divisional Secretary, two (2) Divisional Assistant Secretaries, the Divisional President and three (3) additional National Executive Committee members elected by and from the Construction and General Division Divisional Conference.

- in the case of the Forestry, Furnishing, Building Products and Manufacturing Division, the Divisional Secretary, the Divisional Senior Assistant Secretary, the Divisional President and the Divisional Assistant Secretary who is also the District Secretary of the PPW District of the Division.

- in the case of the Mining and Energy Division, the General President, the General Secretary and two (2) additional National Executive Committee members elected by and from the Mining and Energy Divisional Conference.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive and National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six (6). A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a facsimile, telephonic, email, written and/or postal vote of members of the National Executive or National Executive Committee at any time. Members of the National Executive or National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or facsimile or email or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or email.

15 - NATIONAL EXECUTIVE

(i) (a) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such

Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

(b) Provided that in the case of the Forestry, Furnishing, Building Products and Manufacturing Division for purposes of this sub-rule a reference to the Principal Officer of a Divisional Branch shall be a reference to the District Secretary of a District of that Division.

(c) Where a Division has at least one woman who is a Full Time Elected Officer who is not otherwise entitled, under these Rules, to be a member of the National Executive, that Division is entitled to one National Executive (Female Affirmative Action) position on the National Executive.

(i) The National Executive (Female Affirmative Action) position for each Division may only be filled by a woman from that Division who is a Full Time Elected Officer who is not otherwise entitled to be a member of the National Executive;

(ii) Where there is more than one woman from a Division who is a Full Time Elected Officer who is not otherwise entitled under these Rules to be a member of the National Executive, and who is therefore eligible to fill the National Executive (Female Affirmative Action) position, the Divisional Executive of that Division shall determine which eligible officer shall fill the position.

(iii) Provided that, once nominated by the Divisional Executive, the Branch or District Executive (if the woman is a Branch or District Officer) must endorse the nomination of that Officer to the National Executive.

(ii) The National Officers shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

Provided that, the National Principal Officers holding office at 16 July 2010 shall, unless they resign or are removed from office in accordance with these rules, continue to hold office until 31 December 2010.

The National Officers elected in 2010 shall commence office on 1 January 2011.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

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

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Industrial Relations Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of

the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

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

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

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

16 - ELECTION OF NATIONAL OFFICERS

(i) The National Officers shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union (howsoever described in the Divisional Rules) and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Forestry Division and the General President of the Mining and Energy Division shall between them hold the positions of National Secretary, National Assistant Secretary and National President.

Further provided that, there shall be one Vice President from each Division who shall be nominated by and from their own Divisional Conference.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who

currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office. Further provided that in the case of a vacancy in one or more of the National Officer positions, the National Executive may fill such office by appointment from those members of the National Executive Committee who are otherwise eligible to hold the vacant office.

Provided however that any such appointment/s shall ensure that each Division maintains its representation of two (2) officers amongst the National Officers.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by post, letter, telegram, telephone, telex, facsimile and/or verbally as soon as the count is completed.

(ix) In any ballot of the National Collegiate for the election of National Officers, the representatives of each of the Divisions shall cast votes proportionate to the membership of their respective Divisions determined in the same way, the necessary changes being made, as votes cast by delegates to the National Conference in accordance with Rule 13(iii) and (iv) herein.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(ii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iii) Except in the case of the Mining & Energy Division and the Forestry, Furnishing, Building Products and Manufacturing Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) That nominations are called in accordance with the rules of the Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) That the nominations process, closure and receiving of, are in accordance with the rules of the Division.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) Officers of all Divisional Branches holding such office at the date of amalgamation shall remain in office until the general election of officers held in 1996 and shall be eligible to nominate in that election. In this paragraph officers of all Divisional Branches shall mean officers of branches of the amalgamating unions being the persons listed in the schedule hereto.

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect

within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall, in accordance with the Rules of the Division, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only:-

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) The candidate’s statement provided for in accordance with sub-rule (h) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail all ballot papers, in accordance with the Rules of the Division.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed closed in accordance with the rules of the Division.

(r) That the opening and closing of the ballot shall be in accordance with the rules of the Division.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to

them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

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

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

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except Mining and Energy Division and Forestry, Furnishing, Building Products and Manufacturing Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(ii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iii) The Divisional Officers at a national level shall be members of that Divisional Executive.

(iv) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

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

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

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

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

   National Executive shall:

   Determine the question to be submitted to the members and the form of the ballot paper.

   Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

   Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

   No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

   In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS/MEMBERS

1. The following sets out the duties of the National Officers outlined herein. The National Secretary shall be a full time position. The wages and costs relating to the office of the full time officer shall be borne by the Union.

2. National President:

   The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

   The National President shall have a deliberative vote only.

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

3. National Secretary:

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

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

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

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

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

   The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretaries:

   National Assistant Secretaries shall perform all duties assigned to them by National Conference and National Executive. They shall attend all meetings of National Conference and National Executive.

5. National Vice-Presidents:

   The National Vice-Presidents shall assist the National President in the conduct of meetings and in the absence of the National President, shall act as President.

   He/she shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

6. Members of National Executive and Delegates to National Conference:

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

7. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

8. No officers, employees, delegates or members shall be required to do, or required to omit to do, any act in breach of legislation applicable to the CFMEU.

9. Except as provided for by resolution of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof), it shall not be part of the duties of any delegate/steward, officer or employee, including organisers, whether temporary or not, to threaten, initiate, counsel, procure, induce, be involved in, engage in or be party to industrial action as defined by the Workplace Relations Act 1996 or building industrial action as defined by the Building and Construction Industry Improvement Act 2005.

22A - TRAINING OF OFFICERS

(a) This rule shall take effect on the commencement of Schedule 1 Part 2 of the *Fair Work (Registered Organisations) Amendment Act 2012*.

(b) Each person holding an office in the Union, including its Branches, Divisions and Divisional/District Branches whose duties include duties that relate to the financial management of the Union, including its Branches, Divisions and Divisional/District Branches shall undertake training:

   (i) approved by the General Manager under the provisions of the *Fair Work (Registered Organisations) Act 2009* or an Act replacing that Act; and

   (ii) that covers each of the officer's financial duties.

(c) An officer shall complete the training required by sub-rule (b) within:

   (i) six (6) months after the person begins to hold office; or

   (ii) if the officer holds office at the date of the Proclamation referred to in sub-rule (a), within six (6) months of that date.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

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

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. No funds shall be drawn from the Bank or financial institution except by cheque signed by two persons who are a National Secretary, National Assistant Secretary, National President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President or National Assistant Secretary. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

(viii) Any fines, penalties, damages, costs or other sum(s) ordered by a court against the Union is, if the conduct of a Division's officers, employees, agents or members made the Union liable for such amount(s), to be funded by that Division.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

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

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the National Secretary of a petition, signed by not less than 5% of the members of the Union, requesting that a general meeting of members of the Union be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the National Office, the National Secretary shall convene such meeting as soon as is practicable.

24A - POLICIES AND PROCEDURES - EXPENDITURE

(a) The Union shall develop and implement internal control policies and procedures relating to the expenditure of the Union, to ensure that the Union is conducted in accordance with the principles of good governance and to ensure accountability to members of the Union.

(b) Such policies and procedures shall be adopted by the National Executive and once adopted, shall be binding on all officers and members of the Union. Such policies and procedures must be identified in the resolutions of the National Executive as Rule 24A policies and procedures.

(c) Rule 24A policies and procedures must be published on the website of the Union with fourteen (14) days of their adoption.

(d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Branch, Division and Divisional/District Branch of the Union.

24B - DISCLOSURE BY OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

(a) Each person holding office in the Union shall disclose to the Union any remuneration paid to the officer:

(i) because the officer is a member of a board if:

(A) the officer is a member of the board only because the officer is an officer of the Union; or

(B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or

(ii) by a related party of the Union, in connection with the performance of the officer's duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Union shall disclose to the members of the Union:

(i) the identity of each officer of the Union who, when all officers of the Union are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than fifth;

(ii) the identity of each officer of each Division and Divisional/District Branch who, when all officers of the Division and Divisional/District Branches are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second; and

(iii) for each of those officers

(A) the actual amount of the officer's relevant remuneration for the disclosure period; and

(B) the form of the officer's relevant non-cash benefits for the disclosure period.

(d) For the purposes of sub-rules (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

24C - DISCLOSURE BY OFFICERS OF MATERIAL PERSONAL INTEREST

(a) Each person holding an office in the Union shall disclose to the Union any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Union including any Branch, Division or Divisional/District Branch thereof.

(b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The National Executive shall disclose to the members of the Union the interests disclosed to the Union pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year:

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

24D - DISCLOSURE BY UNION OF PAYMENTS

(a) The Union shall disclose to the members of the Union including its Branches, Divisions and Divisional/District Branches either of the following

(i) each payment made by the Union, during the disclosure period:

(A) to a related party of the Union or Branch; or

(B) to a declared person or body of the Union including its Branches, Divisions and Divisional/District Branches; or

(ii) the total of the payments made by the Union including its Branches, Divisions and Divisional/District Branches, during the disclosure period:

(A) to each related party of the Union or Branch; or

(B) to each declared person or body of the Union including its Branches, Divisions and Divisional/District Branches.

(b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Union including its Branches, Divisions and Divisional/District Branches from remuneration payable to officers or employees of the Union including its Branches, Divisions and Divisional/District Branches.

(c) Sub-rule (a) does not apply to a payment made to a related party if:

(i) the related party is an officer of the union; and

(ii) the payment:

(A) consists of remuneration paid to the officer by the union; or

(B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(d) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

25 - ALTERATION OF RULES

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

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telegraphic, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Industrial Relations Act (Commonwealth) or the regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the Industrial Relations Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

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

26A - COMPLAINTS BY MEMBERS

1. Any financial member of the Union may raise a complaint over the actions of another member or members (including officers).

2. The complaint may be about a member or members:

   a. refusing to obey the rules of the union;

   b. refusing to obey a policy of the union;

   c. refusing to abide by a resolution carried at a properly constituted meeting of a management committee which has relevant control or management over the member;

   d. obstructing any properly constituted meeting of a management committee;

   e. obstructing any officer or employee of the union in the course of his/her duties;

f. Misappropriation of the funds of the union;

g. engaging in gross misbehaviour;

h. engaging in gross neglect of duty;

i. wrongfully and unreasonably holding out that he or she holds an office or position in the union;

j. making a false charge or complaint against a fellow member, including a complaint under this rule; or

k. aiding or encouraging any other member or members in any of the matters referred to above.

3. Members shall not subject a member who has made a complaint under this rule to adverse treatment.

4. The complaint must be raised in writing to the National Secretary. The complaint must clearly identify the member or members the subject of the complaint and the relevant action or actions that gave rise to the complaint. If the complaint is about the conduct of the National Secretary then the complaint may be raised with another National Officer.

5. The National Secretary (or if another National Officer receives the complaint, that National Officer) and at least one of the National Assistant Secretary or National President may refuse to accept a complaint if he or she considers the complaint to be trivial.

6. The National Secretary must refer the complaint to the National Executive Committee for the purpose of appointing an Investigator.

7. The National Executive Committee shall appoint an Investigator. The Investigator must be a member of the National Executive. The Investigator must not be an officer from the same Division as the member or members the subject of the complaint.

8. The Investigator shall investigate the complaint and provide a report to the National Executive Committee.

9. During the course of the investigation the Investigator may:

a. interview members or officers for the purpose of the investigation, and

b. require members or officers to provide documents relevant to the investigation.

10. Members will cooperate with the Investigator by attending interviews and providing all documents requested.

11. No one is entitled to legal representation during the investigation.

12. In the report the Investigator shall include his or her findings on the matters the subject of the complaint and include recommendations for action to be taken by the National Executive Committee. The Investigator may conclude that no action is necessary.

13. A copy of the Investigator's report shall be provided to the member who raised the complaint and to the member or members the subject of the complaint. Where the report recommends action against any member or members the member or members shall be given the opportunity to respond to the Report before the National Executive Committee considers any action.

14. Upon receipt of the Investigators report the National Executive Committee may take action in accordance with the recommendations of the Investigator's or take other action, as it considers appropriate.

15. Any decision of the National Executive Committee to take action against a member or members may be appealed to the National Executive.

16. The procedure in this rule shall apply in addition to any other procedure in the rules dealing with complaints about the conduct of members

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each division shall have autonomy in relation to its funds and property.

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

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

(vi) Divisions, other than the Forestry, Furnishing, Building Products and Manufacturing Division, shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland, New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.202 of the Industrial Relations Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of state unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or National Assistant Secretary or any person authorised by a National Secretary or National President or National Assistant Secretary so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary or any person authorised by a Divisional Secretary or Divisional Assistant Secretary may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, Divisional Secretary or Divisional Assistant Secretary, or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests issued by a Divisional Secretary or Divisional Assistant Secretary or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National Assistant Secretary, National President, Divisional Secretary and/or Divisional Assistant Secretary shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.

(g) The taking of industrial action (within the meaning of the Workplace Relations Act 1996), building industrial action (within the meaning of the Building and Construction Industry Improvement Act 2005) or picketing by members is not authorised by the union without the consent of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof).

Provided however that the preceding paragraph shall not restrict the right of a person or body duly authorised by such a committee of management to authorise industrial action in accordance with s 446 (1)(a) of the Workplace Relations Act 1996, or any successor provisions thereto.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 361 Kent Street, Sydney in the State of New South Wales, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

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

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

35 - RECOVERY OF DUES

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

36 - LEVIES

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

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

(iii) A Division or Divisional Branch may impose a levy on its members.

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

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

37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

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

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

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

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

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

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

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

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

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

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

   If the votes are equal the question is resolved in the negative.

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

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

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

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

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

11. Any delegate or member speaking shall at once resume their seat -

    (a) If the chairperson rises to speak; or
    (b) If a point of order is raised.

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

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

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

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

CHAIRPERSON'S RULINGS

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

SUSPENSION OF ORDER OF BUSINESS

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

SITTING AS A COMMITTEE

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

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

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

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

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the Industrial Relations Act 1988, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, telex, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee, following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including

members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted

(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) deleted

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the

former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer

is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - Divisional Restructuring (FEDFA)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps which steps may deal with one Division at a time, Divisional Branches within a Division and/or the Divisional Office of any particular Division.

2. In relation to the above, the FEDFA Division shall be restructured in steps which shall involve:

(a) The abolition of full-time Divisional Officers at a national level and the allocation of responsibility for the FEDFA Division between the Building Unions Division and the UMW Division;

(b) The allocation of full-time Divisional Officers of the FEDFA Division to the Building Unions Division and the UMW Division;

(c) The continued operation of the Divisional Branches of the FEDFA Division with the intent, over time, of the restructuring of said Divisional Branches in accordance with Rule 42, into the Building Unions/Construction and General Division, UMW/Mining & Energy Division and the ATAIU/Forestry Division;

(d) The payment of capitation fees by FEDFA Divisional Branches to a designated fund which shall be administered by the Divisional Secretary of the FEDFA Division or, if or when that Office is abolished by the former Divisional Secretary and the Divisional Secretaries of the Building Unions and/or Construction and General Division and the UMW and/or Mining and Energy Division.

(e) The continued meeting of the Division Executive of the FEDFA Division for so long as is necessary before the complete restructuring of the FEDFA Division is effected in accordance with Rule 42.

3. On and from 27 September 1993, in accordance with the above procedure, the current Divisional Secretary of the FEDFA Division shall be and become the Divisional President of the Building Unions Division and the current Divisional Assistant Secretary of the FEDFA Division shall be and become a Divisional General Vice-President of the UMW Division and upon translation in accordance with Rule 42 (iii), shall hold the corresponding offices in the Construction and General Division and the Mining & Energy Division respectively.

4. The current Divisional Secretary and Divisional Assistant Secretary of the FEDFA Division shall continue to hold those positions in the FEDFA Division on an honorary basis until such time as the FEDFA Division no longer meets on a national basis.

5. This Rule shall come into force after its adoption by the National Executive and agreement thereto by the FEDFA Divisional Executive, UMW Divisional Executive and Building Unions Divisional Executive and thereupon shall be registered with the Australian Industrial Registry and shall take effect upon registration, or 27 September 1993, whichever is the later.

6. Further to the above provisions, and notwithstanding any other rule of the Union to the contrary, during the process of restructuring, any Divisional Branch of the FEDFA Division may reach agreement with any or all of the UMW Division/Mining & Energy Division and/or the Building Unions Division/Construction and General Division and/or the Forestry Division or the relevant Divisional Branches thereof to transfer members and officers of the FEDFA Division to any and/or all of the other aforementioned Divisions. Such agreement shall be reached with the approval of the Management Committee or its equivalent in each Divisional Branch and the officers concerned. Any such Divisional Branch may reach agreement on some or all of the matters relating to such transfer and, failing agreement on any or all of such matters, refer the matters by agreement to the National Executive for decision. Until such time as there no longer exists an FEDFA Division in accordance with the Rules of the Union, all such officers transferred shall, notwithstanding the holding of positions in other Divisions, continue to hold the office or position in the FEDFA Division on an honorary basis and shall, to the extent that the Rules require same, continue to perform the functions associated with that office in relation to the FEDFA Division. All agreements in relation to the transfer of members and officers shall be notified to the National Executive Committee and attached to the Minutes thereof. Such agreements shall have force and effect in accordance with the terms thereof and from the date of effect of that agreement as specified in that agreement, or failing any specification thereof, on the date of the agreement.

7. The following table shows the restructuring of the FEDFA Division, merging with the appropriate Union Division to create Industry Divisions:

	(	merged with	)
STATE	CONSTRUCTION AND GENERAL	MINING AND ENERGY	FORESTRY
National Office	27 Sept 1993	27 Sept 1993	
Queensland	4 Feb 1994	1 Jan 1993	
New South Wales		Northern 2/4/93 Southern 1/7/93 Western 8/4/93 Energy 21/7/93	
Tasmania	31 July 1996	24 August 1996	1 Jan 1994
Sth Aust	1 Aug 1993	1 Aug 1993	
West Aust	1 Sept 1993	1 Sept 1993	
Victoria	1 Aug 2003	2 Jan 2001	
Barrier		1 July 1996	

42B - Merger with ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DIVISIONAL RESTRUCTURING (FFTS)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps, such steps may deal with one Division at a time and/or Divisional Branches within a restructured Division at a time.

2. In relation to the above, the FFTS Division shall on and from the 11th February 2002, be restructured in the first instance into the Forestry Division to form "The Forestry, Furnishing, Building Products and Manufacturing Division" (FFPD) which shall result in:

   (a) The abolition of full-time FFTS Divisional Officers at a national level and the allocation of responsibility for the FFTS Division to the restructured Division.

   (b) The allocation of Divisional/Branch Office Holders of the FFTS Division to the Office Holders positions of the restructured Division.

   (c) The continued operation of the Victorian and Queensland Divisional Branches of the FFTS Division within the restructured Division of up to four years beyond the expiration of the eight years referred to in sub-rule 42(xii). This sub-rule shall not otherwise affect the operation of sub-rule 42(xii). For the avoidance of doubt, the four years referred to in this sub-rule shall expire on 26 March 2005.

3. Further to the above provisions and notwithstanding any other rule of the Union to the contrary, the FFTS Victorian Branch shall unless otherwise agreed by the FFTS Victorian Branch Management Committee maintain its current structure and existence within the restructured Division up until 26 March 2005.

4. Prior to the 26 March 2005, the FFPD (which shall include representatives of the former FFTS Division) and the Construction & General Division (which shall include representatives from the National Office and all interested Branches) will meet under the chairpersonship of the National Secretary of the CFMEU to reach agreement to finalise translation/integration provisions intended by the respective Schemes of Amalgamation and the Rules of the Union in respect to the Forestry, FFTS and C&G Divisions.

5. Should agreement not be reached between the Divisions the matter shall be referred to the CFMEU National Executive to determine in accordance with the Schemes of Amalgamation and Rules of the Union.

6. Until the elections scheduled to be held in August 2004 the FFPD shall be constituted and represented as follows:-

(a) Divisional Conference shall consist of:-

(i) Forestry Division Representatives

Trevor Smith	SA	Jane Calvert	VIC
Paul Martinella	SA	Andy Laing	VIC
Mark Nicholls	SA	Ian Mullen	VIC
Brenton Lockwood	SA	Michael O'Connor	VIC
Scott McLean	TAS	Brad Platschinda	VIC
Colin Butler	TAS	Bevan Anderson	NSW
Gary Jaeschke	WA	Bruce CampbellNSW	
Christopher Northover	P&P	Craig Smith	NSW
Phillip Illidge	P&P	Eileen Anderson	NSW
Alex Millar	P&P	Kenneth Miller	NSW
Debbie Brennan	P&P		

(ii) FFTS Division Representation

Jim Emery	SA	Leo Skourdoumbis	VIC
David Kirner	SA	Frank Vari	VIC
Brad Parker	NSW	Joe Patti	VIC
Greg Williams	QLD	Cliff Palmer	VIC
John O'Brien	VIC	Alwin Seneviratne	VIC

(iii) Representation

Representation of the Forestry and FFTS Division Branches shall be in accordance with Rule 8 of the Forestry Division Rules.

(b) Divisional Executive shall consist of:-

(i)

Jane Calvert	Divisional President
Phillip Illidge	Divisional Snr V/President
Brad Parker	Divisional V/President
Craig Smith	Divisional V/President
Trevor Smith	Divisional Secretary
Chris Northover	Divisional Snr Assistant Secretary (Honorary)
Michael O'Connor	Divisional Assistant Secretary
Leo Skourdoumbis	Divisional Assistant Secretary (Honorary)
Kenneth Miller	Divisional Trustee
Dave Kirner	Divisional Trustee
Frank Vari	Divisional Trustee
Scott McLean	Divisional Trustee
Paul Martinella	Divisional Executive Member
Greg Williams	Divisional Executive Member
Gary Jaeschke	Divisional Executive Member

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(c) FFPD NSW Branch Executive/Committee of Management

Brad Parker	Joint President (full-time)
Bevan Anderson	Joint President (Honorary)
Bruce CampbellSnr V/President	
Jayne Willet	Jnr V/President (AA)
Tom Abramovic	Jnr V/President
Craig Smith	Secretary
Sala Taalilil	Trustee
Eileen Anderson	Trustee (AA)
Peter Reilly	Trustee
Ronnie Watson	Trustee
Kenneth Miller	Trustee
Alan Lanyon	Committee Member
Barry Barrakett	Committee Member
Cheryl Hampton	Committee Member
Kerry Hickey	Committee Member
Mark Thompson	Committee Member
Michael Schuppan	Committee Member
Peter StClair	Committee Member
Anthony Ovington	Committee Member

(2 Vacant COM positions to be filled by FFTS)

(d) (a) FFPD VIC FFTS Branch Executive/Committee of Management

Joe Patti	President
Cliff Palmer	V/President
John O'Brien	V/President
Leo Skourdoumbis	Secretary
Frank Vari	Assistant Secretary
Michael Doran	Trustee
Ernie Landolt	Trustee
Les Ford	Trustee
Florencio P Carrion	Committee Member
Eric Maher	Committee Member
Jeffery Connor	Committee Member
Brenda Crawford	Committee Member
Penny Lintzos	Committee Member
James Maine	Committee Member
Alwin Seneviratne	Committee Member
Greg Wheeler	Committee Member
Chris Christou	Committee Member
Damian Cooke	Committee Member
Ian Morris	Committee Member

(b) FFPD VIC Forestry Branch Executive/Committee of Management

Andy Laing	President
Ian Mullen	Snr V/President
Andrew Wareham	V/President
Kim Mason	V/President (AA)
Jane Calvert	Secretary
Yorick Piper	Assistant Secretary
Kevin Wyley	Trustee
Clare Burford	Trustee (AA)
Ken Tonkin	Trustee
Mark Nelson	Trustee

Ricky Owens	Committee Member
Bob Salmnon	Committee Member
Wayne Smith	Committee Member
Neil Saunders	Committee Member
David Sheppard	Committee Member
Sunsera Verhoven	Committee Member
Anthony Jones	Committee Member
Duncan Ingram	Committee Member
Graeme Howe	Committee Member

(1 vacant COM AA position to be filled)

(e) FFPD Pulp & Paper Branch Executive/Committee of Management

Phillip Illidge	President
Robert Johnston	Snr V/President
Alex Millar	Jnr V/President
Chris Northover	Secretary/Treasurer
Grant Keys	Trustee
Chris Northover	Trustee
Alex Millar	Trustee
Geoff Gasperotti	Committee Member
Wayne Hardy	Committee Member
Andrew Ball	Committee Member
Greg Stewart	Committee Member
David Jessup	Committee Member
Mervyn Donoghue	Committee Member
Tom Blacka	Committee Member
Craig Waters	Committee Member
Ken Fraser	Committee Member
William Davey	Committee Member
Greg Godde	Committee Member
Trevor Sinclair	Committee Member
Marne Gurney	Committee Member

(f) FFPD SA Branch Executive & Committee of Management

Jim Emery	President
Mark Nicholls	Snr V/President
Tony Howlett	V/President
Maree Gale	V/President
Paul Martinella	Secretary
David Kirner	Assistant Secretary
Steve Crafter	Trustee
Tom Kenny	Trustee
Ross Bennetta	Trustee
Leonie Kiploks	Trustee (AA)
Karen Cory	Committee Member
Mark Vickers	Committee Member
Peter Nelson	Committee Member
Greg Muhovics	Committee Member
Andrew Sampson	Committee Member
Kym Isaacson	Committee Member
Peter Starr	Committee Member
Bill Burns	Committee Member
Bernie Maguire	Committee Member
Laurie Barbary	Committee Member

(1 Vacant COM AA position to be filled by FFTS)

(g) FFPD TAS Branch Executive & Committee of Management

Colin Butler	President
Angela Lord	Snr V/President
Narrelle Bassett	V/President (AA)
Anthony Clay	V/President
Scott McLean	Secretary
Shiralee Gillespie	Trustee (AA)
Ronald Brown	Trustee
Leanne Hardy	Trustee (AA)
Lindsay Hills	Trustee
Robert Bowden	Committee Member
Paul Worker	Committee Member
Peter Mason	Committee Member
Margaret Watson	Committee Member
Kylie Dundas	Committee Member
Joseph Kelly	Committee Member
Anthony Barnes	Committee Member
Adrian Littlejohn	Committee Member

(h) FFPD QLD Branch Executive/Committee of Management

Ursula Korableff	President
Desmond Flanagan	V/President
Stephan Williams	V/President
Greg Williams	Secretary
Rodney Black	Committee Member
Vincent Breen	Committee Member
John Forrest	Committee Member

(i) FFPD WA Branch Executive/Committee of Management

John Rudge	President
Vincent Preedy	Snr V/President
Douglas Ashcroft	V/President
Gary Jaeschke	Secretary (Honorary)
John Cleary	Trustee
Garry Rampling	Trustee

7. This rule shall come into force on and from 11 February 2002 in accordance with the unanimous decision of the National Executive and shall be registered with the Australian Industrial Registry.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such

State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS

(i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

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

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

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

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made pursuant thereto.

Upon receipt by the State Branch Secretary of a petition, signed by not less than 5% of the members of the State Branch, requesting that a general meeting of members of the State Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the State Branch, the State Branch Secretary shall convene such meeting as soon as is practicable.

50A - POLICIES AND PROCEDURES - EXPENDITURE

(a) Each Branch shall develop and implement internal control policies and procedures relating to the expenditure of the Branch, to ensure that the Branch is conducted in accordance with the principles of good governance and to ensure accountability to members of the Branch.

(b) Such policies and procedures shall be adopted by the State Executive and once adopted, shall be binding on all officers and members of the Branch. Such policies and procedures must be identified in the resolutions of the State Executive as Rule 50A policies and procedures.

(c) Rule 50A policies and procedures must be published on the website of the Branch with fourteen (14) days of their adoption.

(d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Division and Divisional/District Branch of the Union.

50B - DISCLOSURE BY BRANCH OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

(a) Each person holding office in a Branch shall disclose to the Branch any remuneration paid of the officer:

(i) because the officer is a member of a board if:

(A) the officer is a member of the board only because the officer is an officer of the Branch; or

(B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or

(ii) by a related party of the Branch, in connection with the performance of the officer's duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Branch shall disclose to the members of the Branch:

(i) the identity of each officer of the Branch who, when all officers of the Branch are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second;

(ii) for each of those officers

(A) the actual amount of the officer's relevant remuneration for the disclosure period; and

(B) the form of the officer's relevant non-cash benefits for the disclosure period.

(d) For the purposes of sub-rules (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50C - DISCLOSURE BY BRANCH OFFICERS OF MATERIAL PERSONAL INTEREST

(a) Each person holding an office in the Branch shall disclose to the Branch any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Union or Branch.

(b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The State Executive shall disclose to the members of the Branch the interests disclosed to the Branch pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year:

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50D - DISCLOSURE BY BRANCH OF PAYMENTS

(a) The Branch shall disclose to the members of the Branch either of the following

(i) each payment made by the Branch, during the disclosure period:

(A) to a related party of the Branch; or

(B) to a declared person or body of the Branch; or

(ii) the total of the payments made by the Branch during the disclosure period:

(A) to each related party of the Branch; or

(B) to each declared person or body of the Branch.

(b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Branch from remuneration payable to officers or employees of the Branch.

(c) Sub-rule (a) does not apply to a payment made to a related party if:

(i) the related party is an officer of the Branch; and

(ii) the payment:

(A) consists of remuneration paid to the officer by the Branch; or

(B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(d) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

SCHEDULE OF OFFICERS REFERRED TO IN RULE 42 (xiv) (a)

POSITION	PERSON TO HOLD POSITION
NATIONAL UNION	
** Joint National Secretary	Stanley Sharkey
** Joint National Secretary	Vic Fitzgerald
** Joint National President	John Maitland
** Joint National President	Trevor Smith
** National Assistant Secretary	John Sutton
** National Senior Vice President	Lou Kyriacou
* National Senior Vice President	Albert Littler
National Senior Vice President	Bill Ethell
Joint National Vice President	Christopher Northover
Joint National Vice President	Kenneth Hawkins
Joint National Vice President	Malcolm McDonald
Joint National Vice President	Thomas Burke
* FEDFA Divisional Assistant Secretary	Tony Maher
* BWIU/Plasterers Divisional Assistant Secretary	Lindsay Fraser
* ATAIU Divisional Assistant Secretary	Chris Northover

* UMW Divisional General Secretary	Eric A Wilks
* UMW Divisional Vice President	Kenneth Hawkins

NATIONAL EXECUTIVE COMMITTEE shall consist of the six (6) principal officers (marked **) plus the other full-time Divisional Officers of each Division (marked *).

NATIONAL EXECUTIVE shall consist of the persons who constitute the National Executive Committee set out above and the Divisional Branch Secretary of each Divisional Branch of each Division set out herein and shall, in accordance with Rule 42 (viii) (a) include the National President and National Secretary of the former OPPWF. This body shall also include the Divisional Branch Secretaries from Victoria, New South Wales, South Australia and Queensland of the FFTS Union Division.

It also includes the South Australian, Victoria and Queensland Branch Secretaries and the NSW Branch Assistant Secretary of the former OPDU.

NATIONAL CONFERENCE shall consist of the persons listed as the members of the four (4) divisional executives set out herein until 2 January 1997, the following shall also be a delegate,

T. Richardson - Secretary of former OPPWF, Queensland Branch.

The National Conference shall also include the persons (as set out herein) comprising the Federal Executive of the FFTS Union Division while that Union Division remains autonomous.

BRANCHES OF THE UNION

NEW SOUTH WALES BRANCH

New South Wales State Officers

Joint NSW State Secretary	Dennis Matthews
Joint NSW State Secretary	Ian Peel
Joint NSW State President	Gavin Hillier
Joint NSW State President	Michael Watson
Joint NSW State Assistant Secretary	Andrew Ferguson
Joint NSW State Assistant Secretary	Alf Rankin
Joint NSW State Senior Vice President	Thomas Burke
Joint NSW State Senior Vice President	Peter McClelland
Joint NSW State Senior Vice President	Edward Curran
Joint NSW State Senior Vice President	Sid Wales
Joint NSW State Vice President	Bevan Anderson
Joint NSW State Vice President	Howard Fisher
Joint NSW State Vice President	Mick Smith
Joint NSW State Vice President	Gary McArthur

New South Wales State Executive

Shall consist of the abovenamed persons being the NSW State Officers together with the persons who are the full-time Divisional Branch officers, other than organisers, of each Divisional Branch, being,

ATAIU NSW Divisional State Assistant Secretary, Joyce Tuckwell
FEDFA NSW Divisional State Assistant Secretary, Scott Gartrell
FFTS NSW Union Divisional State Assistant Secretary, Rex Smith

New South Wales State Conference

Shall consist of the persons who constitute NSW State Executive as listed above (i.e. including NSW State Officers) and the persons being the other members of ATAIU NSW Divisional Branch Management Committee and the Building Unions NSW Divisional Branch Management Committee and the UMW Divisional Branch Management Committee, and the FEDFA NSW Divisional Branch Management Committee and the FFTS Union Division NSW Branch Management Committee listed herein.

VICTORIAN BRANCH

Victorian State Officers

Joint Vic State Secretary	John Van Camp
Joint Vic State Secretary	Vince Raffa
Joint Vic State President	Barry King
Joint Vic State President	Lou Kyriacou
Joint Vic State Assistant Secretary	Martin Kingham
Joint Vic State Assistant Secretary	Vacant
Vic State Senior Vice President	Frank O'Grady
Joint Vic State Vice President	Vilma Stargatt
Joint Vic State Vice President	Malcolm McDonald
Joint Vic State Vice President	Alex Findlay
Joint Vic State Vice President	Vacant

Victorian State Executive

Shall consist of the abovenamed persons being the Victorian Divisional Officers, Building Unions Victorian Divisional State Assistant Secretary and the FEDFA Victorian Divisional State Assistant Secretary plus FFTS Union Division Victorian Divisional Branch Senior Organiser.

Victorian State Conference

Shall consist of the persons who constitute the persons being the other members of the ATAIU Victorian Divisional Branch Management Committee, the BWIU Victorian Divisional Branch Management Committee and the FEDFA Victorian Branch Management Committee and the FFTS Union Division Victorian Divisional Branch Management Committee listed herein.

SOUTH AUSTRALIAN BRANCH

South Australian State Officers

SA State Secretary	Ben Carslake
SA State President	Quentin Cook
Joint SA Senior State Vice President	A. Johnson
Joint SA Senior State Vice President	D. Frater
Joint SA State Vice President	A. Young
Joint SA State Vice President	G. Bull
Joint SA State Vice President	D. Stapleton
Joint SA State Assistant Secretary	Terry Carrol
Joint SA State Assistant Secretary	Geoff Day
Joint SA State Assistant Secretary	J. McGirr

South Australian State Executive

Shall consist of the abovenamed persons being South Australian State Officers and

ATAIU SA Divisional Branch Assistant Secretary
FFTS SA Divisional Branch Assistant Secretary

South Australian State Conference

Shall consist of the persons who constitute South Australian State Executive set out above and the persons being the other members of the ATAIU South Australian Divisional Branch Management Committee, the Building Unions South Australian Divisional Branch Management Committee the FFTS Union Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee listed herein.

TASMANIAN BRANCH

Tasmanian State Officers

Joint Tas State Secretary	Max Cordwell
Joint Tas State Secretary	Mike Grey
Joint Tas State President	Shayne Murphy
Joint Tas State President	Leonard Miles
Tas State Senior Vice President	Stephen Hevey
Joint Tas State Vice President	J. Gill
Joint Tas State Vice President	Colin Butler
Joint Tas State Vice President	M. Collins
Joint Tas State Vice President	David Bean
Joint Tas State Vice President	Barry Bishop
Joint Tas State Vice President	Ray Carroll
Tas State Assistant Secretary	

Tasmanian State Executive

Shall consist of the Full Time Tasmanian State Officers.

Tasmanian State Conference

Shall consist of the persons listed as the Tasmanian State Executive set out above and, the other persons being the persons listed as members of the ATAIU Tasmanian Divisional Branch Management Committee, UMW Tasmanian Divisional Branch Management Committee, the Building Unions Tasmanian Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee and the FFTS Union Division Tasmanian Branch Management Committee listed herein.

AUSTRALIAN CAPITAL TERRITORY BRANCH

ACT State Officers

ACT State Secretary	George Wason
ACT State President	Rod Driver
Joint ACT State Vice President	Kate Lundy
Joint ACT State Vice President	J. McHugh
Joint ACT State Assistant Secretary	Trevor Zeltner
Joint ACT State Assistant Secretary	Stan Hambesis

ACT State Executive

Shall consist of the abovenamed persons listed as ACT State Officers.

ACT State Conference

Shall consist of those persons listed above as being the ACT State Executive and the other persons listed herein as members of the Building Unions ACT Divisional Branch Management Committee.

WESTERN AUSTRALIAN BRANCH

Western Australian State Officers

WA State Secretary	Bill Ethell
Joint WA State President	John Borlini
Joint WA State President	Alex A'Vard
Joint WA State Vice President	Gary Wood
Joint WA State Vice President	A. Baxter
Joint WA State Vice President	Ron Kielty
Joint WA State Vice President	A. Cook
Joint WA State Vice President	K. Reynolds
Joint WA State Assistant Secretary	Rick Todd
Joint WA State Assistant Secretary	Dave McIntyre

WA State Executive

Shall consist of the abovenamed persons listed as WA State Officers.

WA State Conference

Shall consist of those persons listed above as being the WA State Executive and the persons listed herein as members of the both Building Unions Divisional Branches' Management Committees, the members of the UMW WA District Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee.

QUEENSLAND BRANCH

Queensland State Officers

Joint Qld State Secretary	William Trohear
Joint Qld State Secretary	Greg Betts
Joint Qld State President	Andrew Vickers
Joint Qld State President	Peter Stone
Joint Qld State President	Des Holloway
Joint Qld State Senior Vice President	V. Robinson
Joint Qld State Vice President	B. Rushan
Joint Qld State Vice President	Kevin Anderson
Joint Qld State Vice President	Peter Neilson
Joint Qld State Assistant Secretary	Mark Hickey
Joint Qld State Assistant Secretary	Geoff Wilson
Joint Qld State Assistant Secretary	P. Waters

Queensland State Executive

Shall consist of the abovenamed persons listed as Queensland State Officers plus an additional person being the FFTS Union Division Qld Branch Assistant Secretary.

Queensland State Conference

Shall consist of those persons listed above as being the Queensland State Executive and the persons listed herein as members of the Building Unions Queensland Divisional Branch Management Committee, the members of the UMW Divisional Branch Management Committee and the members of the FEDFA Divisional Branch Management Committee and members of the FFTS Union Division Qld Divisional Branch Management Committee.

BUILDING UNIONS DIVISION

DIVISIONAL OFFICERS

Joint Divisional President	A. Littler
Joint Divisional President	B. Ethell
Divisional Secretary	S. Sharkey
Joint Divisional Assistant Secretary	J. Sutton
Joint Divisional Assistant Secretary	L. Fraser
Joint Divisional Senior Vice President	D. McDonald
Joint Divisional Senior Vice President	J. McGirr
Joint Divisional Vice President	C. Bates
Joint Divisional Vice President	M. Bingham
Joint Divisional Vice President	T. Burke

BUILDING UNIONS DIVISIONAL EXECUTIVE

The Divisional Officers of Building Unions Division as set out above, and

W. Trohear	Queensland
M. Cordwell	Tasmania
B. Carslake	South Australia
V. Raffa	Victoria
D. Cafferty	Victoria
G. Wason	Australian Capital Territory
D. Matthews	New South Wales
A. Rankin	New South Wales
B. Ethell	Western Australia
T. Carroll	Plasterers
K. Reynolds	WA Plasterers

BUILDING UNIONS DIVISIONAL CONFERENCE

The Divisional Officers of Building Unions Division and the Divisional Executive as set out above, and the following delegates from Building Unions Divisional Branches:

A. Ferguson	(NSW)	A. Wigchert	(QLD)
P. Grainger	(NSW)	M. Hickey	(QLD)
J. Briggs	(NSW)	T. Richardson	(QLD)
T. Morrison	(NSW)		
T. Mawdsley	(NSW)	F. O'Grady	(VIC)
J. Taylor	(NSW)	R. Williams	(VIC)
I. Smith	(NSW)	M. Kingham	(VIC)
B. Woodham	(NSW)	J. Saddington	(VIC)
T. McDonald	(NSW)		
E. Boatswain	(NSW)	R. Todd	(WA)

- together with the OPDU Federal Council as at the date of amalgamation.

BUILDING UNIONS DIVISIONAL TRUSTEES

W. Trohear	(QLD)
R. Driver	(ACT)

BUILDING UNIONS NSW DIVISIONAL BRANCH

Divisional State President	P. McClelland
Divisional State Secretary	D. Matthews
Joint Divisional State Assistant Secretary	A. Ferguson
Joint Divisional State Assistant Secretary	T. Burke
Joint Divisional State Assistant Secretary	A. Rankin
Divisional State Vice President	G. McArthur

BUILDING UNIONS NSW DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners
T. Morrison
J. Pineiro
I. Smith
L. Strutzenberger
M. Barrios

Bricklayers
H.D. Eisenhammer
A. Baxter

Builders Labourers
J. Ashdown
P. Balcombe
I. Gavin
S. Green

Bridge & Wharf
A. Melnikoff

Tilelayer
L. Quill

Stonemason
S. Cafarella

Slater & Tiler
M. Murphy

Plasterer
C. Howarth

Painters
J. Anning
J. Foster
J. Hoddle

BUILDING UNIONS NSW DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and -

Sydney Zone

Sydney Carpenters & Joiners
H. Brazao
P. Bristow
T. Connolly
P. Eggers
E. Elder
G. Kelly
F. Malis
P. Leyden
A. Zdrilic

Country Zone

Country Carpenters & Joiners
L. Allen
R. Wills

Country Bricklayer
D. Atkinson

Country Builders Labourer
W. Shipman

Sydney Bricklayers
V. Catania
J. Taylor
M. McAliney

Sydney Builders Labourers
B. Granata
E. Harbidge
G. Sheen
D. Stean
J. McGee
S. Whetter

Bridge & Wharf
C. Ford

Tilelayers
L. Quill

Slaters & Tilers
M. French

Stonemasons
J. Robinson

Plasterer
K. Andrews

Newcastle Zone

Newcastle Carpenters & Joiners
J. Allen
P. Cuskelly

Newcastle Bricklayer
L. Deeks

Newcastle Builders Labourer
E. Purins

Wollongong Zone

Wollongong Carpenters & Joiners
T. Gray
G. Karry

Wollongong Bricklayer
W. Hall

Wollongong Builders Labourer
M. Ward

BUILDING UNIONS NSW DIVISIONAL BRANCH TRUSTEES

T. Morrison
L. Strutzenberger
S. Green
J. Anning

BUILDING UNIONS NSW DIVISIONAL BRANCH ORGANISERS

B. Miller
P. Grainger
W. Baker
J. Briggs
B. Cochrane
N. Fodor
J. Higgins
J. Curruthers
J. Prentice
J. McKee
T. Hunt
M. Lawler
P. Zaboyak
M. Lynch
S. Manna
T. Mawdsley
D. Sullivan
C. Bates
J. Adams
J. McGahan
B. Beasley

Newcastle: R. Jarman

BUILDING UNIONS NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

T. McDonald
S. Sharkey
D. McDonald
J. Briggs
I. Smith
E. Boatswain
D. Matthews
L. Fraser
C. Bates
A. Ferguson

P. Grainger
J. Taylor
J. Sutton
T. Burke
T. Morrison
T. Mawdsley
B. Woodham

BUILDING UNIONS QLD DIVISIONAL BRANCH

Divisional State President	P. Stone
Divisional State Secretary	W.W. Trohear
Divisional State Assistant Secretary	M. Hickey
Divisional State Assistant Secretary	P. Waters
Divisional State Vice President	K. Anderson
Divisional State Vice President	B. Rushan

BUILDING UNIONS QLD DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

B. Tucker
P. Stone
T. Richardson
R. Bostock
K. Marcus
K. Anderson
B. Hopton
K. Bull
R. Vanderhorst
A. Pountey
F. Pearson
J. Gruer
G. Federer
B. Hall
G. Horn
B. McGill
M. Edwards

BUILDING UNIONS QLD DIVISIONAL BRANCH TRUSTEES

P. Stone
T. Richardson
R. Bostock
R. Vanderhorst

BUILDING UNIONS QLD DIVISIONAL BRANCH ORGANISERS

W. Perrett
D. Kersey
T. Richardson
K. Murphy
K. Carroll
G. Howcroft
A. Wigchert

BUILDING UNIONS QLD DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. Trohear
A. Wigchert
M. Hickey
T. Richardson

BUILDING UNIONS WA DIVISIONAL BRANCH

Divisional State President	A. Baxter
Divisional State Secretary	B. Ethell
Divisional State Assistant Secretary	R. Todd

BWIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

N. Houston
P. Alcantara
B. Churchill
B. Freeman
T. Bird
H. Johnson
M. Banks
J. Giles

BWIU WA DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

Perth
G. Curtin
R. Gaskell
C. Knight
B. Waller
A. De Klerk
M. Floud
N. Drayton
A. Hughes
K. Bulloch
J. Fitzgerald

Fremantle/Medina
C. Gorham
A. Phillips
J. Allison
P. Fairbotham
J. Curran

South West
J. McDonell

BWIU WA DIVISIONAL BRANCH ORGANISERS

D. Wildgoose
J. Gallagher

BWIU WA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Ethell
R. Todd

BUILDING UNIONS WA PLASTERERS DIVISIONAL BRANCH

Divisional State President	Mark Hudston
Divisional State Secretary	Kevin Reynolds
Divisional Branch Delegate to National Conference	Kevin Reynolds
Divisional State Vice President	Roy Cox
Divisional Committee of Management	James Hamilton
	Michael Naughton
Divisional Branch Organiser	Robert Manwaring

BUILDING UNIONS TAS DIVISIONAL BRANCH

Divisional State President	Stephen Hevey
Divisional State Secretary	Max Cordwell
Divisional State Assistant Secretary	T. Benson
Joint Divisional State Vice President	Ray Browne
Joint Divisional State Vice President	Ray Carroll
Joint Divisional State Vice President	M. Collins

BUILDING UNIONS TAS DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Adrian Telha	Paul Ridgeway
Roy Smedley	Grant Jackson
Ray Carroll	Gary Taylor
R. Edwards	L. Verrell

BUILDING UNIONS TAS DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

002 Area	003 Area
C. Green	A.J. Smith
A. Currie	L. Edwards
R. Dillon	P. Harris

004 Area

W. Maloney
B. Knowles
R. Doe

BUILDING UNIONS TAS DIVISIONAL BRANCH TRUSTEES

Max Cordwell	Stephen Hevey
Ray Browne	Adrian Telha
R. C. Edwards	A. R. Benson

BUILDING UNIONS TAS DIVISIONAL BRANCH ORGANISERS

Mark Telha
Martin Clifford
Ray Carroll

BUILDING UNIONS TAS DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

M. Cordwell

BUILDING UNIONS VIC DIVISIONAL BRANCH

Divisional State President	F. O'Grady
Divisional State Secretary	V. Raffa
Divisional Branch Assistant Secretaries	M. Kingham M. Bingham
Divisional State Vice President	B. Oliver

BUILDING UNIONS VIC DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners
R. Williams
R. Carter
G. Lavery
D. Van Dam
M. Santana
W. Torpey
D. Noonan
B. Giagnacovo

Builders Labourers
T. Sinclair
R. Ryan
J. Nicol
P. Lennon
M. Bingham
M. Ratel

Painters
M. Baird
M. Garcia
K. B. Hughes
P. Boyle
M. Evans

Tilelayer
Z. Prazac

Stonemason
M. Newham

BUILDING UNIONS VIC DIVISIONAL BRANCH COUNCIL

Carpenters & Joiners
V. Nicoli
K. Green
D. Black
A. Moore
W. Oliver
H. Kotsabis
D. Jacobson
G. Preddy
D. Shacklock

Builders Labourers
T. Bockting
G. Young
G. Miles
D. Noonan
K. Hughes
J. Bruce
J. McPartlin
C. Leatham

Stonemasons
A. Patience
G. Slack

Tilelayers
O. Kypta
Z. Prazak

Zone Delegates

Ballarat
V. Broes
L. Brown
N. Davidson

Bendigo
T. Coleman
N. Pyle
L. Worme

Brunswick
M. Kingham
W. McConnel
F. Stradijot

Camberwell
J. Baysinger
R. Bentley
S. Mitchell

Clifton Hill
F. Amarante
R. Collins
S. West

Essendon
D. Deprisco
T. Hancy
V. Raffa

Footscray
P. Leckie
F. Lopez
R. Storey

Geelong
J. Cody
J. O'Mara
B. Roche

Goulburn Valley
C. Craig
A. Kerris
P. O'Flaherty

Latrobe Valley
V. Beaton
M. Smith
A. Nabulsi

Melbourne
R. Carter
M. Santana
G. Tsotsos

Mordialloc
G. Burleigh
I. Nichol
P. Sullivan

Murray Valley
L. Fahey
S. Masterson
J. Salinger

Oakleigh
L. Bacolas
J. Medlyn
B. Smith

Preston
M. Collingburn
R. Lucas
N. Porter

Prahran
B. Giagnacovo
A. Medina
S. Delaney

Richmond
D. Blake
C. Commons
R. Hakainsson

South Western
K. O'Connor
A. Sargent
G. Sullivan

Sunraysia
A. Boldock
D. Costa
M. Dawes

Wimmera
R. Nesibit
G. Scott
A. Patterson

BUILDING UNIONS VIC DIVISIONAL BRANCH TRUSTEES

M. Kingham
B. Oliver
Vacant

M. Bingham
F. O'Grady
M. Baird

BUILDING UNIONS VIC DIVISIONAL BRANCH ORGANISERS

R. Welsh
T. Sinclair
R. Storey
W. Bingham
A. Medina
D. Jacobson
D. Noonan
P. Muldeary

H. Kotsabis
R. Carter
T. O'Kane
D. Riddell
G. Young
M. Kingham
M. Garcia

BUILDING UNIONS VIC DIVISIONAL BRANCH DELEGATES DIVISIONAL CONFERENCE

F. O'Grady
M. Kingham
V. Raffa

R. Williams
J. Saddington
M. Bingham

BUILDING UNIONS SA DIVISIONAL BRANCH

Divisional State President	A. Johnson
Divisional State Secretary	B. Carslake
Divisional State Vice President	G. Millar
Divisional State Vice President	D. Stapleton
Divisional State Assistant Secretary/Treasurer	T. Carroll
Divisional State Assistant Secretary/Treasurer	J. McGirr

BUILDING UNIONS SA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

BWIU	PLASTERERS	PAINTERS
F. Gosden	G. Parrish	George Tilley
T. Karrandjis	R. Watson	Greg Tilley
C. Morton	R. Bennett	Lambden
D. Sellmann	A. Spano	Weir
T. Middleton	S. Kesisoglou	McEwan
		Evans

BUILDING UNIONS SA DIVISIONAL BRANCH ORGANISERS

M. Gnatenko
H. Koemecker
M. Bella

BUILDING UNIONS SA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Carslake

BUILDING UNIONS ACT DIVISIONAL BRANCH

Divisional State President	R. Driver
Divisional State Secretary	G. Wason
Joint Divisional State Assistant Secretary	S. Hambesis
Joint Divisional State Assistant Secretary	T. Zeltner
Divisional State Vice President	K. Lundy
Divisional State Vice President	J. McHugh

BUILDING UNIONS ACT DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Pyner	J. Grey Reitz
A. Dillon	D. Rail
J. Long	G. Roderick
T. Lagoya	L. Lancsar
J. Diamante	B. Larke
G. McGowan-Lay	G. Cleghorn
P. Johnstone	P. Trapani

BUILDING UNIONS ACT DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

D. Thompson	G. Kirkwood
B. Norman	G. Frasin
C. Kaskoutas	W. Thompson
M. Morgan	J. Clyde
T. Gooden	R. Hemsley

BUILDING UNIONS ACT DIVISIONAL BRANCH TRUSTEES

G. Wason
S. Hambesis
G. McGowan-Lay
R. Driver
K. Lundy

BUILDING UNIONS ACT DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

G. Wason

ATAIU DIVISIONAL BRANCH OFFICE HOLDERS

ATAIU DIVISIONAL OFFICERS

Divisional President	G. Hillier
Divisional Secretary	T. Smith
Divisional Assistant Secretary	C. Northover
Divisional Senior Vice President	S. Murphy
Joint Divisional Vice President	P. Illidge
Joint Divisional Vice President	B. King

ATAIU DIVISIONAL TRUSTEES

J. Tuckwell
V. Stargatt
Q. Cook

Who form the Divisional Executive, and who with the following form the Divisional Conference

A. Roberg (SA)
C. Butler (TAS)
J. Gallogley (NSW)
M. Schuppan (NSW)
J. Beeson (VIC)
E. Swainston (VIC)
A. Dunlop (Pulp & Paper)
M. St Clair (SA)
B. Anderson (NSW)
J. Quartermaine (NSW)
B. Campbell (NSW)
B. Murpy (VIC)
M. Graham (Pulp & Paper)

ATAIU SA DIVISIONAL BRANCH

ATAIU SA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Young
Divisional Branch Secretary	Q. Cook
Divisional Branch Vice Presidents	M. St Clair
	A. Roberg

ATAIU SA DIVISIONAL BRANCH TRUSTEES

E. Cathro
J. Nicks
P. Martinella

Who form the Executive.

ATAIU SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

L. Barry
L. Kilsby
G. Schultz
B. Lockwood
T. Goodrich
F. Beimans
L. Pelkonen

ATAIU SA DIVISIONAL COUNCIL DELEGATES

M. St Clair
T. Smith
A. Young
Q. Cook

ATAIU NSW DIVISIONAL BRANCH

ATAIU NSW DIVISIONAL BRANCH OFFICERS

Divisional President	B. Anderson
Divisional Secretary	G. Hillier
Divisional Assistant Secretary	J. Tuckwell
Divisional Vice Presidents	G. Sacco
	J. Gallogley

ATAIU NSW DIVISIONAL BRANCH TRUSTEES

S. McDonald
B. Campbell
M. Schuppan

Who are officers and form the Executive.

ATAIU NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

W. Englert
S. Hudson
W. Sentance
C. Brooks
K. Yelverton
J. Quartermain
C. McGowan

ATAIU NSW DIVISIONAL COUNCIL DELEGATES

G. Hillier
J. Gallogley
J. Quartermain
B. Campbell
B. Anderson
S. McDonald
K. Yvelton

ATAIU VIC DIVISIONAL BRANCH

ATAIU VIC DIVISIONAL OFFICERS

Divisional President	V. Stargatt
Divisional Secretary	B. King
Divisional Vice Presidents	V. Iluk
	E. Swainston

ATAIU VIC DIVISIONAL BRANCH TRUSTEES

J. Beeson
T. Carley
B. Murphy

ATAIU VIC DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

J. Browne
B. Harms
P. Love
R. Owens
T. Stinton
C. Walkear
S. Wilson
P. Tait

ATAIU VIC DIVISIONAL COUNCIL DELEGATES

V. Stargatt
M. Lynch
J. Beeson
E. Swainston
B. Murphy

ATAIU TAS DIVISIONAL BRANCH

ATAIU TAS DIVISIONAL BRANCH OFFICERS

Divisional President	C. Butler
Divisional Secretary	S. Murphy
Divisional Vice Presidents	R. Ford
	D. Turriff

ATAIU TAS DIVISIONAL BRANCH TRUSTEES

C. Butler
S. Cahoon
R. Smith

ATAIU TAS DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

M. Barber
S. Cahoon
R. Foster
R. French
D. Harkes
N. Lincoln
B. Riley
R. Smith

ATAIU TAS DIVISIONAL COUNCIL DELEGATES

C. Butler
S. Murphy

ATAIU WA DIVISIONAL BRANCH

ATAIU WA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Cook
Divisional Branch Secretary	A. A'Vard
Divisional Branch Vice President	D. Murie
Divisional Branch Treasurer	R. Taylor

ATAIU WA DIVISIONAL BRANCH TRUSTEES

P. McCarthy
K. Smith
R. Henry

ATAIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

R. J. Smith	C. Hagelund
R. Reiter	K. Cameron
V. McGlinn	J. Savage
G. P. Jaeschke	M. Bennett
W. J. Hall	

ATAIU NO. 7 DIVISIONAL BRANCH

ATAIU NO. 7 DIVISIONAL BRANCH OFFICERS

Divisional Branch President	P. Illidge
Divisional Branch Secretary/Treasurer	C. Northover
Divisional Branch Assistant Secretary/Treasurer	M. Graham
Divisional Vice Presidents	A. Dunlop
	R. Johnson

ATAIU NO. 7 DIVISIONAL BRANCH TRUSTEES

C. Northover M. Graham

ATAIU NO. 7 DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

D. Garlick	G. Aston
T. Mackerell	G. Morley
N. Anderson	C. Glaubitz
N. Allen	D. McKay
M. Donoghue	P. Graham
J. Wright	T. Kelly
W. Hardy	G. Lincoln
G. Draper	T. Dwyer

ATAIU NO. 7 DIVISIONAL COUNCIL DELEGATES

C. Northover	M. Graham
P. Illidge	

ATAIU NOWRA SUB-BRANCH

President	Peter Graham
Senior Vice President	Harry Knowles
Junior Vice President	Tim Cato
Secretary-Treasurer	Mervyn Donoghue
Committee of Management	Rhonda Shelley
	Jim Evans
	Ray Clarke
	Alan Whitton

Delegate to No. 7 Branch Committee of Management	Mervyn Donoghue
	Peter Graham

ATAIU BURNIE SUB-BRANCH

President	George Draper
Senior Vice President	Barry Connors
Junior Vice President	Eric Edwards
Secretary-Treasurer	Geoffrey Lincoln

Committee of Management

Alan Claridge	Graham Wells
Anthony Johnson	Andrew Crawn
Jack Wylie	Russell Norton
Danny Rowlands	Richard Troughton
Noel Stubbs	Rex Berry

Delegate to No. 7 Branch Committee of Management	Geoffrey Lincoln George Draper

ATAIU PORT HUON SUB-BRANCH

President	Barry Young
Senior Vice President	Colin McMullin
Junior Vice President	Jeff Parsons
Secretary-Treasurer	Wayne Hardy

Committee of Management

Neville Burgess	Graeme Goaman
David Greatbatch	Ricky Cowen

Delegate to No. 7 Branch Committee of Management	Wayne Hardy

ATAIU MYRTLEFORD SUB-BRANCH

President	Vacant
Senior Vice President	Bruce Dale
Junior Vice President	Paul Ryan
Secretary-Treasurer	Trevor Dwyer
Committee of Management	Oliver Evans Colin Richardson Trevor Davis Robert Arnold Christopher Stone
Delegate to No. 7 Branch Committee of Management	Trevor Dwyer

ATAIU MARYVALE SUB-BRANCH

President	Neville Anderson
Senior Vice Persident	Charles Glaubitz
Junior Vice President	Cidge Fabris
Secretary/Treasurer	Graeme Morley

Committee of Management	
Steven Gilham	Robert Brown
Vernon Jones	Charles Stuart
Geoffrey Dorling	Brian McNamara
Peter Morris	Steven Mason
Wayne Snell	Vincent Nabel
Delegates to No. 7 Branch	
Committee of Management	Neville Anderson
	Charles Glaubitz
	Graeme Morley
Delegates Gippsland Trades &	
Labour Council	Graeme Morley
	Vernon Jones
	Brian McNamara
	Robert Brown

ATAIU SYDNEY SUB-BRANCH

President	Donald McKay
Senior Vice Pesident	Ron McElhinney
Junior Vice President	Edward Pram
Secretary-Treasurer	Philip Illidge
Committee of Management	
William Daly	Les Smith
William Flowers	Anthony De Bono
Harry Marshall	Wayne Trewella
Mark Skennerton	Joseph Bodor
Delegates to No. 7 Branch	
Committee of Management	Philip Illidge
	Donald McKay

ATAIU BROADFORD SUB-BRANCH

President	Vacant
Senior Vice President	Vacant
Junior Vice President	Vacant
Secretary-Treasurer	Len Allen
Committee of Management	Garry Nesbitt
	Terry Hobson
	Alan Cole
	Craig Waters
Delegate to No. 7 Branch	
Committee of Management	Len Allen

ATAIU MILLICENT SUB-BRANCH

President	John Wright
Senior Vice Pesident	Trevor Kelly
Junior Vice President	Richard Watts
Secretary-Treasurer	Robert Johnston

Committee of Management	Michael King
	Graeme Richards
	Mavis Kloock
	Graeme Richardson
	Gilbert Mouat
	Helen Walker
Delegates to No. 7 Branch Committee of Management	John Wright
	Trevor Kelly
	Robert Johnston

ATAIU MELBOURNE SUB-BRANCH

President	David Garlick
Senior Vice President	George Ashton
Junior Vice President	Vacant
Secretary-Treasurer	Alexander Dunlop

Committee of Management

William Horton	Stan Mazur
Terry Mackerell	Steve Morris
Tom Donelly	Ian James
Alex Miller	Michael Adamopolous

Delegates to No. 7 Branch Committee of Management	Alexander Dunlop
	David Garlick
	George Aston
Delegates to Victorian Trades Hall Council	Alexander Dunlop
	William Horton
	Terry Mackerell
	Malcolm Graham

UMW DIVISION

In accordance with Rule 42 - Transitional Provisions of the Rules of the Union being the National Rules the officers of the previously existing Mining Division immediately prior to the date of effect of the amalgamation shall be, on and from the date of effect of amalgamation the officers of the UMW Division which is the new name for the previous Mining Division and the only change therein shall be, to the extent necessary, the change in the title of office to reflect the change in the name of the Division from Mining Division to UMW Division.

FEDFA DIVISION

DIVISIONAL OFFICERS

Divisional President	M. McDonald
Divisional Secretary	V. Fitzgerald
Divisional Assistant Secretary	T. Maher

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FEDFA DIVISIONAL EXECUTIVE

The Divisional Officers of FEDFA Division as set out above, and

I. Peel	New South Wales
J. Van Camp	Victoria
G. Betts	Queensland
G. Day	South Australia
B. O'Neil	Barrier
M. Grey	Tasmania
D. McIntyre	Western Australia

FEDFA DIVISIONAL CONFERENCE

The Divisional Officers of FEDFA Division and the Divisional Executive as set out above, and the following delegates from FEDFA Divisional Branches:

T. Maher	(NSW)
P. Jordan	(NSW)
B. Neilson	(VIC)
M. Hill	(VIC)
D. Holloway	(QLD)
G. Purtill	(QLD)
L. Wilson	(QLD)
B. Samson	(Barrier)
M. Buckley	(SA)
B. Low	(WA)
R. Harrison	(TAS)

FEDFA NSW DIVISIONAL BRANCH

Divisional Branch President	M. Smith
Divisional Branch Secretary	I. Peel
Divisional Branch Assistant Secretary	S. Gartrell

FEDFA NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above,

FEDFA NSW DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and regional delegates and organisers stated below,

Metropolitan	**Northern Region**
P. Wormleaton	N. Rose
R. Johnson	M. Sealby
B. Francis	G. Webb
D. Whitehead	D. Owens
D. Dunn	J. Nixon

Southern Region	**Western Area**
K. Anderson	R. Fuller
B. Barnham	W. Williams
G. Freeman	
T. Potter	

FEDFA NSW DIVISIONAL BRANCH ORGANISERS

Metropolitian
G. Avouris
T. Grant
S. Cochran

Northern
M. Beehag
S. Harding
L. Sinclair

Riverina
S. King
J. Wilson

Western
G. Childs

Southern
H. Miller

Mining
P. Jordan

Energy
A. Drew

FEDFA NSW DIVISIONAL BRANCH TRUSTEES

D. Dunn
L. Robinson
J. Owens

FEDFA NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

V. Fitzgerald
T. Maher
P. Jordan
I. Peel

FEDFA VICTORIAN DIVISIONAL BRANCH

Divisional Branch President	M. McDonald
Divisional Branch Secretary	J. Van Camp
Divisional Branch Assistant Secretary	M. Greenbury
Divisional Branch Vice President	M. Hill

FEDFA VICTORIAN DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

M. French
D. McDonald
D. Baker
J. Kadziela
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional Officers as set out above, and -

SECV Yallourn
P. Wilson

SECV Morwell
G. Reid

Country Provisional
W. Fleet
M. French
T. McKenzie
P. Skinner

SECV LaTrobe
(vacant)

Metropolitian
D. Baker
J. Kadziela

Organisers Rep.
A. Riley
M. Hallett

D. McDonald
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH ORGANISERS

W. Fleet
M. French
R. Hallett

M. Hill
A. Riley

TRUSTEES

M. McDonald
J. Van Camp

FEDFA VICTORIAN DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

J. Van Camp
M. McDonald

M. Hill
B. Nielson

FEDFA BARRIER DIVISIONAL BRANCH

Divisional Branch President	B. Samson
Divisional Branch Secretary	W. O'Neil
Divisional Branch Vice President	R. Hunter

FEDFA BARRIER DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above,

FEDFA BARRIER DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

D. Brennan
A. Fraser
E. Snaith

R. Adams
B. Sayers

FEDFA BARRIER DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. O'Neil

B. Samson

TRUSTEES

R. Adams
E. Snaith

B. Sayer

FEDFA TASMANIAN DIVISIONAL BRANCH

Divisional Branch President	B. Bishop
Divisional Branch Secretary	M. Grey

FEDFA TASMANIAN DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and - D. Dawson

FEDFA TASMANIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

Launceston
D. Dawson

Hobart
M. Hyland

Devonport
(vacant)

Tullah
T. Jones

Burnie
L. Britton

Savage River
R. Harrison

Rosebery/Lyell
N. Hartnell

Organisers
D. Moncrieff
B. Best

FEDFA TASMANIAN DIVISONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

M. Grey

R. Harrison

FEDFA WA DIVISONAL BRANCH

Divisional Branch President (vacant)
Divisional Branch Secretary (vacant)

FEDFA WA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

FEDFA WA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

P. Bates
T. Feeney

I. Douglas
D. Hellyer

FEDFA WA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

B. Low
(vacant)

FEDFA SA DIVISIONAL BRANCH

Divisional Branch President G. Bull
Divisional Branch Secretary G. Day
Divisional Branch Vice President F. Stonys

FEDFA SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Rogers

R. Brewer

FEDFA SA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

J. Rodgers
F. Grosso
R. Brewer
K. Maywald
F. Harrison

ORGANISER

R. Brewer

FEDFA SA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

G. Day
M. Buckley

FEDFA QUEENSLAND DIVISONAL BRANCH

Divisional Branch President — D. Holloway
Divisional Branch Secretary — G. Betts
Divisional Branch Assistant Secretary — G. Wilson

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

S. Douglas
C. Swift
L. Wilson
B. Scheuber
R. Coleman
J. Spencer

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch State Management Committee as set out above, and -

M. Dowvendans
L. Genrich
R. Beattie
J. Rossington
(vacant)
T. Quaid
N. Rampton
H. Heumiller
C. Price

FEDFA QUEENSLAND DIVISIONAL BRANCH ORGANISERS

D. Bloxsom
G. Flack
C. Gillespie
J. Rossington
R. Tremlin
H. Heumiller
C. Price
T. Rosier
B. Stacker

FEDFA QUEENSLAND DIVISIONAL BRANCH TRUSTEES

D. Holloway
G. Betts
S. Douglas
L. Wilson

FFTS UNION DIVISION

DIVISIONAL OFFICERS

Divisional President	A. Findlay
Divisional Secretary	L. Kyriacou
Divisional Assistant Secretary	M. Haritou
Divisional Senior Vice-President	S. Wales
Divisional Junior Vice-President	D. Frater

FFTS UNION DIVISIONAL EXECUTIVE

The Divisional Officers of the FFTS Union Division as set out above, and

A. Smith	New South Wales
V. Robinson	Queensland

FFTS UNION DIVISIONAL CONFERENCE

The Divisional Officers of the FFTS Union Division and the Divisional Executive as set out above, and the following delegates from the FFTS Union Divisional Branches;

W. Brown	(VIC)
M. Findlay	(VIC)
R. Smith	(NSW)
R. Groat	(SA)
A. Cookson	(QLD)
R. Orange	(TAS)

FFTS UNION VIC. DIVISIONAL BRANCH

Divisional Branch President	M. Mitten
Divisional Branch Secretary	L. Kyriacou
Divisional Branch Assistant Secretary	A. Findlay
Divisional Branch Senior Vice-President	W. Brown
Divisional Branch Junior Vice-President	C. Avent
Divisional Branch Organiser	M. Haritou
Divisional Branch Organiser	R. Shugg

FFTS UNION VIC. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch Officers as set out above and -

A. Frazer	N. Hazeldine
G. Lee	P. Linzos
J. Maines	J. O'Brien
J. Patti	J. Robins
I. Whitcroft	L. Zanandrea
J. Calvert	

FFTS UNION NSW DIVISIONAL BRANCH

Divisional Branch President	R. Smith
Divisional Branch Secretary	S. Wales
Divisional Branch Assistant Secretary	R. Smith
Divisional Branch Vice-President	J. Callaway
Divisional Branch Organiser	Jack Lawrence

FFTS UNION NSW DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

J. Campbell	R. Davies
K. Campbell	W. Kraan
Robert Cumbo (Trustee)	Harry Irvine (Trustee)

FFTS UNION S.A. DIVISIONAL BRANCH

Divisional Branch President	R. Groat
Divisional Branch Secretary	D. Frater
Divisional Branch Assistant Secretary	S. Rowe
Divisional Branch Senior Vice-President	J. Emery
Divisional Branch Junior Vice-President	A. Reeves
Divisional Branch Organiser	S. Rowe
Divisional Branch Organiser	P. Wong
Divisional Branch Organiser	T. Woods

FFTS UNION S.A. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

B. Billington	M. Brownlie
P. Crisanti	A. Czora
A. Howlett	J. Salter
G. Whitford	

FFTS UNION QLD DIVISIONAL BRANCH

Divisional Branch President	G. William
Divisional Branch Secretary	V. Robinson
Divisional Branch Vice-President	A. Amos
Divisional Branch Assistant Secretary	A. Cookson

FFTS UNION QLD. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and - G. Dawson

FFTS UNION TAS DIVISIONAL BRANCH

Divisional Branch President	S. Negus
Divisional Branch Secretary	J. Gill
Divisional Branch Assistant Secretary	R. Orange
Divisional Branch Vice-President	C. Schoenwald
Additional Divisional Branch Executive member	W. Picken
Additional Divisional Branch Executive member	P. Green

FFTS UNION TAS DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

C. Sproule
W. Bandlow

END OF RULES

[105N-FED: Incorporates alterations of 25/07/2017 in matter R2016/140]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 107 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union.

DELEGATE OF GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission]

Rules of the Construction, Forestry, Mining and Energy Union
Contents

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1 - NAME

The name of the Union shall be the "Construction, Forestry, Mining and Energy Union".

2 - CONSTITUTION

(A)(A) The following unlimited number of persons, whether male or female, are eligible to be members of the Union

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in tilelaying as defined in this sub-rule;

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(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;

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(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, shall be eligible to be members of the Union including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

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

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)

Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site
or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:

(i) All persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders,

implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) An unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board, strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) Such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members are eligible to be members of the Union.

(E) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:-

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

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

(b) Further, provided that, without limiting the generality of the foregoing the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building are eligible to be members of the Union. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other sub-rule or paragraph or being limited thereby an unlimited number of persons who are employed in, or competent to be employed in or in connection with the following industries or trades are eligible to be members of the Union:
Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article

workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland are eligible to be members of the Union.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the following are eligible to be members of the Union: an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and

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Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

(O) **Additional Eligibility for Admission to Membership in the State of Queensland**

This rule 2(O) does not apply outside the State of Queensland.

Without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provide for additional eligibility for admission to membership of the Union in the State of Queensland:-

(i)

SECTION A

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

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

(i) On ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational Offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind.

(ii) The painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind.

(iii) The painting of or in connection with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise). The painting of or in connection with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or

other parts or prefabricated building and structures as aforementioned.

(iv) The painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensors, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or seas, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases.

(v) Glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars.

(vi) Paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering.

(vii) Signwriting, designing and/or lettering of price tickets and show cards.

(viii) Pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering.

(ix) Leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections.

(x) Employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, putty stopping, caulking mixtures, compositions or compounds, oils, varnishes, watercolours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings will not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 1.2.2, Constitution hereof (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, watercolour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water solvents, electrical, mechanical, air powered or hand tools or by grit, shot, or other abrasives or by any other means.

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

(c) Nothing in this Section A rule will make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time. Provided further that, notwithstanding the foregoing provisions of this rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

(d) Notwithstanding any other provision in these Section A rules, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the union under this sub-rule.

(e) The Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connection with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accommodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattressmakers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together

with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

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

(g) Without limiting the generality of the foregoing Sub-Rules of this Section A Rule, or being limited thereby, independent contractors who, if they were employees performing work of the kind that they usually perform as independent contractors, would be employees eligible for membership of the Union, will be eligible for membership of the Union, and the Union will consist of an unlimited number of such persons.

SECTION B

(a) The Association shall consist of an unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow-motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Association or a Branch of the Association or whilst financial members of the Association are elected as representatives of any working class organisation to which the Association or a Branch thereof is affiliated or as a working class member of parliament. Provided that mobile crane drivers, operators of fork lifts and/or towmotors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership. Provided further that, notwithstanding the foregoing provisions of this Section B rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

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

(c) Notwithstanding any other provision in this Section B rule, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the association under this sub-rule.

(d) Notwithstanding any other provision in this Section B rule, the persons employed by Dalrymple Bay Coal Terminal Pty Ltd at the Dalrymple Bay Coal Terminal site shall not be eligible for membership under this sub-rule.

SECTION C

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

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

Without limiting any other rule, sub-rule (O)(i) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(ii) The Union shall consist of an unlimited number of persons employed or usually employed as Builders' Labourers throughout Queensland on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any tradesperson engaged in building operations, or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings, or as scaffolder, rigger, gear hand, gantry hand or crane hand or as dogperson, or as a drainer on all building contracts, any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete work, tarpaving or asphalt work, or mortar or concrete mixing in connection with, or incidental to the foregoing operations, together with such other persons whether employees in the industry or not, as have been appointed officers of the Association and admitted as members thereof. Provided that, notwithstanding the foregoing provision of this rule, the union does not have any right to enrol as members under this sub-rule persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.

Without limiting any other rule, sub-rule (O)(ii) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(Q) Additional Eligibility for Admission to Membership in the State of Western Australia

The provisions of this rule 2(Q) enabling workers, categories and classes of workers to be eligible for membership of the Union have no application whatsoever beyond the State of Western Australia. This proviso applies regardless of any term or provision of this rule 2(Q).

The provisions of this rule 2(Q) do not extend and are not intended to operate as extending the eligibility rules of the Union beyond those that of The Construction, Forestry, Mining and Energy Union of Workers. This proviso applies regardless of any term or other provision of this rule 2(Q).

Without limiting any other rule, this rule does not make any person eligible to be a member of the Union who is in a class of employees for whom, at the time when this rule was approved by the

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General Manager, was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to a class of employees of which that person is a member, in favour of another organisation or association.

Further, without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provide for additional eligibility for admission to membership of the Union in the State of Western Australia:-

(1) The Union shall in the State of Western Australia consist of an unlimited number of persons who are:

(a) over the age of 16 years and who are employed or usually employed as builders' labourers on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any trades person engaged in building operations or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel or combination of those or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings or as scaffolder, rigger, gear hand, gantry hand or crane hand, or as dogman, or as drainer on all building contracts, and any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete work, tar paving or asphalt work, or mortar or concrete mixing in connection with or incidental to the foregoing operations;

(b) provided that no person employed in any of the vocations or callings mentioned in subrule (1)(a) of this Rule shall be eligible for membership if he or she is eligible to be a member of the Australasian Society of Engineers, Industrial Union of Workers, Western Australian Branch, the Electrical Trades Union of Workers of Australia Western Australian Branch Perth, the Amalgamated Engineering Union Workers, Perth Branch, or the Amalgamated Engineering Union of Workers, Kalgoorlie Branch.

(2) In addition to the foregoing, the Union in the State of Western Australia shall consist of an unlimited number of persons who are employed, or who are usually employed in the painting and decorating industry applying paint or its substitutes, or any preparation, by any means, the purpose of which is of a decorative or protective character for residential, commercial or industrial purposes (excluding the application of bitumen or like substance to roads and like surfaces), which industry shall be deemed to include the painting of buildings and structures (residential, commercial and industrial), aircraft, machinery, ships and small vessels of every description (including prefabricated work on any of the aforementioned, wholly or in part) and general painting, together with plastic relief workers, paper hangers, wall coverers, decorators, grainers, marblers, varnishers, enamellers, gilders, lacquerers, spray workers, sign, profile, scenic, mural and pictorial artists, or persons engaged in the removing of paints and/or their substitutes and the preparation of all work and materials used in the painting trade and branches thereof, including paint mixers together with glaziers, vitrolite cutters and fixers, ticket writers, cycle enamellers, liners, writers, and sprayers, and shall include foremen and sub-foremen in the industry.

(3) And in addition to the foregoing the Union in the State of Western Australia shall consist of an unlimited number of persons who are employed, or who are usually employed as:

(a) Plasterers - the work of a plasterer shall mean and be deemed to be, all internal and external plastering, and cementing, including rendering with all forms of plaster, asbestos fibre, finishing all kinds of plaster and plastic acoustic work, water proofing work in cement, plaster or patent materials, by manual or mechanical means, including wood lathing and metal lathing, or any similar substitute that may be used as a ground for plaster work, such as sackett board; the affixing of plain and ornamental tiles on walls and floors, the fixing of fibrous plaster or any other kind of plaster required to be finished off with plastered joints; the top dressing of all concrete work finished in cement also cement floors, walls and ceilings, rough cast; and fixing plaster, cement, or patent plaster ornaments; and in the use of materials appertaining to the trade or calling of plasterers;

(b) Wall and Floor Tilers;

(c) Wall and Ceiling Fixers;

(d) Fibrous Plaster Workers - Persons engaged in:

(i) Architectural modelling;

(ii) The manufacture of architectural ornaments of plaster and fibrous plaster;

(iii) The manufacture of fibrous plaster goods;

(iv) The fixing of manufactured plaster goods and fibrous plaster columns and acoustic tiles and the fixing of fibrous plaster on the walls and/or ceilings of buildings;

(v) The preparation of designs and ground work and the making of models and/or moulds whether of gelatine, plaster, wax, rubber or cement, subject to the making of such models and/or moulds being incidental to the fibrous plaster industry;

(vi) Any phase or phases of item (i) to (v) inclusive;

(e) Manufactured Cement Goods Workers - Persons engaged in-

(i) Architectural modelling;

(ii) the manufacture of architectural ornaments of cement;

(iii) except as provided for in subrule (8) of this Rule, the manufacture of portable articles of reinforced cement or concrete, cement pressed work, baths, washtubs, troughs, sinks, pillars, ornaments and other miscellaneous goods, including floor beams, partition blocks, lintels, cornices and balusters, subject to and without limiting the generality of subrule (1) and (2) of this Rule, excluding the manufacture of cement bricks, pipes and/or building blocks, except where such work is performed in the establishment of manufacturers of fibrous plaster, plaster and/or cement goods, and excluding workers employed by the Fremantle Harbour Trust and the Minister controlling Harbours and Rivers.

(iv) the manufacture of cast stone and terrazzo where such work is performed in the establishments of manufacturers of fibrous plaster, plaster/or cement goods.

(v) any phase or phases of items (i) to (iv) inclusive;

(vi) plaster mill workers - persons engaged in the manufacture of plaster of paris.

(4) The Union shall also consist of an unlimited number of persons employed, or usually employed in the State of Western Australia as carpenters and/or joiners (including ships' carpenters and joiners, carpenters employed on jetties, and wharves, dams and bridges) and joinery assemblers and roof tile fixers and bricklayers, stoneworkers, stonemasons, marble masons, stone, marble or slate polishers, stone marble or slate machinists and stone, marble or slate sawyers and labourers in the industry of monumental masonry and foreman, subforemen, or apprentices to or in any of the foregoing trades provided that no foreman tradesman or subforeman tradesman (except acting foremen tradesmen or acting sub-foremen tradesmen) who is eligible for membership of The Foremen (Government) Industrial Union of Workers, WA as at the 11th Day of December 1986 shall be eligible for membership of the Union.

(5) The Union shall also admit to membership any person who is employed, or usually employed in the State of Western Australia including all islands bounding the whole coastline of the State in any of the following capacities:

Engine drivers, steam boiler and gas producer firemen, trimmers or fuelmen or tour guides in power houses, engine cleaners, greasers, boiler cleaners, crane drivers, dynamo attendants in power houses, stationary motor drivers, electric power sub-station attendants, power house switchboard attendants, electric locomotive drivers, railway shunters, locomotive observers, railway car and wagon examiners (not being tradesmen) and railway messengers. Provided that, in respect of the vocations referred to in this subrule 4.6, employees of the Western Australian Government Railways Commission and persons eligible for membership of the Coal Miners Industrial Union of Workers of Western Australia employed in the coal mining industry within the State of Western Australia shall not be eligible for membership of the Union.

(6) The Union may admit to membership all other persons in the State of Western Australia whether employees in the foregoing callings or vocations or not as have been appointed or elected officers of the Union, provided that no person shall be a member who is not an employee within the meaning of the Industrial Relations Act (WA) 1979 as amended.

(7) The Union may admit to membership employees who are engaged in the State of Western Australia the manufacture of:

(a) bricks and who are employed by:

(i) Boral Bricks Western Australia Pty Ltd trading as Midland Brick;

(ii) BGC (Australia) Pty Ltd trading as Brikmakers;

(iii) Austral Bricks (WA) Pty Ltd trading as Austral Bricks; and

(iv) Geraldton Brickworks Pty Ltd trading as Geraldton Brick Co;

(b) cement roof tiles and who are employed by:

(i) Austral Bricks (WA) Pty Ltd trading as Bristile Roofing; and

(ii) Monier Prime Pty Ltd trading as Monier Prime Roofing.

(8) This rule 2(Q) does not allow the union to cover in the State of Western Australia or elsewhere any person who, as of the date of this rule 2(Q) being approved, is of a class of employees in respect to which the Construction, Forestry, Mining and Energy Union of Workers was subject to a representation order, a State demarcation order, a demarcation order, or a demarcation undertaking or agreement (however described) in regards to that class of employees in favour of another organisation or association.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler, generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or

coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

4 - OBJECTS

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

2. To regulate the conditions under which all members, of the Union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or association, or association of Trades Unions or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Branches, Divisions, Divisional Branches, Sub-Branches, Districts or Sections of the Union throughout the Commonwealth of Australia.

7. To further any scheme that has for its object the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labour and Trade Union newspapers and wireless broadcasting and television stations, and to invest in shares in such newspapers and radio and television stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide labour or Trade Union Organisation or Association.

10. To establish and manage a Union Journal or Journals.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

14. To render legal and other assistance to members, to protect the interests of the Union in all its Branches and to assist other trade unions by any legal method.

15. To obtain such other objects as the National Conference or National Executive shall from time to time determine.

16. To organise the education of members.

17. To establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Divisional or Divisional Branches.

18. The advancement of members intellectually, morally and socially and to do all things which, in the opinion of the Union, is in the interest of members including donations to political parties, the achievement of compulsory unionism, preference in employment, retrenchment, promotion, demotion and transfer in employment, the production and distribution of newspapers, journals and the like.

19. To achieve such other objects as may be lawfully adopted by any Division of the Union.

20. To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

"BOARD" means a group of persons who supervise a corporation, organisation, association or other like body including a Board of Directors.

"DECLARED PERSON OR BODY" - a person or body is a declared person or body of the Union or a Branch of the Union for the purpose of rule 24D (and 50D) if:

(i) an officer of the Union or the Branch (as the case may be) has disclosed a material personal interest under rule 24C/50C; and

(ii) the interest relates to, or is in, the person or body; and

(iii) the officer has not notified the Union or the Branch (as the case may be) that the officer no longer has the interest.

"DISCLOSURE PERIOD" means the financial year of the Union as referred to in Rule 24.

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

"FINANCIAL DUTIES" includes duties that relate to the financial management of the Union or a Branch of the Union.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"FINANCIAL YEAR" means the financial year of the Union as referred to in Rule 24.

"GENERAL MANGAGER" means the General Manager of the Fair Work Commission.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"NON-CASH BENEFIT" means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.

"OFFICE" has the same meaning as defined by Section 9 of the *Fair Work (Registered Organisations) Act* 2009.

"PEAK COUNCIL" means a national or State council or federation that is effectively representative of a significant number of organisations (within the ordinary meaning of the term) representing employers or employees in a range of industries.

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

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union and in the case of the Forestry, Furnishing, Building Products and Manufacturing Division, of the Division.

"RELATED PARTY" has the same meaning as defined by section 9B of the *Fair Work (Registered Organisations) Act* 2009.

"RELATIVE" in relation to a person means:

(i) parent, step-parent, child, step-child, grandparent, grandchild, brother or sister or the person; or

(ii) the spouse of the first mentioned person.

"RELEVANT NON-CASH BENEFITS" in relation to an officer of the Union/Branch for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer's duties as an officer, by the Union/Branch or by a related party of the Union/Branch.

"RELEVANT REMUNERATION" in relation to an officer of the Union/Branch for a disclosure period is the sum of the following:

(i) any remuneration disclosed to the Union/Branch by the officer under Rules 24B/50B during the disclosure period;

(ii) any remuneration paid during the disclosure period, to the officer by the Union/Branch.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

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

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

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

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

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

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

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Mining and Energy Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Workplace Relations Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

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

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v) (a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

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

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

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

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.202 of the Industrial Relations Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

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

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

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

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

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

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) (a) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National

Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(b) The National Conference shall also consist of the two National Women's Committee members elected by each Division in accordance with Rule 17, regardless of whether those women are otherwise members of their Divisional Executive.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate

from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.
Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telegram or telex.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, telephonic, telegraphic, telex, verbal and/or written vote (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

13A - NATIONAL WOMEN'S CONFERENCE

(a) There shall be a National Women's Conference at least once every two years. The role of the National Women's Conference shall be to provide advice and recommendations to the Union on matters affecting women members of the Union.
(b) The National Women's Conference shall include the elected National Women's Committee members from each Division. The number of participants shall be no more than 15 members per division.
(c) Delegates to the National Women's Conference shall be nominated by the Divisional Executive of each Division.
(d) Notwithstanding the number of observers nominated by any Division to attend the National Women's Conference, only the nominated delegates from each Division shall have voting rights at the National Women's Conference.
(e) Resolutions of the National Women's Conference shall be referred to the National Conference for consideration by that Conference.

13B - NATIONAL WOMEN'S COMMITTEE

(a) There shall be a National Women's Committee.
(b) The National Women's Committee shall be made up of two female members from each Division. Only one National Women's Committee member from each Division may be a Full Time Paid officer of that Division.

(c) The members of the National Women's Committee are to be elected by each Division in accordance with Rule 17, or otherwise in accordance with the rules for general quadrennial elections applicable to each Division.

(d) Members of the National Women's Committee shall be, ex officio, members of the National Women's Conference and members of the CFMEU National Conference.

(e) The National Women's Committee will operate in accordance with a set of rules that have been adopted by either the CFMEU National Conference or Executive after consultation with the Committee.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) The National Executive Committee shall, on and from the first election for National Officers held after July 2010, consist of the National Officers, being the National Secretary, National President, National Assistant Secretary and three (3) National Vice Presidents of the Union together with such of the following elected officers of each Division at a National level namely:-

- in the case of the Construction and General Division, the Divisional Secretary, two (2) Divisional Assistant Secretaries, the Divisional President and three (3) additional National Executive Committee members elected by and from the Construction and General Division Divisional Conference.

- in the case of the Forestry, Furnishing, Building Products and Manufacturing Division, the Divisional Secretary, the Divisional Senior Assistant Secretary, the Divisional President and the Divisional Assistant Secretary who is also the District Secretary of the PPW District of the Division.

- in the case of the Mining and Energy Division, the General President, the General Secretary and two (2) additional National Executive Committee members elected by and from the Mining and Energy Divisional Conference.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive and National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National

Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six (6). A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a facsimile, telephonic, email, written and/or postal vote of members of the National Executive or National Executive Committee at any time. Members of the National Executive or National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or facsimile or email or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or email.

15 - NATIONAL EXECUTIVE

(i) (a) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

(b) Provided that in the case of the Forestry, Furnishing, Building Products and Manufacturing Division for purposes of this sub-rule a reference to the Principal Officer of a Divisional Branch shall be a reference to the District Secretary of a District of that Division.

(c) Where a Division has at least one woman who is a Full Time Elected Officer who is not otherwise entitled, under these Rules, to be a member of the National Executive, that Division is entitled to one National Executive (Female Affirmative Action) position on the National Executive.

(i) The National Executive (Female Affirmative Action) position for each Division may only be filled by a woman from that Division who is a Full Time Elected Officer who is not otherwise entitled to be a member of the National Executive;

(ii) Where there is more than one woman from a Division who is a Full Time Elected Officer who is not otherwise entitled under these Rules to be a member of the National Executive, and who is therefore eligible to fill the National Executive (Female Affirmative Action) position, the Divisional Executive of that Division shall determine which eligible officer shall fill the position.

(iii) Provided that, once nominated by the Divisional Executive, the Branch or District Executive (if the woman is a Branch or District Officer) must endorse the nomination of that Officer to the National Executive.

(ii) The National Officers shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

Provided that, the National Principal Officers holding office at 16 July 2010 shall, unless they resign or are removed from office in accordance with these rules, continue to hold office until 31 December 2010.

The National Officers elected in 2010 shall commence office on 1 January 2011.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

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

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the

event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Industrial Relations Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

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

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

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

16 - ELECTION OF NATIONAL OFFICERS

(i) The National Officers shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union (howsoever described in the Divisional Rules) and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Forestry Division and the General President of the Mining and Energy Division shall between them hold the positions of National Secretary, National Assistant Secretary and National President.

Further provided that, there shall be one Vice President from each Division who shall be nominated by and from their own Divisional Conference.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office. Further provided that in the case of a vacancy in one or more of the National Officer positions, the National Executive may fill such office by appointment from those members of the National Executive Committee who are otherwise eligible to hold the vacant office.

Provided however that any such appointment/s shall ensure that each Division maintains its representation of two (2) officers amongst the National Officers.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by post, letter, telegram, telephone, telex, facsimile and/or verbally as soon as the count is completed.

(ix) In any ballot of the National Collegiate for the election of National Officers, the representatives of each of the Divisions shall cast votes proportionate to the membership of their respective Divisions determined in the same way, the necessary changes being made, as votes cast by delegates to the National Conference in accordance with Rule 13(iii) and (iv) herein.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(ii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iii) Except in the case of the Mining & Energy Division and the Forestry, Furnishing, Building Products and Manufacturing Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) That nominations are called in accordance with the rules of the Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) That the nominations process, closure and receiving of, are in accordance with the rules of the Division.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) Officers of all Divisional Branches holding such office at the date of amalgamation shall remain in office until the general election of officers held in 1996 and shall be eligible to nominate in that election. In this paragraph officers of all Divisional Branches shall mean officers of branches of the amalgamating unions being the persons listed in the schedule hereto.

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall, in accordance with the Rules of the Division, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only:-

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) The candidate's statement provided for in accordance with sub-rule (h) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail all ballot papers, in accordance with the Rules of the Division.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed closed in accordance with the rules of the Division.

(r) That the opening and closing of the ballot shall be in accordance with the rules of the Division.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

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

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

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except Mining and Energy Division and Forestry, Furnishing, Building Products and Manufacturing Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(ii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iii) The Divisional Officers at a national level shall be members of that Divisional Executive.

(iv) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

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

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

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

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

National Executive shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial

membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS/MEMBERS

1. The following sets out the duties of the National Officers outlined herein. The National Secretary shall be a full time position. The wages and costs relating to the office of the full time officer shall be borne by the Union.

2. National President:

   The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

   The National President shall have a deliberative vote only.

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

3. National Secretary:

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

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

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

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

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

   The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretaries:

   National Assistant Secretaries shall perform all duties assigned to them by National Conference and National Executive. They shall attend all meetings of National Conference and National Executive.

5. National Vice-Presidents:

   The National Vice-Presidents shall assist the National President in the conduct of meetings and in the absence of the National President, shall act as President.

   He/she shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

6. Members of National Executive and Delegates to National Conference:

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

7. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

8. No officers, employees, delegates or members shall be required to do, or required to omit to do, any act in breach of legislation applicable to the CFMEU.

9. Except as provided for by resolution of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof), it shall not be part of the duties of any delegate/steward, officer or employee, including organisers, whether temporary or not, to threaten, initiate, counsel, procure, induce, be involved in, engage in or be party to industrial action as defined by the Workplace Relations Act 1996 or building industrial action as defined by the Building and Construction Industry Improvement Act 2005.

22A - TRAINING OF OFFICERS

(a) This rule shall take effect on the commencement of Schedule 1 Part 2 of the *Fair Work (Registered Organisations) Amendment Act 2012*.

(b) Each person holding an office in the Union, including its Branches, Divisions and Divisional/District Branches whose duties include duties that relate to the financial management of the Union, including its Branches, Divisions and Divisional/District Branches shall undertake training:

   (i) approved by the General Manager under the provisions of the *Fair Work (Registered Organisations) Act 2009* or an Act replacing that Act; and

   (ii) that covers each of the officer's financial duties.

(c) An officer shall complete the training required by sub-rule (b) within:

   (i) six (6) months after the person begins to hold office; or

   (ii) if the officer holds office at the date of the Proclamation referred to in sub-rule (a), within six (6) months of that date.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

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

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. No funds shall be drawn from the Bank or financial institution except by cheque signed by two persons who are a National Secretary, National Assistant Secretary, National President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President or National Assistant Secretary. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

(viii) Any fines, penalties, damages, costs or other sum(s) ordered by a court against the Union is, if the conduct of a Division's officers, employees, agents or members made the Union liable for such amount(s), to be funded by that Division.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

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

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the National Secretary of a petition, signed by not less than 5% of the members of the Union, requesting that a general meeting of members of the Union be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the National Office, the National Secretary shall convene such meeting as soon as is practicable.

24A - POLICIES AND PROCEDURES - EXPENDITURE

(a) The Union shall develop and implement internal control policies and procedures relating to the expenditure of the Union, to ensure that the Union is conducted in accordance with the principles of good governance and to ensure accountability to members of the Union.

(b) Such policies and procedures shall be adopted by the National Executive and once adopted, shall be binding on all officers and members of the Union. Such policies and procedures must be identified in the resolutions of the National Executive as Rule 24A policies and procedures.

(c) Rule 24A policies and procedures must be published on the website of the Union with fourteen (14) days of their adoption.

(d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Branch, Division and Divisional/District Branch of the Union.

24B - DISCLOSURE BY OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

(a) Each person holding office in the Union shall disclose to the Union any remuneration paid to the officer:

(i) because the officer is a member of a board if:

(A) the officer is a member of the board only because the officer is an officer of the Union; or

(B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or

(ii) by a related party of the Union, in connection with the performance of the officer's duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Union shall disclose to the members of the Union:

(i) the identity of each officer of the Union who, when all officers of the Union are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than fifth;

(ii) the identity of each officer of each Division and Divisional/District Branch who, when all officers of the Division and Divisional/District Branches are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second; and

(iii) for each of those officers

(A) the actual amount of the officer's relevant remuneration for the disclosure period; and

(B) the form of the officer's relevant non-cash benefits for the disclosure period.

(d) For the purposes of sub-rules (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

24C - DISCLOSURE BY OFFICERS OF MATERIAL PERSONAL INTEREST

(a) Each person holding an office in the Union shall disclose to the Union any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Union including any Branch, Division or Divisional/District Branch thereof.

(b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The National Executive shall disclose to the members of the Union the interests disclosed to the Union pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year:

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

24D - DISCLOSURE BY UNION OF PAYMENTS

(a) The Union shall disclose to the members of the Union including its Branches, Divisions and Divisional/District Branches either of the following

(i) each payment made by the Union, during the disclosure period:

(A) to a related party of the Union or Branch; or

(B) to a declared person or body of the Union including its Branches, Divisions and Divisional/District Branches; or

(ii) the total of the payments made by the Union including its Branches, Divisions and Divisional/District Branches, during the disclosure period:

(A) to each related party of the Union or Branch; or

(B) to each declared person or body of the Union including its Branches, Divisions and Divisional/District Branches.

(b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Union including its Branches, Divisions and Divisional/District Branches from remuneration payable to officers or employees of the Union including its Branches, Divisions and Divisional/District Branches.

(c) Sub-rule (a) does not apply to a payment made to a related party if:

(i) the related party is an officer of the union; and

(ii) the payment:

(A) consists of remuneration paid to the officer by the union; or

(B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(d) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

25 - ALTERATION OF RULES

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

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telegraphic, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Industrial Relations Act (Commonwealth) or the regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the Industrial Relations Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

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

26A - COMPLAINTS BY MEMBERS

1. Any financial member of the Union may raise a complaint over the actions of another member or members (including officers).

2. The complaint may be about a member or members:

   a. refusing to obey the rules of the union;

   b. refusing to obey a policy of the union;

   c. refusing to abide by a resolution carried at a properly constituted meeting of a management committee which has relevant control or management over the member;

   d. obstructing any properly constituted meeting of a management committee;

   e. obstructing any officer or employee of the union in the course of his/her duties;

f. Misappropriation of the funds of the union;

g. engaging in gross misbehaviour;

h. engaging in gross neglect of duty;

i. wrongfully and unreasonably holding out that he or she holds an office or position in the union;

j. making a false charge or complaint against a fellow member, including a complaint under this rule; or

k. aiding or encouraging any other member or members in any of the matters referred to above.

3. Members shall not subject a member who has made a complaint under this rule to adverse treatment.

4. The complaint must be raised in writing to the National Secretary. The complaint must clearly identify the member or members the subject of the complaint and the relevant action or actions that gave rise to the complaint. If the complaint is about the conduct of the National Secretary then the complaint may be raised with another National Officer.

5. The National Secretary (or if another National Officer receives the complaint, that National Officer) and at least one of the National Assistant Secretary or National President may refuse to accept a complaint if he or she considers the complaint to be trivial.

6. The National Secretary must refer the complaint to the National Executive Committee for the purpose of appointing an Investigator.

7. The National Executive Committee shall appoint an Investigator. The Investigator must be a member of the National Executive. The Investigator must not be an officer from the same Division as the member or members the subject of the complaint.

8. The Investigator shall investigate the complaint and provide a report to the National Executive Committee.

9. During the course of the investigation the Investigator may:

a. interview members or officers for the purpose of the investigation, and

b. require members or officers to provide documents relevant to the investigation.

10. Members will cooperate with the Investigator by attending interviews and providing all documents requested.

11. No one is entitled to legal representation during the investigation.

12. In the report the Investigator shall include his or her findings on the matters the subject of the complaint and include recommendations for action to be taken by the National Executive Committee. The Investigator may conclude that no action is necessary.

13. A copy of the Investigator's report shall be provided to the member who raised the complaint and to the member or members the subject of the complaint. Where the report recommends action against any member or members the member or members shall be given the opportunity to respond to the Report before the National Executive Committee considers any action.

14. Upon receipt of the Investigators report the National Executive Committee may take action in accordance with the recommendations of the Investigator's or take other action, as it considers appropriate.

15. Any decision of the National Executive Committee to take action against a member or members may be appealed to the National Executive.

16. The procedure in this rule shall apply in addition to any other procedure in the rules dealing with complaints about the conduct of members

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each division shall have autonomy in relation to its funds and property.

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

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

(vi) Divisions, other than the Forestry, Furnishing, Building Products and Manufacturing Division, shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland, New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.202 of the Industrial Relations Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of state unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or National Assistant Secretary or any person authorised by a National Secretary or National President or National Assistant Secretary so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary or any person authorised by a Divisional Secretary or Divisional Assistant Secretary may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, Divisional Secretary or Divisional Assistant Secretary, or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests issued by a Divisional Secretary or Divisional Assistant Secretary or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National Assistant Secretary, National President, Divisional Secretary and/or Divisional Assistant Secretary shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.

(g) The taking of industrial action (within the meaning of the Workplace Relations Act 1996), building industrial action (within the meaning of the Building and Construction Industry Improvement Act 2005) or picketing by members is not authorised by the union without the consent of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof).

Provided however that the preceding paragraph shall not restrict the right of a person or body duly authorised by such a committee of management to authorise industrial action in accordance with s 446 (1)(a) of the Workplace Relations Act 1996, or any successor provisions thereto.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 361 Kent Street, Sydney in the State of New South Wales, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

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

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

35 - RECOVERY OF DUES

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

36 - LEVIES

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

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

(iii) A Division or Divisional Branch may impose a levy on its members.

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

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

37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

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

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

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

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

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

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

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

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

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

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

   If the votes are equal the question is resolved in the negative.

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

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

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

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

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

11. Any delegate or member speaking shall at once resume their seat -

    (a) If the chairperson rises to speak; or
    (b) If a point of order is raised.

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

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

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

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

CHAIRPERSON'S RULINGS

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

SUSPENSION OF ORDER OF BUSINESS

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

SITTING AS A COMMITTEE

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

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

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

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

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the Industrial Relations Act 1988, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, telex, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee, following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including

members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted

(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) deleted

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the

former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer

is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - Divisional Restructuring (FEDFA)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps which steps may deal with one Division at a time, Divisional Branches within a Division and/or the Divisional Office of any particular Division.

2. In relation to the above, the FEDFA Division shall be restructured in steps which shall involve:

(a) The abolition of full-time Divisional Officers at a national level and the allocation of responsibility for the FEDFA Division between the Building Unions Division and the UMW Division;

(b) The allocation of full-time Divisional Officers of the FEDFA Division to the Building Unions Division and the UMW Division;

(c) The continued operation of the Divisional Branches of the FEDFA Division with the intent, over time, of the restructuring of said Divisional Branches in accordance with Rule 42, into the Building Unions/Construction and General Division, UMW/Mining & Energy Division and the ATAIU/Forestry Division;

(d) The payment of capitation fees by FEDFA Divisional Branches to a designated fund which shall be administered by the Divisional Secretary of the FEDFA Division or, if or when that Office is abolished by the former Divisional Secretary and the Divisional Secretaries of the Building Unions and/or Construction and General Division and the UMW and/or Mining and Energy Division.

(e) The continued meeting of the Division Executive of the FEDFA Division for so long as is necessary before the complete restructuring of the FEDFA Division is effected in accordance with Rule 42.

3. On and from 27 September 1993, in accordance with the above procedure, the current Divisional Secretary of the FEDFA Division shall be and become the Divisional President of the Building Unions Division and the current Divisional Assistant Secretary of the FEDFA Division shall be and become a Divisional General Vice-President of the UMW Division and upon translation in accordance with Rule 42 (iii), shall hold the corresponding offices in the Construction and General Division and the Mining & Energy Division respectively.

4. The current Divisional Secretary and Divisional Assistant Secretary of the FEDFA Division shall continue to hold those positions in the FEDFA Division on an honorary basis until such time as the FEDFA Division no longer meets on a national basis.

5. This Rule shall come into force after its adoption by the National Executive and agreement thereto by the FEDFA Divisional Executive, UMW Divisional Executive and Building Unions Divisional Executive and thereupon shall be registered with the Australian Industrial Registry and shall take effect upon registration, or 27 September 1993, whichever is the later.

6. Further to the above provisions, and notwithstanding any other rule of the Union to the contrary, during the process of restructuring, any Divisional Branch of the FEDFA Division may reach agreement with any or all of the UMW Division/Mining & Energy Division and/or the Building Unions Division/Construction and General Division and/or the Forestry Division or the relevant Divisional Branches thereof to transfer members and officers of the FEDFA Division to any and/or all of the other aforementioned Divisions. Such agreement shall be reached with the approval of the Management Committee or its equivalent in each Divisional Branch and the officers concerned. Any such Divisional Branch may reach agreement on some or all of the matters relating to such transfer and, failing agreement on any or all of such matters, refer the matters by agreement to the National Executive for decision. Until such time as there no longer exists an FEDFA Division in accordance with the Rules of the Union, all such officers transferred shall, notwithstanding the holding of positions in other Divisions, continue to hold the office or position in the FEDFA Division on an honorary basis and shall, to the extent that the Rules require same, continue to perform the functions associated with that office in relation to the FEDFA Division. All agreements in relation to the transfer of members and officers shall be notified to the National Executive Committee and attached to the Minutes thereof. Such agreements shall have force and effect in accordance with the terms thereof and from the date of effect of that agreement as specified in that agreement, or failing any specification thereof, on the date of the agreement.

7. The following table shows the restructuring of the FEDFA Division, merging with the appropriate Union Division to create Industry Divisions:

	(	merged with	)
STATE	CONSTRUCTION AND GENERAL	MINING AND ENERGY	FORESTRY
National Office	27 Sept 1993	27 Sept 1993	
Queensland	4 Feb 1994	1 Jan 1993	
New South Wales		Northern 2/4/93 Southern 1/7/93 Western 8/4/93 Energy 21/7/93	
Tasmania	31 July 1996	24 August 1996	1 Jan 1994
Sth Aust	1 Aug 1993	1 Aug 1993	
West Aust	1 Sept 1993	1 Sept 1993	
Victoria	1 Aug 2003	2 Jan 2001	
Barrier		1 July 1996	

42B - Merger with ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DIVISIONAL RESTRUCTURING (FFTS)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps, such steps may deal with one Division at a time and/or Divisional Branches within a restructured Division at a time.

2. In relation to the above, the FFTS Division shall on and from the 11th February 2002, be restructured in the first instance into the Forestry Division to form "The Forestry, Furnishing, Building Products and Manufacturing Division" (FFPD) which shall result in:

   (a) The abolition of full-time FFTS Divisional Officers at a national level and the allocation of responsibility for the FFTS Division to the restructured Division.

   (b) The allocation of Divisional/Branch Office Holders of the FFTS Division to the Office Holders positions of the restructured Division.

   (c) The continued operation of the Victorian and Queensland Divisional Branches of the FFTS Division within the restructured Division of up to four years beyond the expiration of the eight years referred to in sub-rule 42(xii). This sub-rule shall not otherwise affect the operation of sub-rule 42(xii). For the avoidance of doubt, the four years referred to in this sub-rule shall expire on 26 March 2005.

3. Further to the above provisions and notwithstanding any other rule of the Union to the contrary, the FFTS Victorian Branch shall unless otherwise agreed by the FFTS Victorian Branch Management Committee maintain its current structure and existence within the restructured Division up until 26 March 2005.

4. Prior to the 26 March 2005, the FFPD (which shall include representatives of the former FFTS Division) and the Construction & General Division (which shall include representatives from the National Office and all interested Branches) will meet under the chairpersonship of the National Secretary of the CFMEU to reach agreement to finalise translation/integration provisions intended by the respective Schemes of Amalgamation and the Rules of the Union in respect to the Forestry, FFTS and C&G Divisions.

5. Should agreement not be reached between the Divisions the matter shall be referred to the CFMEU National Executive to determine in accordance with the Schemes of Amalgamation and Rules of the Union.

6. Until the elections scheduled to be held in August 2004 the FFPD shall be constituted and represented as follows:-

(a) Divisional Conference shall consist of:-

(i) Forestry Division Representatives

Trevor Smith	SA	Jane Calvert	VIC
Paul Martinella	SA	Andy Laing	VIC
Mark Nicholls	SA	Ian Mullen	VIC
Brenton Lockwood	SA	Michael O'Connor	VIC
Scott McLean	TAS	Brad Platschinda	VIC
Colin Butler	TAS	Bevan Anderson	NSW
Gary Jaeschke	WA	Bruce CampbellNSW	
Christopher Northover	P&P	Craig Smith	NSW
Phillip Illidge	P&P	Eileen Anderson	NSW
Alex Millar	P&P	Kenneth Miller	NSW
Debbie Brennan	P&P		

(ii) FFTS Division Representation

Jim Emery	SA	Leo Skourdoumbis	VIC
David Kirner	SA	Frank Vari	VIC
Brad Parker	NSW	Joe Patti	VIC
Greg Williams	QLD	Cliff Palmer	VIC
John O'Brien	VIC	Alwin Seneviratne	VIC

(iii) Representation

Representation of the Forestry and FFTS Division Branches shall be in accordance with Rule 8 of the Forestry Division Rules.

(b) Divisional Executive shall consist of:-

(i)

Jane Calvert	Divisional President
Phillip Illidge	Divisional Snr V/President
Brad Parker	Divisional V/President
Craig Smith	Divisional V/President
Trevor Smith	Divisional Secretary
Chris Northover	Divisional Snr Assistant Secretary (Honorary)
Michael O'Connor	Divisional Assistant Secretary
Leo Skourdoumbis	Divisional Assistant Secretary (Honorary)
Kenneth Miller	Divisional Trustee
Dave Kirner	Divisional Trustee
Frank Vari	Divisional Trustee
Scott McLean	Divisional Trustee
Paul Martinella	Divisional Executive Member
Greg Williams	Divisional Executive Member
Gary Jaeschke	Divisional Executive Member

(c) FFPD NSW Branch Executive/Committee of Management

Brad Parker	Joint President (full-time)
Bevan Anderson	Joint President (Honorary)
Bruce CampbellSnr V/President	
Jayne Willet	Jnr V/President (AA)
Tom Abramovic	Jnr V/President
Craig Smith	Secretary
Sala Taalilil	Trustee
Eileen Anderson	Trustee (AA)
Peter Reilly	Trustee
Ronnie Watson	Trustee
Kenneth Miller	Trustee
Alan Lanyon	Committee Member
Barry Barrakett	Committee Member
Cheryl Hampton	Committee Member
Kerry Hickey	Committee Member
Mark Thompson	Committee Member
Michael Schuppan	Committee Member
Peter StClair	Committee Member
Anthony Ovington	Committee Member

(2 Vacant COM positions to be filled by FFTS)

(d) (a) FFPD VIC FFTS Branch Executive/Committee of Management

Joe Patti	President
Cliff Palmer	V/President
John O'Brien	V/President
Leo Skourdoumbis	Secretary
Frank Vari	Assistant Secretary
Michael Doran	Trustee
Ernie Landolt	Trustee
Les Ford	Trustee
Florencio P Carrion	Committee Member
Eric Maher	Committee Member
Jeffery Connor	Committee Member
Brenda Crawford	Committee Member
Penny Lintzos	Committee Member
James Maine	Committee Member
Alwin Seneviratne	Committee Member
Greg Wheeler	Committee Member
Chris Christou	Committee Member
Damian Cooke	Committee Member
Ian Morris	Committee Member

(b) FFPD VIC Forestry Branch Executive/Committee of Management

Andy Laing	President
Ian Mullen	Snr V/President
Andrew Wareham	V/President
Kim Mason	V/President (AA)
Jane Calvert	Secretary
Yorick Piper	Assistant Secretary
Kevin Wyley	Trustee
Clare Burford	Trustee (AA)
Ken Tonkin	Trustee
Mark Nelson	Trustee

Ricky Owens	Committee Member
Bob Salmnon	Committee Member
Wayne Smith	Committee Member
Neil Saunders	Committee Member
David Sheppard	Committee Member
Sunsera Verhoven	Committee Member
Anthony Jones	Committee Member
Duncan Ingram	Committee Member
Graeme Howe	Committee Member

(1 vacant COM AA position to be filled)

(e) FFPD Pulp & Paper Branch Executive/Committee of Management

Phillip Illidge	President
Robert Johnston	Snr V/President
Alex Millar	Jnr V/President
Chris Northover	Secretary/Treasurer
Grant Keys	Trustee
Chris Northover	Trustee
Alex Millar	Trustee
Geoff Gasperotti	Committee Member
Wayne Hardy	Committee Member
Andrew Ball	Committee Member
Greg Stewart	Committee Member
David Jessup	Committee Member
Mervyn Donoghue	Committee Member
Tom Blacka	Committee Member
Craig Waters	Committee Member
Ken Fraser	Committee Member
William Davey	Committee Member
Greg Godde	Committee Member
Trevor Sinclair	Committee Member
Marne Gurney	Committee Member

(f) FFPD SA Branch Executive & Committee of Management

Jim Emery	President
Mark Nicholls	Snr V/President
Tony Howlett	V/President
Maree Gale	V/President
Paul Martinella	Secretary
David Kirner	Assistant Secretary
Steve Crafter	Trustee
Tom Kenny	Trustee
Ross Bennetta	Trustee
Leonie Kiploks	Trustee (AA)
Karen Cory	Committee Member
Mark Vickers	Committee Member
Peter Nelson	Committee Member
Greg Muhovics	Committee Member
Andrew Sampson	Committee Member
Kym Isaacson	Committee Member
Peter Starr	Committee Member
Bill Burns	Committee Member
Bernie Maguire	Committee Member
Laurie Barbary	Committee Member

(1 Vacant COM AA position to be filled by FFTS)

(g) FFPD TAS Branch Executive & Committee of Management

Colin Butler	President
Angela Lord	Snr V/President
Narrelle Bassett	V/President (AA)
Anthony Clay	V/President
Scott McLean	Secretary
Shiralee Gillespie	Trustee (AA)
Ronald Brown	Trustee
Leanne Hardy	Trustee (AA)
Lindsay Hills	Trustee
Robert Bowden	Committee Member
Paul Worker	Committee Member
Peter Mason	Committee Member
Margaret Watson	Committee Member
Kylie Dundas	Committee Member
Joseph Kelly	Committee Member
Anthony Barnes	Committee Member
Adrian Littlejohn	Committee Member

(h) FFPD QLD Branch Executive/Committee of Management

Ursula Korableff	President
Desmond Flanagan	V/President
Stephan Williams	V/President
Greg Williams	Secretary
Rodney Black	Committee Member
Vincent Breen	Committee Member
John Forrest	Committee Member

(i) FFPD WA Branch Executive/Committee of Management

John Rudge	President
Vincent Preedy	Snr V/President
Douglas Ashcroft	V/President
Gary Jaeschke	Secretary (Honorary)
John Cleary	Trustee
Garry Rampling	Trustee

7. This rule shall come into force on and from 11 February 2002 in accordance with the unanimous decision of the National Executive and shall be registered with the Australian Industrial Registry.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

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45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such

State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS

(i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

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

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

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

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made pursuant thereto.

Upon receipt by the State Branch Secretary of a petition, signed by not less than 5% of the members of the State Branch, requesting that a general meeting of members of the State Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the State Branch, the State Branch Secretary shall convene such meeting as soon as is practicable.

50A - POLICIES AND PROCEDURES - EXPENDITURE

(a) Each Branch shall develop and implement internal control policies and procedures relating to the expenditure of the Branch, to ensure that the Branch is conducted in accordance with the principles of good governance and to ensure accountability to members of the Branch.

(b) Such policies and procedures shall be adopted by the State Executive and once adopted, shall be binding on all officers and members of the Branch. Such policies and procedures must be identified in the resolutions of the State Executive as Rule 50A policies and procedures.

(c) Rule 50A policies and procedures must be published on the website of the Branch with fourteen (14) days of their adoption.

(d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Division and Divisional/District Branch of the Union.

50B - DISCLOSURE BY BRANCH OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

(a) Each person holding office in a Branch shall disclose to the Branch any remuneration paid of the officer:

(i) because the officer is a member of a board if:

(A) the officer is a member of the board only because the officer is an officer of the Branch; or

(B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or

(ii) by a related party of the Branch, in connection with the performance of the officer's duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Branch shall disclose to the members of the Branch:

(i) the identity of each officer of the Branch who, when all officers of the Branch are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second;

(ii) for each of those officers

(A) the actual amount of the officer's relevant remuneration for the disclosure period; and

(B) the form of the officer's relevant non-cash benefits for the disclosure period.

(d) For the purposes of sub-rules (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50C - DISCLOSURE BY BRANCH OFFICERS OF MATERIAL PERSONAL INTEREST

(a) Each person holding an office in the Branch shall disclose to the Branch any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Union or Branch.

(b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The State Executive shall disclose to the members of the Branch the interests disclosed to the Branch pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year:

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50D - DISCLOSURE BY BRANCH OF PAYMENTS

(a) The Branch shall disclose to the members of the Branch either of the following

(i) each payment made by the Branch, during the disclosure period:

(A) to a related party of the Branch; or

(B) to a declared person or body of the Branch; or

(ii) the total of the payments made by the Branch during the disclosure period:

(A) to each related party of the Branch; or

(B) to each declared person or body of the Branch.

(b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Branch from remuneration payable to officers or employees of the Branch.

(c) Sub-rule (a) does not apply to a payment made to a related party if:

(i) the related party is an officer of the Branch; and

(ii) the payment:

(A) consists of remuneration paid to the officer by the Branch; or

(B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(d) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

SCHEDULE OF OFFICERS REFERRED TO IN RULE 42 (xiv) (a)

POSITION	PERSON TO HOLD POSITION
NATIONAL UNION	
** Joint National Secretary	Stanley Sharkey
** Joint National Secretary	Vic Fitzgerald
** Joint National President	John Maitland
** Joint National President	Trevor Smith
** National Assistant Secretary	John Sutton
** National Senior Vice President	Lou Kyriacou
* National Senior Vice President	Albert Littler
National Senior Vice President	Bill Ethell
Joint National Vice President	Christopher Northover
Joint National Vice President	Kenneth Hawkins
Joint National Vice President	Malcolm McDonald
Joint National Vice President	Thomas Burke
* FEDFA Divisional Assistant Secretary	Tony Maher
* BWIU/Plasterers Divisional Assistant Secretary	Lindsay Fraser
* ATAIU Divisional Assistant Secretary	Chris Northover

* UMW Divisional General Secretary	Eric A Wilks
* UMW Divisional Vice President	Kenneth Hawkins

NATIONAL EXECUTIVE COMMITTEE shall consist of the six (6) principal officers (marked **) plus the other full-time Divisional Officers of each Division (marked *).

NATIONAL EXECUTIVE shall consist of the persons who constitute the National Executive Committee set out above and the Divisional Branch Secretary of each Divisional Branch of each Division set out herein and shall, in accordance with Rule 42 (viii) (a) include the National President and National Secretary of the former OPPWF. This body shall also include the Divisional Branch Secretaries from Victoria, New South Wales, South Australia and Queensland of the FFTS Union Division.

It also includes the South Australian, Victoria and Queensland Branch Secretaries and the NSW Branch Assistant Secretary of the former OPDU.

NATIONAL CONFERENCE shall consist of the persons listed as the members of the four (4) divisional executives set out herein until 2 January 1997, the following shall also be a delegate,

T. Richardson - Secretary of former OPPWF, Queensland Branch.

The National Conference shall also include the persons (as set out herein) comprising the Federal Executive of the FFTS Union Division while that Union Division remains autonomous.

BRANCHES OF THE UNION

NEW SOUTH WALES BRANCH

New South Wales State Officers

Joint NSW State Secretary	Dennis Matthews
Joint NSW State Secretary	Ian Peel
Joint NSW State President	Gavin Hillier
Joint NSW State President	Michael Watson
Joint NSW State Assistant Secretary	Andrew Ferguson
Joint NSW State Assistant Secretary	Alf Rankin
Joint NSW State Senior Vice President	Thomas Burke
Joint NSW State Senior Vice President	Peter McClelland
Joint NSW State Senior Vice President	Edward Curran
Joint NSW State Senior Vice President	Sid Wales
Joint NSW State Vice President	Bevan Anderson
Joint NSW State Vice President	Howard Fisher
Joint NSW State Vice President	Mick Smith
Joint NSW State Vice President	Gary McArthur

New South Wales State Executive

Shall consist of the abovenamed persons being the NSW State Officers together with the persons who are the full-time Divisional Branch officers, other than organisers, of each Divisional Branch, being,

ATAIU NSW Divisional State Assistant Secretary, Joyce Tuckwell
FEDFA NSW Divisional State Assistant Secretary, Scott Gartrell
FFTS NSW Union Divisional State Assistant Secretary, Rex Smith

New South Wales State Conference

Shall consist of the persons who constitute NSW State Executive as listed above (i.e. including NSW State Officers) and the persons being the other members of ATAIU NSW Divisional Branch Management Committee and the Building Unions NSW Divisional Branch Management Committee and the UMW Divisional Branch Management Committee, and the FEDFA NSW Divisional Branch Management Committee and the FFTS Union Division NSW Branch Management Committee listed herein.

VICTORIAN BRANCH

Victorian State Officers

Joint Vic State Secretary	John Van Camp
Joint Vic State Secretary	Vince Raffa
Joint Vic State President	Barry King
Joint Vic State President	Lou Kyriacou
Joint Vic State Assistant Secretary	Martin Kingham
Joint Vic State Assistant Secretary	Vacant
Vic State Senior Vice President	Frank O'Grady
Joint Vic State Vice President	Vilma Stargatt
Joint Vic State Vice President	Malcolm McDonald
Joint Vic State Vice President	Alex Findlay
Joint Vic State Vice President	Vacant

Victorian State Executive

Shall consist of the abovenamed persons being the Victorian Divisional Officers, Building Unions Victorian Divisional State Assistant Secretary and the FEDFA Victorian Divisional State Assistant Secretary plus FFTS Union Division Victorian Divisional Branch Senior Organiser.

Victorian State Conference

Shall consist of the persons who constitute the persons being the other members of the ATAIU Victorian Divisional Branch Management Committee, the BWIU Victorian Divisional Branch Management Committee and the FEDFA Victorian Branch Management Committee and the FFTS Union Division Victorian Divisional Branch Management Committee listed herein.

SOUTH AUSTRALIAN BRANCH

South Australian State Officers

SA State Secretary	Ben Carslake
SA State President	Quentin Cook
Joint SA Senior State Vice President	A. Johnson
Joint SA Senior State Vice President	D. Frater
Joint SA State Vice President	A. Young
Joint SA State Vice President	G. Bull
Joint SA State Vice President	D. Stapleton
Joint SA State Assistant Secretary	Terry Carrol
Joint SA State Assistant Secretary	Geoff Day
Joint SA State Assistant Secretary	J. McGirr

South Australian State Executive

Shall consist of the abovenamed persons being South Australian State Officers and

ATAIU SA Divisional Branch Assistant Secretary
FFTS SA Divisional Branch Assistant Secretary

South Australian State Conference

Shall consist of the persons who constitute South Australian State Executive set out above and the persons being the other members of the ATAIU South Australian Divisional Branch Management Committee, the Building Unions South Australian Divisional Branch Management Committee the FFTS Union Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee listed herein.

TASMANIAN BRANCH

Tasmanian State Officers

Joint Tas State Secretary	Max Cordwell
Joint Tas State Secretary	Mike Grey
Joint Tas State President	Shayne Murphy
Joint Tas State President	Leonard Miles
Tas State Senior Vice President	Stephen Hevey
Joint Tas State Vice President	J. Gill
Joint Tas State Vice President	Colin Butler
Joint Tas State Vice President	M. Collins
Joint Tas State Vice President	David Bean
Joint Tas State Vice President	Barry Bishop
Joint Tas State Vice President	Ray Carroll
Tas State Assistant Secretary	

Tasmanian State Executive

Shall consist of the Full Time Tasmanian State Officers.

Tasmanian State Conference

Shall consist of the persons listed as the Tasmanian State Executive set out above and, the other persons being the persons listed as members of the ATAIU Tasmanian Divisional Branch Management Committee, UMW Tasmanian Divisional Branch Management Committee, the Building Unions Tasmanian Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee and the FFTS Union Division Tasmanian Branch Management Committee listed herein.

AUSTRALIAN CAPITAL TERRITORY BRANCH

ACT State Officers

ACT State Secretary	George Wason
ACT State President	Rod Driver
Joint ACT State Vice President	Kate Lundy
Joint ACT State Vice President	J. McHugh
Joint ACT State Assistant Secretary	Trevor Zeltner
Joint ACT State Assistant Secretary	Stan Hambesis

ACT State Executive

Shall consist of the abovenamed persons listed as ACT State Officers.

ACT State Conference

Shall consist of those persons listed above as being the ACT State Executive and the other persons listed herein as members of the Building Unions ACT Divisional Branch Management Committee.

WESTERN AUSTRALIAN BRANCH

Western Australian State Officers

WA State Secretary	Bill Ethell
Joint WA State President	John Borlini
Joint WA State President	Alex A'Vard
Joint WA State Vice President	Gary Wood
Joint WA State Vice President	A. Baxter
Joint WA State Vice President	Ron Kielty
Joint WA State Vice President	A. Cook
Joint WA State Vice President	K. Reynolds
Joint WA State Assistant Secretary	Rick Todd
Joint WA State Assistant Secretary	Dave McIntyre

WA State Executive

Shall consist of the abovenamed persons listed as WA State Officers.

WA State Conference

Shall consist of those persons listed above as being the WA State Executive and the persons listed herein as members of the both Building Unions Divisional Branches' Management Committees, the members of the UMW WA District Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee.

QUEENSLAND BRANCH

Queensland State Officers

Joint Qld State Secretary	William Trohear
Joint Qld State Secretary	Greg Betts
Joint Qld State President	Andrew Vickers
Joint Qld State President	Peter Stone
Joint Qld State President	Des Holloway
Joint Qld State Senior Vice President	V. Robinson
Joint Qld State Vice President	B. Rushan
Joint Qld State Vice President	Kevin Anderson
Joint Qld State Vice President	Peter Neilson
Joint Qld State Assistant Secretary	Mark Hickey
Joint Qld State Assistant Secretary	Geoff Wilson
Joint Qld State Assistant Secretary	P. Waters

Queensland State Executive

Shall consist of the abovenamed persons listed as Queensland State Officers plus an additional person being the FFTS Union Division Qld Branch Assistant Secretary.

Queensland State Conference

Shall consist of those persons listed above as being the Queensland State Executive and the persons listed herein as members of the Building Unions Queensland Divisional Branch Management Committee, the members of the UMW Divisional Branch Management Committee and the members of the FEDFA Divisional Branch Management Committee and members of the FFTS Union Division Qld Divisional Branch Management Committee.

BUILDING UNIONS DIVISION

DIVISIONAL OFFICERS

Joint Divisional President	A. Littler
Joint Divisional President	B. Ethell
Divisional Secretary	S. Sharkey
Joint Divisional Assistant Secretary	J. Sutton
Joint Divisional Assistant Secretary	L. Fraser
Joint Divisional Senior Vice President	D. McDonald
Joint Divisional Senior Vice President	J. McGirr
Joint Divisional Vice President	C. Bates
Joint Divisional Vice President	M. Bingham
Joint Divisional Vice President	T. Burke

BUILDING UNIONS DIVISIONAL EXECUTIVE

The Divisional Officers of Building Unions Division as set out above, and

W. Trohear	Queensland
M. Cordwell	Tasmania
B. Carslake	South Australia
V. Raffa	Victoria
D. Cafferty	Victoria
G. Wason	Australian Capital Territory
D. Matthews	New South Wales
A. Rankin	New South Wales
B. Ethell	Western Australia
T. Carroll	Plasterers
K. Reynolds	WA Plasterers

BUILDING UNIONS DIVISIONAL CONFERENCE

The Divisional Officers of Building Unions Division and the Divisional Executive as set out above, and the following delegates from Building Unions Divisional Branches:

A. Ferguson	(NSW)	A. Wigchert	(QLD)
P. Grainger	(NSW)	M. Hickey	(QLD)
J. Briggs	(NSW)	T. Richardson	(QLD)
T. Morrison	(NSW)		
T. Mawdsley	(NSW)	F. O'Grady	(VIC)
J. Taylor	(NSW)	R. Williams	(VIC)
I. Smith	(NSW)	M. Kingham	(VIC)
B. Woodham	(NSW)	J. Saddington	(VIC)
T. McDonald	(NSW)		
E. Boatswain	(NSW)	R. Todd	(WA)

- together with the OPDU Federal Council as at the date of amalgamation.

BUILDING UNIONS DIVISIONAL TRUSTEES

W. Trohear	(QLD)
R. Driver	(ACT)

BUILDING UNIONS NSW DIVISIONAL BRANCH

Divisional State President	P. McClelland
Divisional State Secretary	D. Matthews
Joint Divisional State Assistant Secretary	A. Ferguson
Joint Divisional State Assistant Secretary	T. Burke
Joint Divisional State Assistant Secretary	A. Rankin
Divisional State Vice President	G. McArthur

BUILDING UNIONS NSW DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners
T. Morrison
J. Pineiro
I. Smith
L. Strutzenberger
M. Barrios

Bricklayers
H.D. Eisenhammer
A. Baxter

Builders Labourers
J. Ashdown
P. Balcombe
I. Gavin
S. Green

Bridge & Wharf
A. Melnikoff

Tilelayer
L. Quill

Stonemason
S. Cafarella

Slater & Tiler
M. Murphy

Plasterer
C. Howarth

Painters
J. Anning
J. Foster
J. Hoddle

BUILDING UNIONS NSW DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and -

Sydney Zone

Sydney Carpenters & Joiners
H. Brazao
P. Bristow
T. Connolly
P. Eggers
E. Elder
G. Kelly
F. Malis
P. Leyden
A. Zdrilic

Country Zone

Country Carpenters & Joiners
L. Allen
R. Wills

Country Bricklayer
D. Atkinson

Country Builders Labourer
W. Shipman

Sydney Bricklayers
V. Catania
J. Taylor
M. McAliney

Sydney Builders Labourers
B. Granata
E. Harbidge
G. Sheen
D. Stean
J. McGee
S. Whetter

Bridge & Wharf
C. Ford

Tilelayers
L. Quill

Slaters & Tilers
M. French

Stonemasons
J. Robinson

Plasterer
K. Andrews

Newcastle Zone

Newcastle Carpenters & Joiners
J. Allen
P. Cuskelly

Newcastle Bricklayer
L. Deeks

Newcastle Builders Labourer
E. Purins

Wollongong Zone

Wollongong Carpenters & Joiners
T. Gray
G. Karry

Wollongong Bricklayer
W. Hall

Wollongong Builders Labourer
M. Ward

BUILDING UNIONS NSW DIVISIONAL BRANCH TRUSTEES

T. Morrison
L. Strutzenberger
S. Green
J. Anning

BUILDING UNIONS NSW DIVISIONAL BRANCH ORGANISERS

B. Miller
P. Grainger
W. Baker
J. Briggs
B. Cochrane
N. Fodor
J. Higgins
J. Curruthers
J. Prentice
J. McKee
T. Hunt
M. Lawler
P. Zaboyak
M. Lynch
S. Manna
T. Mawdsley
D. Sullivan
C. Bates
J. Adams
J. McGahan
B. Beasley

Newcastle: R. Jarman

BUILDING UNIONS NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

T. McDonald
S. Sharkey
D. McDonald
J. Briggs
I. Smith
E. Boatswain
D. Matthews
L. Fraser
C. Bates
A. Ferguson

P. Grainger
J. Taylor
J. Sutton
T. Burke
T. Morrison
T. Mawdsley
B. Woodham

BUILDING UNIONS QLD DIVISIONAL BRANCH

Divisional State President	P. Stone
Divisional State Secretary	W.W. Trohear
Divisional State Assistant Secretary	M. Hickey
Divisional State Assistant Secretary	P. Waters
Divisional State Vice President	K. Anderson
Divisional State Vice President	B. Rushan

BUILDING UNIONS QLD DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

B. Tucker
P. Stone
T. Richardson
R. Bostock
K. Marcus
K. Anderson
B. Hopton
K. Bull
R. Vanderhorst
A. Pountey
F. Pearson
J. Gruer
G. Federer
B. Hall
G. Horn
B. McGill
M. Edwards

BUILDING UNIONS QLD DIVISIONAL BRANCH TRUSTEES

P. Stone
T. Richardson
R. Bostock
R. Vanderhorst

BUILDING UNIONS QLD DIVISIONAL BRANCH ORGANISERS

W. Perrett
D. Kersey
T. Richardson
K. Murphy
K. Carroll
G. Howcroft
A. Wigchert

BUILDING UNIONS QLD DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. Trohear
A. Wigchert
M. Hickey
T. Richardson

BUILDING UNIONS WA DIVISIONAL BRANCH

Divisional State President	A. Baxter
Divisional State Secretary	B. Ethell
Divisional State Assistant Secretary	R. Todd

BWIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

N. Houston
P. Alcantara
B. Churchill
B. Freeman
T. Bird
H. Johnson
M. Banks
J. Giles

BWIU WA DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

Perth
G. Curtin
R. Gaskell
C. Knight
B. Waller
A. De Klerk
M. Floud
N. Drayton
A. Hughes
K. Bulloch
J. Fitzgerald

Fremantle/Medina
C. Gorham
A. Phillips
J. Allison
P. Fairbotham
J. Curran

South West
J. McDonell

BWIU WA DIVISIONAL BRANCH ORGANISERS

D. Wildgoose
J. Gallagher

BWIU WA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Ethell
R. Todd

BUILDING UNIONS WA PLASTERERS DIVISIONAL BRANCH

Divisional State President	Mark Hudston
Divisional State Secretary	Kevin Reynolds
Divisional Branch Delegate to National Conference	Kevin Reynolds
Divisional State Vice President	Roy Cox
Divisional Committee of Management	James Hamilton
	Michael Naughton
Divisional Branch Organiser	Robert Manwaring

BUILDING UNIONS TAS DIVISIONAL BRANCH

Divisional State President	Stephen Hevey
Divisional State Secretary	Max Cordwell
Divisional State Assistant Secretary	T. Benson
Joint Divisional State Vice President	Ray Browne
Joint Divisional State Vice President	Ray Carroll
Joint Divisional State Vice President	M. Collins

BUILDING UNIONS TAS DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Adrian Telha	Paul Ridgeway
Roy Smedley	Grant Jackson
Ray Carroll	Gary Taylor
R. Edwards	L. Verrell

BUILDING UNIONS TAS DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

002 Area	003 Area
C. Green	A.J. Smith
A. Currie	L. Edwards
R. Dillon	P. Harris

004 Area

W. Maloney
B. Knowles
R. Doe

BUILDING UNIONS TAS DIVISIONAL BRANCH TRUSTEES

Max Cordwell	Stephen Hevey
Ray Browne	Adrian Telha
R. C. Edwards	A. R. Benson

BUILDING UNIONS TAS DIVISIONAL BRANCH ORGANISERS

Mark Telha
Martin Clifford
Ray Carroll

BUILDING UNIONS TAS DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

M. Cordwell

BUILDING UNIONS VIC DIVISIONAL BRANCH

Divisional State President	F. O'Grady
Divisional State Secretary	V. Raffa
Divisional Branch Assistant Secretaries	M. Kingham M. Bingham
Divisional State Vice President	B. Oliver

BUILDING UNIONS VIC DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners
R. Williams
R. Carter
G. Lavery
D. Van Dam
M. Santana
W. Torpey
D. Noonan
B. Giagnacovo

Builders Labourers
T. Sinclair
R. Ryan
J. Nicol
P. Lennon
M. Bingham
M. Ratel

Painters
M. Baird
M. Garcia
K. B. Hughes
P. Boyle
M. Evans

Tilelayer
Z. Prazac

Stonemason
M. Newham

BUILDING UNIONS VIC DIVISIONAL BRANCH COUNCIL

Carpenters & Joiners
V. Nicoli
K. Green
D. Black
A. Moore
W. Oliver
H. Kotsabis
D. Jacobson
G. Preddy
D. Shacklock

Builders Labourers
T. Bockting
G. Young
G. Miles
D. Noonan
K. Hughes
J. Bruce
J. McPartlin
C. Leatham

Stonemasons
A. Patience
G. Slack

Tilelayers
O. Kypta
Z. Prazak

Zone Delegates

Ballarat
V. Broes
L. Brown
N. Davidson

Bendigo
T. Coleman
N. Pyle
L. Worme

Brunswick
M. Kingham
W. McConnel
F. Stradijot

Camberwell
J. Baysinger
R. Bentley
S. Mitchell

Clifton Hill
F. Amarante
R. Collins
S. West

Essendon
D. Deprisco
T. Hancy
V. Raffa

Footscray
P. Leckie
F. Lopez
R. Storey

Geelong
J. Cody
J. O'Mara
B. Roche

Goulburn Valley
C. Craig
A. Kerris
P. O'Flaherty

Latrobe Valley
V. Beaton
M. Smith
A. Nabulsi

Melbourne
R. Carter
M. Santana
G. Tsotsos

Mordialloc
G. Burleigh
I. Nichol
P. Sullivan

Murray Valley
L. Fahey
S. Masterson
J. Salinger

Oakleigh
L. Bacolas
J. Medlyn
B. Smith

Preston
M. Collingburn
R. Lucas
N. Porter

Prahran
B. Giagnacovo
A. Medina
S. Delaney

Richmond
D. Blake
C. Commons
R. Hakainsson

South Western
K. O'Connor
A. Sargent
G. Sullivan

Sunraysia
A. Boldock
D. Costa
M. Dawes

Wimmera
R. Nesibit
G. Scott
A. Patterson

BUILDING UNIONS VIC DIVISIONAL BRANCH TRUSTEES

M. Kingham
B. Oliver
Vacant

M. Bingham
F. O'Grady
M. Baird

BUILDING UNIONS VIC DIVISIONAL BRANCH ORGANISERS

R. Welsh
T. Sinclair
R. Storey
W. Bingham
A. Medina
D. Jacobson
D. Noonan
P. Muldeary

H. Kotsabis
R. Carter
T. O'Kane
D. Riddell
G. Young
M. Kingham
M. Garcia

BUILDING UNIONS VIC DIVISIONAL BRANCH DELEGATES DIVISIONAL CONFERENCE

F. O'Grady
M. Kingham
V. Raffa

R. Williams
J. Saddington
M. Bingham

BUILDING UNIONS SA DIVISIONAL BRANCH

Divisional State President	A. Johnson
Divisional State Secretary	B. Carslake
Divisional State Vice President	G. Millar
Divisional State Vice President	D. Stapleton
Divisional State Assistant Secretary/Treasurer	T. Carroll
Divisional State Assistant Secretary/Treasurer	J. McGirr

BUILDING UNIONS SA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

BWIU	PLASTERERS	PAINTERS
F. Gosden	G. Parrish	George Tilley
T. Karrandjis	R. Watson	Greg Tilley
C. Morton	R. Bennett	Lambden
D. Sellmann	A. Spano	Weir
T. Middleton	S. Kesisoglou	McEwan
		Evans

BUILDING UNIONS SA DIVISIONAL BRANCH ORGANISERS

M. Gnatenko
H. Koemecker
M. Bella

BUILDING UNIONS SA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Carslake

BUILDING UNIONS ACT DIVISIONAL BRANCH

Divisional State President	R. Driver
Divisional State Secretary	G. Wason
Joint Divisional State Assistant Secretary	S. Hambesis
Joint Divisional State Assistant Secretary	T. Zeltner
Divisional State Vice President	K. Lundy
Divisional State Vice President	J. McHugh

BUILDING UNIONS ACT DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Pyner	J. Grey Reitz
A. Dillon	D. Rail
J. Long	G. Roderick
T. Lagoya	L. Lancsar
J. Diamante	B. Larke
G. McGowan-Lay	G. Cleghorn
P. Johnstone	P. Trapani

BUILDING UNIONS ACT DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

D. Thompson	G. Kirkwood
B. Norman	G. Frasin
C. Kaskoutas	W. Thompson
M. Morgan	J. Clyde
T. Gooden	R. Hemsley

BUILDING UNIONS ACT DIVISIONAL BRANCH TRUSTEES

G. Wason
S. Hambesis
G. McGowan-Lay
R. Driver
K. Lundy

BUILDING UNIONS ACT DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

G. Wason

ATAIU DIVISIONAL BRANCH OFFICE HOLDERS

ATAIU DIVISIONAL OFFICERS

Divisional President	G. Hillier
Divisional Secretary	T. Smith
Divisional Assistant Secretary	C. Northover
Divisional Senior Vice President	S. Murphy
Joint Divisional Vice President	P. Illidge
Joint Divisional Vice President	B. King

ATAIU DIVISIONAL TRUSTEES

J. Tuckwell
V. Stargatt
Q. Cook

Who form the Divisional Executive, and who with the following form the Divisional Conference

A. Roberg (SA)
C. Butler (TAS)
J. Gallogley (NSW)
M. Schuppan (NSW)
J. Beeson (VIC)
E. Swainston (VIC)
A. Dunlop (Pulp & Paper)
M. St Clair (SA)
B. Anderson (NSW)
J. Quartermaine (NSW)
B. Campbell (NSW)
B. Murpy (VIC)
M. Graham (Pulp & Paper)

ATAIU SA DIVISIONAL BRANCH

ATAIU SA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Young
Divisional Branch Secretary	Q. Cook
Divisional Branch Vice Presidents	M. St Clair
	A. Roberg

ATAIU SA DIVISIONAL BRANCH TRUSTEES

E. Cathro
J. Nicks
P. Martinella

Who form the Executive.

ATAIU SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

L. Barry
L. Kilsby
G. Schultz
B. Lockwood
T. Goodrich
F. Beimans
L. Pelkonen

ATAIU SA DIVISIONAL COUNCIL DELEGATES

M. St Clair
T. Smith
A. Young
Q. Cook

ATAIU NSW DIVISIONAL BRANCH

ATAIU NSW DIVISIONAL BRANCH OFFICERS

Divisional President	B. Anderson
Divisional Secretary	G. Hillier
Divisional Assistant Secretary	J. Tuckwell
Divisional Vice Presidents	G. Sacco
	J. Gallogley

ATAIU NSW DIVISIONAL BRANCH TRUSTEES

S. McDonald
B. Campbell
M. Schuppan

Who are officers and form the Executive.

ATAIU NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

W. Englert
S. Hudson
W. Sentance
C. Brooks
K. Yelverton
J. Quartermain
C. McGowan

ATAIU NSW DIVISIONAL COUNCIL DELEGATES

G. Hillier
J. Gallogley
J. Quartermain
B. Campbell
B. Anderson
S. McDonald
K. Yvelton

ATAIU VIC DIVISIONAL BRANCH

ATAIU VIC DIVISIONAL OFFICERS

Divisional President	V. Stargatt
Divisional Secretary	B. King
Divisional Vice Presidents	V. Iluk
	E. Swainston

ATAIU VIC DIVISIONAL BRANCH TRUSTEES

J. Beeson
T. Carley
B. Murphy

ATAIU VIC DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

J. Browne
B. Harms
P. Love
R. Owens
T. Stinton
C. Walkear
S. Wilson
P. Tait

ATAIU VIC DIVISIONAL COUNCIL DELEGATES

V. Stargatt
M. Lynch
J. Beeson
E. Swainston
B. Murphy

ATAIU TAS DIVISIONAL BRANCH

ATAIU TAS DIVISIONAL BRANCH OFFICERS

Divisional President	C. Butler
Divisional Secretary	S. Murphy
Divisional Vice Presidents	R. Ford
	D. Turriff

ATAIU TAS DIVISIONAL BRANCH TRUSTEES

C. Butler
S. Cahoon
R. Smith

ATAIU TAS DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

M. Barber
S. Cahoon
R. Foster
R. French
D. Harkes
N. Lincoln
B. Riley
R. Smith

ATAIU TAS DIVISIONAL COUNCIL DELEGATES

C. Butler
S. Murphy

ATAIU WA DIVISIONAL BRANCH

ATAIU WA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Cook
Divisional Branch Secretary	A. A'Vard
Divisional Branch Vice President	D. Murie
Divisional Branch Treasurer	R. Taylor

ATAIU WA DIVISIONAL BRANCH TRUSTEES

P. McCarthy
K. Smith
R. Henry

ATAIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

R. J. Smith	C. Hagelund
R. Reiter	K. Cameron
V. McGlinn	J. Savage
G. P. Jaeschke	M. Bennett
W. J. Hall	

ATAIU NO. 7 DIVISIONAL BRANCH

ATAIU NO. 7 DIVISIONAL BRANCH OFFICERS

Divisional Branch President	P. Illidge
Divisional Branch Secretary/Treasurer	C. Northover
Divisional Branch Assistant Secretary/Treasurer	M. Graham
Divisional Vice Presidents	A. Dunlop
	R. Johnson

ATAIU NO. 7 DIVISIONAL BRANCH TRUSTEES

C. Northover M. Graham

ATAIU NO. 7 DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

D. Garlick	G. Aston
T. Mackerell	G. Morley
N. Anderson	C. Glaubitz
N. Allen	D. McKay
M. Donoghue	P. Graham
J. Wright	T. Kelly
W. Hardy	G. Lincoln
G. Draper	T. Dwyer

ATAIU NO. 7 DIVISIONAL COUNCIL DELEGATES

C. Northover	M. Graham
P. Illidge	

ATAIU NOWRA SUB-BRANCH

President	Peter Graham
Senior Vice President	Harry Knowles
Junior Vice President	Tim Cato
Secretary-Treasurer	Mervyn Donoghue
Committee of Management	Rhonda Shelley
	Jim Evans
	Ray Clarke
	Alan Whitton

Delegate to No. 7 Branch Committee of Management	Mervyn Donoghue
	Peter Graham

ATAIU BURNIE SUB-BRANCH

President	George Draper
Senior Vice President	Barry Connors
Junior Vice President	Eric Edwards
Secretary-Treasurer	Geoffrey Lincoln

Committee of Management

Alan Claridge	Graham Wells
Anthony Johnson	Andrew Crawn
Jack Wylie	Russell Norton
Danny Rowlands	Richard Troughton
Noel Stubbs	Rex Berry

Delegate to No. 7 Branch Committee of Management	Geoffrey Lincoln George Draper

ATAIU PORT HUON SUB-BRANCH

President	Barry Young
Senior Vice President	Colin McMullin
Junior Vice President	Jeff Parsons
Secretary-Treasurer	Wayne Hardy

Committee of Management

Neville Burgess	Graeme Goaman
David Greatbatch	Ricky Cowen

Delegate to No. 7 Branch Committee of Management	Wayne Hardy

ATAIU MYRTLEFORD SUB-BRANCH

President	Vacant
Senior Vice President	Bruce Dale
Junior Vice President	Paul Ryan
Secretary-Treasurer	Trevor Dwyer
Committee of Management	Oliver Evans Colin Richardson Trevor Davis Robert Arnold Christopher Stone
Delegate to No. 7 Branch Committee of Management	Trevor Dwyer

ATAIU MARYVALE SUB-BRANCH

President	Neville Anderson
Senior Vice Persident	Charles Glaubitz
Junior Vice President	Cidge Fabris
Secretary/Treasurer	Graeme Morley

Committee of Management	
Steven Gilham	Robert Brown
Vernon Jones	Charles Stuart
Geoffrey Dorling	Brian McNamara
Peter Morris	Steven Mason
Wayne Snell	Vincent Nabel
Delegates to No. 7 Branch	
Committee of Management	Neville Anderson
	Charles Glaubitz
	Graeme Morley
Delegates Gippsland Trades &	
Labour Council	Graeme Morley
	Vernon Jones
	Brian McNamara
	Robert Brown

ATAIU SYDNEY SUB-BRANCH

President	Donald McKay
Senior Vice Pesident	Ron McElhinney
Junior Vice President	Edward Pram
Secretary-Treasurer	Philip Illidge
Committee of Management	
William Daly	Les Smith
William Flowers	Anthony De Bono
Harry Marshall	Wayne Trewella
Mark Skennerton	Joseph Bodor
Delegates to No. 7 Branch	
Committee of Management	Philip Illidge
	Donald McKay

ATAIU BROADFORD SUB-BRANCH

President	Vacant
Senior Vice President	Vacant
Junior Vice President	Vacant
Secretary-Treasurer	Len Allen
Committee of Management	Garry Nesbitt
	Terry Hobson
	Alan Cole
	Craig Waters
Delegate to No. 7 Branch	
Committee of Management	Len Allen

ATAIU MILLICENT SUB-BRANCH

President	John Wright
Senior Vice Pesident	Trevor Kelly
Junior Vice President	Richard Watts
Secretary-Treasurer	Robert Johnston

Committee of Management	Michael King
	Graeme Richards
	Mavis Kloock
	Graeme Richardson
	Gilbert Mouat
	Helen Walker
Delegates to No. 7 Branch Committee of Management	John Wright
	Trevor Kelly
	Robert Johnston

ATAIU MELBOURNE SUB-BRANCH

President	David Garlick
Senior Vice President	George Ashton
Junior Vice President	Vacant
Secretary-Treasurer	Alexander Dunlop

Committee of Management

William Horton	Stan Mazur
Terry Mackerell	Steve Morris
Tom Donelly	Ian James
Alex Miller	Michael Adamopolous

Delegates to No. 7 Branch Committee of Management	Alexander Dunlop
	David Garlick
	George Aston
Delegates to Victorian Trades Hall Council	Alexander Dunlop
	William Horton
	Terry Mackerell
	Malcolm Graham

UMW DIVISION

In accordance with Rule 42 - Transitional Provisions of the Rules of the Union being the National Rules the officers of the previously existing Mining Division immediately prior to the date of effect of the amalgamation shall be, on and from the date of effect of amalgamation the officers of the UMW Division which is the new name for the previous Mining Division and the only change therein shall be, to the extent necessary, the change in the title of office to reflect the change in the name of the Division from Mining Division to UMW Division.

FEDFA DIVISION

DIVISIONAL OFFICERS

Divisional President	M. McDonald
Divisional Secretary	V. Fitzgerald
Divisional Assistant Secretary	T. Maher

FEDFA DIVISIONAL EXECUTIVE

The Divisional Officers of FEDFA Division as set out above, and

I. Peel	New South Wales
J. Van Camp	Victoria
G. Betts	Queensland
G. Day	South Australia
B. O'Neil	Barrier
M. Grey	Tasmania
D. McIntyre	Western Australia

FEDFA DIVISIONAL CONFERENCE

The Divisional Officers of FEDFA Division and the Divisional Executive as set out above, and the following delegates from FEDFA Divisional Branches:

T. Maher	(NSW)
P. Jordan	(NSW)
B. Neilson	(VIC)
M. Hill	(VIC)
D. Holloway	(QLD)
G. Purtill	(QLD)
L. Wilson	(QLD)
B. Samson	(Barrier)
M. Buckley	(SA)
B. Low	(WA)
R. Harrison	(TAS)

FEDFA NSW DIVISIONAL BRANCH

Divisional Branch President	M. Smith
Divisional Branch Secretary	I. Peel
Divisional Branch Assistant Secretary	S. Gartrell

FEDFA NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above,

FEDFA NSW DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and regional delegates and organisers stated below,

Metropolitan	**Northern Region**
P. Wormleaton	N. Rose
R. Johnson	M. Sealby
B. Francis	G. Webb
D. Whitehead	D. Owens
D. Dunn	J. Nixon

Southern Region	**Western Area**
K. Anderson	R. Fuller
B. Barnham	W. Williams
G. Freeman	
T. Potter	

FEDFA NSW DIVISIONAL BRANCH ORGANISERS

Metropolitian
G. Avouris
T. Grant
S. Cochran

Northern
M. Beehag
S. Harding
L. Sinclair

Riverina
S. King
J. Wilson

Western
G. Childs

Southern
H. Miller

Mining
P. Jordan

Energy
A. Drew

FEDFA NSW DIVISIONAL BRANCH TRUSTEES

D. Dunn
L. Robinson
J. Owens

FEDFA NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

V. Fitzgerald
T. Maher
P. Jordan
I. Peel

FEDFA VICTORIAN DIVISIONAL BRANCH

Divisional Branch President	M. McDonald
Divisional Branch Secretary	J. Van Camp
Divisional Branch Assistant Secretary	M. Greenbury
Divisional Branch Vice President	M. Hill

FEDFA VICTORIAN DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

M. French
D. McDonald
D. Baker
J. Kadziela
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional Officers as set out above, and -

SECV Yallourn
P. Wilson

SECV Morwell
G. Reid

Country Provisional
W. Fleet
M. French
T. McKenzie
P. Skinner

SECV LaTrobe
(vacant)

Metropolitian
D. Baker
J. Kadziela

Organisers Rep.
A. Riley
M. Hallett

D. McDonald
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH ORGANISERS

W. Fleet
M. French
R. Hallett

M. Hill
A. Riley

TRUSTEES

M. McDonald
J. Van Camp

FEDFA VICTORIAN DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

J. Van Camp
M. McDonald

M. Hill
B. Nielson

FEDFA BARRIER DIVISIONAL BRANCH

Divisional Branch President	B. Samson
Divisional Branch Secretary	W. O'Neil
Divisional Branch Vice President	R. Hunter

FEDFA BARRIER DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above,

FEDFA BARRIER DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

D. Brennan
A. Fraser
E. Snaith

R. Adams
B. Sayers

FEDFA BARRIER DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. O'Neil

B. Samson

TRUSTEES

R. Adams
E. Snaith

B. Sayer

FEDFA TASMANIAN DIVISIONAL BRANCH

Divisional Branch President	B. Bishop
Divisional Branch Secretary	M. Grey

FEDFA TASMANIAN DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and - D. Dawson

FEDFA TASMANIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

Launceston
D. Dawson

Hobart
M. Hyland

Devonport
(vacant)

Tullah
T. Jones

Burnie
L. Britton

Savage River
R. Harrison

Rosebery/Lyell
N. Hartnell

Organisers
D. Moncrieff
B. Best

FEDFA TASMANIAN DIVISONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

M. Grey

R. Harrison

FEDFA WA DIVISONAL BRANCH

Divisional Branch President (vacant)
Divisional Branch Secretary (vacant)

FEDFA WA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

FEDFA WA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

P. Bates
T. Feeney

I. Douglas
D. Hellyer

FEDFA WA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

B. Low
(vacant)

FEDFA SA DIVISIONAL BRANCH

Divisional Branch President G. Bull
Divisional Branch Secretary G. Day
Divisional Branch Vice President F. Stonys

FEDFA SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Rogers

R. Brewer

FEDFA SA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

J. Rodgers
F. Grosso
R. Brewer
K. Maywald
F. Harrison

ORGANISER

R. Brewer

FEDFA SA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

G. Day
M. Buckley

FEDFA QUEENSLAND DIVISONAL BRANCH

Divisional Branch President — D. Holloway
Divisional Branch Secretary — G. Betts
Divisional Branch Assistant Secretary — G. Wilson

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

S. Douglas
C. Swift
L. Wilson
B. Scheuber
R. Coleman
J. Spencer

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch State Management Committee as set out above, and -

M. Dowvendans
L. Genrich
R. Beattie
J. Rossington
(vacant)
T. Quaid
N. Rampton
H. Heumiller
C. Price

FEDFA QUEENSLAND DIVISIONAL BRANCH ORGANISERS

D. Bloxsom
G. Flack
C. Gillespie
J. Rossington
R. Tremlin
H. Heumiller
C. Price
T. Rosier
B. Stacker

FEDFA QUEENSLAND DIVISIONAL BRANCH TRUSTEES

D. Holloway
G. Betts
S. Douglas
L. Wilson

FFTS UNION DIVISION

DIVISIONAL OFFICERS

Divisional President	A. Findlay
Divisional Secretary	L. Kyriacou
Divisional Assistant Secretary	M. Haritou
Divisional Senior Vice-President	S. Wales
Divisional Junior Vice-President	D. Frater

FFTS UNION DIVISIONAL EXECUTIVE

The Divisional Officers of the FFTS Union Division as set out above, and

A. Smith	New South Wales
V. Robinson	Queensland

FFTS UNION DIVISIONAL CONFERENCE

The Divisional Officers of the FFTS Union Division and the Divisional Executive as set out above, and the following delegates from the FFTS Union Divisional Branches;

W. Brown	(VIC)
M. Findlay	(VIC)
R. Smith	(NSW)
R. Groat	(SA)
A. Cookson	(QLD)
R. Orange	(TAS)

FFTS UNION VIC. DIVISIONAL BRANCH

Divisional Branch President	M. Mitten
Divisional Branch Secretary	L. Kyriacou
Divisional Branch Assistant Secretary	A. Findlay
Divisional Branch Senior Vice-President	W. Brown
Divisional Branch Junior Vice-President	C. Avent
Divisional Branch Organiser	M. Haritou
Divisional Branch Organiser	R. Shugg

FFTS UNION VIC. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch Officers as set out above and -

A. Frazer	N. Hazeldine
G. Lee	P. Linzos
J. Maines	J. O'Brien
J. Patti	J. Robins
I. Whitcroft	L. Zanandrea
J. Calvert	

FFTS UNION NSW DIVISIONAL BRANCH

Divisional Branch President	R. Smith
Divisional Branch Secretary	S. Wales
Divisional Branch Assistant Secretary	R. Smith
Divisional Branch Vice-President	J. Callaway
Divisional Branch Organiser	Jack Lawrence

FFTS UNION NSW DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

J. Campbell
K. Campbell
Robert Cumbo (Trustee)
R. Davies
W. Kraan
Harry Irvine (Trustee)

FFTS UNION S.A. DIVISIONAL BRANCH

Divisional Branch President	R. Groat
Divisional Branch Secretary	D. Frater
Divisional Branch Assistant Secretary	S. Rowe
Divisional Branch Senior Vice-President	J. Emery
Divisional Branch Junior Vice-President	A. Reeves
Divisional Branch Organiser	S. Rowe
Divisional Branch Organiser	P. Wong
Divisional Branch Organiser	T. Woods

FFTS UNION S.A. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

B. Billington
P. Crisanti
A. Howlett
G. Whitford
M. Brownlie
A. Czora
J. Salter

FFTS UNION QLD DIVISIONAL BRANCH

Divisional Branch President	G. William
Divisional Branch Secretary	V. Robinson
Divisional Branch Vice-President	A. Amos
Divisional Branch Assistant Secretary	A. Cookson

FFTS UNION QLD. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and - G. Dawson

FFTS UNION TAS DIVISIONAL BRANCH

Divisional Branch President	S. Negus
Divisional Branch Secretary	J. Gill
Divisional Branch Assistant Secretary	R. Orange
Divisional Branch Vice-President	C. Schoenwald
Additional Divisional Branch Executive member	W. Picken
Additional Divisional Branch Executive member	P. Green

FFTS UNION TAS DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

C. Sproule
W. Bandlow

END OF RULES

[105N-FED: Incorporates alterations of 03/08/2017 in matter R2016/131]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 118 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union.

DELEGATE OF GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission]

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1 - NAME

The name of the Union shall be the "Construction, Forestry, Mining and Energy Union".

2 - CONSTITUTION

(A)(A) The following unlimited number of persons, whether male or female, are eligible to be members of the Union

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;

(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;

(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, shall be eligible to be members of the Union including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

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

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)

Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site
or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:

(i) All persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders,

implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) An unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board, strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) Such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members are eligible to be members of the Union.

(E) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:-

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

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

(b) Further, provided that, without limiting the generality of the foregoing the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building are eligible to be members of the Union. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other sub-rule or paragraph or being limited thereby an unlimited number of persons who are employed in, or competent to be employed in or in connection with the following industries or trades are eligible to be members of the Union:
Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article

workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland are eligible to be members of the Union.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the following are eligible to be members of the Union: an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and

Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

(O) **Additional Eligibility for Admission to Membership in the State of Queensland**

This rule 2(O) does not apply outside the State of Queensland.

Without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provide for additional eligibility for admission to membership of the Union in the State of Queensland:-

(i)

SECTION A

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

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

(i) On ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational Offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind.

(ii) The painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind.

(iii) The painting of or in connection with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise). The painting of or in connection with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or

other parts or prefabricated building and structures as aforementioned.

(iv) The painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensors, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or seas, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases.

(v) Glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars.

(vi) Paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering.

(vii) Signwriting, designing and/or lettering of price tickets and show cards.

(viii) Pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering.

(ix) Leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections.

(x) Employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, putty stopping, caulking mixtures, compositions or compounds, oils, varnishes, watercolours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings will not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 1.2.2, Constitution hereof (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, watercolour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water solvents, electrical, mechanical, air powered or hand tools or by grit, shot, or other abrasives or by any other means.

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

(c) Nothing in this Section A rule will make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time. Provided further that, notwithstanding the foregoing provisions of this rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

(d) Notwithstanding any other provision in these Section A rules, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the union under this sub-rule.

(e) The Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connection with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accommodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattressmakers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together

with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

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

(g) Without limiting the generality of the foregoing Sub-Rules of this Section A Rule, or being limited thereby, independent contractors who, if they were employees performing work of the kind that they usually perform as independent contractors, would be employees eligible for membership of the Union, will be eligible for membership of the Union, and the Union will consist of an unlimited number of such persons.

SECTION B

(a) The Association shall consist of an unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow-motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Association or a Branch of the Association or whilst financial members of the Association are elected as representatives of any working class organisation to which the Association or a Branch thereof is affiliated or as a working class member of parliament. Provided that mobile crane drivers, operators of fork lifts and/or towmotors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership. Provided further that, notwithstanding the foregoing provisions of this Section B rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

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

(c) Notwithstanding any other provision in this Section B rule, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the association under this sub-rule.

(d) Notwithstanding any other provision in this Section B rule, the persons employed by Dalrymple Bay Coal Terminal Pty Ltd at the Dalrymple Bay Coal Terminal site shall not be eligible for membership under this sub-rule.

SECTION C

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

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

Without limiting any other rule, sub-rule (O)(i) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(ii) The Union shall consist of an unlimited number of persons employed or usually employed as Builders' Labourers throughout Queensland on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any tradesperson engaged in building operations, or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings, or as scaffolder, rigger, gear hand, gantry hand or crane hand or as dogperson, or as a drainer on all building contracts, any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete work, tarpaving or asphalt work, or mortar or concrete mixing in connection with, or incidental to the foregoing operations, together with such other persons whether employees in the industry or not, as have been appointed officers of the Association and admitted as members thereof. Provided that, notwithstanding the foregoing provision of this rule, the union does not have any right to enrol as members under this sub-rule persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.

Without limiting any other rule, sub-rule (O)(ii) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(P) Additional Eligibility for Admission to Membership in the State of New South Wales

This Rule 2(P) does not apply outside the State of New South Wales.

Without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provided for additional eligibility for admission to membership of the Union in the State of New South Wales:-

(A) The Union shall consist of an unlimited number of persons, whether male or female

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and bridge carpenters, wharf carpenters and carpenters and joiners (including foremen and sub-foremen) employed on bridges, wharves, jetties, piers or dams, or as carpenter-divers, ships carpenters or joiners (including foremen and sub-foremen) or as tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like, not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or as bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro, fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental hereto or in place thereof, stonemasons, letter cutters, carvers, machinists, sawyers, polishers, assistant quarrymen and quarry workers in and about dimension stone quarries other dimension stone quarries other than dimension stonework in other quarries and workers in terrazzo and similar materials or as apprentices or journeymen and other labour engaged in the plate, sheet and ornamental glass trade or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof.

(4) Further provided that without limiting the generality of the foregoing, the Union shall also consist of:

(1) workers (other than tradesperson) on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials

incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine operator, except in the mining or exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (4) shall render eligible to join the Union any person employed:

(3) as a drainer or person employed as a plumber's labourer,

(4) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site:

(B) Without limiting the generality of the foregoing, or being limited thereby the union shall also consist of an unlimited number of persons:

who are employed together with such persons who are deemed to be employees by virtue of sub-paragraph (b) of Regulation 91A Industrial Arbitration Regulations under the *Industrial Arbitration Act 1940*, as amended in the process of trade or business as a plasterer, fixer, shophand and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, finishing all kinds of plaster and plastic acoustic work, waterproofing work in cement, plaster or patent

materials by manual or mechanical means, excepting employees engaged in manufacture of cement and/or concrete and/or fibrolite articles including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixed and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, ie floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, terrazzo and similar work including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground-work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets, the laying or fixing to floors or walls of tablets of sheeting made of plastic substance or other materials in substitution thereof, excepting metal, terra-cotta or potteryware, and all persons covered by the constitution of The Federated Rubber and Allied Workers' Union of Australia, New South Wales Branch, whether employed in the process, trade or business of plastering of any description or not, together with all persons who have been appointed Officers of the Federation and admitted members thereof, registered for the industries of building operations and of plastering.

All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any branch of the plastering trade.

(C) (1) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of an unlimited number of persons employed in or usually employed in the painting and decorating industry in connection with buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind.

(b) the painting of launches and boats of every kind.

(c) the painting of or in connection with all buildings and structures, (commercial, residential, industrial or otherwise), the painting of or in connection with prefabricated buildings and structures, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) glazing, glass cutting, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars

(e) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(f) signwriting, designing and/or lettering of price tickets and showcards, (excluding workers in retail shops carrying out the lettering of price tickets and showcards for their employers own use, but not for resale.)

(g) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto.

(h) employees who mix and/or apply and/or fix paint or like matter or substitutes or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wall papers, wall hangings or coverings, coatings, or other materials used in any of the callings specified in Rule 2(P), Constitution hereof (other than mixing of paint, protective coatings and/or plastic coatings and/or finishes, putty stopping, caulking compositions or compounds, oils, varnishes, water colours, lacquers, stains, and removers, in paint and chemical factories) and/or other materials used in the painting and decorating trade with brush, spray, roller or other tool or remove paint or like matter or substitute or compositions or compounds for texture (other than employees engaged on plasterers' texture work) or plastic coatings and finishes or other decorative coatings and/or finishes, or putty, stopping or caulking compositions or compounds, oils varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings or other materials used in the painting and decorating trade, by heat, flame, water solvent, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means.

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

(2) A person who is a member of or who is eligible for membership of The Printing Industry Employees Union of Australia, New South Wales Branch, the Amalgamated Printing Trades Employees Union of Australia New South Wales Branch, or the New South Wales Branch of the Vehicle Builders Employees Federation of Australia, shall not, by reason of anything contained in sub-rule (c) only of this rule, be eligible for membership of the Union.

(D) Without limiting the generality of the foregoing and without being limited thereby:

The union shall consist of all persons who are employed or are usually employed in any position on or in or in connection with (a) Saws and Woodworking machines; (b) Handling and treating timber and articles manufactured therefrom; (c) Sawmills, timber yards, box and case factories, sawmakers shops, joiners workshops, car and waggon shops, coachbuilders shops; (d) preparing woodwork for joiners, carpenters, implement makers, coachbuilders, car and waggon builders; (e) Hewing, splitting and felling timber and such other persons who may from time to time be appointed to any office.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners shall not be eligible for membership; and

Provided further than any employee covered by an award by the New South Wales Industrial Relations Commission, or its predecessors, existing at the time of the registration of rule 2(D) of the Construction, Forestry, Mining and Energy Union (New South Wales Branch) shall not be eligible for membership under this sub-rule 2(P)(D), in the event of such award being in respect of members of an existing Industrial Union registered under the Industrial Relations Act 1996 (NSW) or its predecessors.

In this rule, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence, from whatever material made or manufactured or constructed, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and by similar methods and with similar machines and/or tools as in the case of wood or timber.

(E) (a) Without limiting the generality of the foregoing and without being limited thereby, the union shall also consist of an unlimited number of persons engaged in, or in connection with the Coal, Shale or Coke Industries in the Western District and in the Metalliferous Mining Industry and any person who is a duly registered unemployed member in compliance with these rules, together with and including other persons temporarily or permanently taken from the Industry and who are employed by the members or representatives of the members appointed by them, who shall be aggregated in Lodges already established or which may be established by the authority of the Western District branch of the Australian Coal and Shale Employees Federation.

(b) Without limiting the generality of the foregoing and without being limited thereby, the union shall also consist of an unlimited number of persons engaged in any capacity in connection with coal and shale mining; in connection with the coke industry, but excepting persons employed in the iron, steel and metal industries; and excepting also persons who are now members, or in the future may be eligible for membership of the United Collieries Staff Association of New South Wales; but as regards the last mentioned union, so as not to exclude lampmen and grooms.

(c) Without limiting the generality of the foregoing and without being limited thereby, the union shall also be composed of an unlimited number of persons employed in and around the coal mines, shale mines and coke works in the Northern District of New South Wales

(F) Without limiting the generality of the foregoing and without being limited thereby the Union shall also consist of:-

(a) An unlimited number of all classes of engine drivers, (including operators of rear side and/or bottom dumpers on construction work), firemen, crane drivers dynamo attendants, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery and all operators and trainees howsoever called employed by Shell Refining (Australia) Pty Limited at its Clyde Refinery and Gore Bay terminal or any other site where these installations may be relocated in the future.

Provided that persons engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

Provided further, that persons employed in the steel wire netting and wire rope industries shall not be admitted to membership or retained as members. Provided further, that the union shall not admit to membership or retain as members, any manager, foreman or members of the salaried staff of any employer, excepting salaried staff employed by the Electricity Commission of New South Wales on operational duties as power plant operator, ie one engaged in the operation and control of generating plant (turbine boiler and generator) by instrumentation and assistant power plant operator, ie one engaged in assisting in the operation and control of generating plant (turbine boiler and generator) by instrumentation.

(b) Further, provided that, without limiting the generality of the foregoing the Union shall also consist of the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this proviso building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger, assisting a rigger specified in the immediately preceding classification
Drilling Machine Operator

Provided that, nothing in this sub-rule shall render eligible to join the Union any person employed:

(i) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(ii) in the mining or exploration or hydrocarbons industries.

Further provided that the union shall also consist of Elected officers and position holders of the union whether or not employed in an industry in respect of which the union is registered, and

Any person who whilst a financial member of the union is elected as a representative of a working class organisation to which the union is affiliated, or as a working class Member of Parliament and who have been admitted as members of the union.

(G) Without limiting the generality of any other sub-rule or paragraph or being limited thereby, the union also shall consist of an unlimited number of persons, whether male or female:

a) employed in, or deemed to be employed in, usually employed in or qualified to be in desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or callings, and/or vocations, and/or industrial pursuits of; and/or

b) who are employed in an occupation, in or in connection with the furnishing industry (as hereinafter defined) whether on salary or wages or piece-work rates, or as members of a butty-gang; and/or

c) who, pursuant to the Industrial Arbitration Act 1940, or any Act, amending, repealing or replacing the said Act, are deemed to be employees for the purpose of the cited Act, and are engaged in the industrial pursuit or pursuits of the following industries, occupations, callings, and vocations; viz:

* cabinetmaking including cabinetmakers employed in retail shops;

* cabinetmakers and joiners manufacturing kitchen cabinets;

* patternmaking;

* chair, couch and/or seating accommodation manufacture in any material whatsoever;

* chair, couch and/or seating accommodation assembling, fitting up and repairing in any material whatsoever;

* journeymen, tradesmen and persons wholly or partially engaged in the installation of chair, couch and/or seating accommodation;

* wood carvers;

* wood finishers, lacquerers, sprayers, varnishers and journeymen tradesmen and persons engaged in applying any other form of coating including, but without limiting the generality of the foregoing, powder coating and coatings applied by mechanical, electrostatic or other means;

* wood turners, other than those engaged in saw mills, timber yards and the coachbuilding industry;

* wood machinists other than those engaged in the saw mill departments of furniture factories;

* wood polishers and french polishers including wood polishers and french polishers employed in retail shops and/or by contract polishers;

* journeymen, tradesmen and persons wholly or partially engaged in the manufacture, assembly, fitting up and/or installation of new furniture or furnishings such new furniture or furnishings being manufactured of any material whatsoever;

* journeymen, tradesmen and persons wholly or partially engaged in the repair, renovation, refurbishment and/or restoration of damaged, used or second-hand furniture or furnishings such furniture or furnishings being constructed of any material whatsoever;

* journeymen, tradesmen and persons wholly or partially engaged in the manufacture, installation, repair, renovation, refurbishment and/or restoration of wooden mantelpieces and/or overmantels;

* billiards, table tennis, snooker and pool table makers, repairers, restorers, fitters and installers;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in, or in connection, with the design, manufacture, alteration, repair and installation of amusement machines, poker machines, card machines, juke boxes and suchlike, roulette wheels, baccarat tables, blackjack card shoe boxes and any other form of amusement, recreational and or gaming machine, furniture or furnishings now in existence, or hereafter coming into existence, which pursuant to the principles of ejusdem generis would be classified as furniture, furnishings, decoration or ornamental background work;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or procedure incidental to, or in, or in connection with the manufacture or repair of spring units, couches, divans, lounges, sofas or

similar articles whether constructed or weaved wire or of spiral springs attached to wire and/or metal framework excepting persons engaged in the metallic bedstead-making industry;

* journeymen, tradesmen and persons wholly or partially engaged in the manufacture of bedding, baldachins, bed valances and bedding materials such bedding and bedding materials being manufactured of any material or combination of materials whatsoever;

* journeymen, tradesmen and persons wholly or partially engaged in the manufacture, case cutting, sewing and/or repair of all forms and types of mattresses (inclusive of spring filled, wire, machine made and/or filled mattresses and water filled mattresses);

* persons wholly or partially engaged in any operation or process, including feather processing, incidental to or in, or in connection with mattress case and bed covering filling said mattress and bed coverings including but, not limiting the generality of the foregoing, quilts, doonas, sleeping bags and bedspreads;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process in or in connection with or incidental to the design, manufacture, alteration, repair and installation of display materials and devices, exhibition stands and show cases including but, not limiting the generality of the foregoing, point of sale materials, merchandising devices, panelling and show room stock fixtures;

* journeymen, tradesmen and persons wholly or partially engaged in cutting, jigsaw cutting, fitting up and/or assembling, laying of carpet, carpet tiles, seagrass, linoleum, hessian, imitation grass, or any other form of floor covering in any material whatsoever, laminating and/or painting, covering, staining, spraying, polishing, rolling, moulding, vacuum forming, wire bending, machining and die cutting performed incidental to, or in or in connection with display work and exhibition work;

* journeymen, tradesmen and persons wholly or partially engaged in the design, manufacture, alteration, repair and installation of any composition of wood, metal or other construction, in any material whatsoever, and in any other process performed incidental to or, in or in connection with display work, exhibition work and ornamental background work;

* persons wholly or partially engaged in teasing upholstery or bedding material;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to or in or in connection with the following industries and callings;

    * the manufacture, finishing, repair, alteration and restoration of frames of manilla type furniture;

    * the manufacture, weaving, finishing, repair, alteration and restoration of perambulators or pithcane bassinets; and

    * mottling, lacing, preparing material, lapping and fixing pre-woven sheets of reedtex, hytex or like material or machine woven pithcane to frames;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to or in connection with the manufacture of basketware said basketware being manufactured of any material whatsoever;

* wicker workers and makers of articles of whatsoever description made of bamboo, cane, pithcane, willow, rush grasses, seagrass, reedtex, hytex or any similar or like material or any material introduced in substitution for the aforesaid materials;

* upholsterers including upholsterers employed in retail shops;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with carpet planning, measuring, cutting, laying, repairing, fixing, sewing and/or machining including all preparatory work performed incidental to, or in connection with the foregoing and also including, but without limiting the generality of the aforesaid the installation of protection, floor patching and/or levelling, removal and replacement of furniture, drilling, plugging and adhering, taking up and or disposal of carpet, underlay, smoothedge and such like, naplocking and the installation of smoothedge;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with tilelaying - excepting journeymen, tradesmen and persons wholly or partly engaged in any operation or process in or in connection with the laying or fixing of encaustic, ceramic and vitreous tiles, faience, mosaic and opalite not exceeding in measurement .093 square metres where the said tiles, faience, mosaic and opalite is fixed with cement composition but including journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the laying of vinyl tiles and sheeting, rubber tiles or sheeting, cork tiles or sheeting, parquetry, floor sanding, synthetic grass laying, linoleum and any other form of floor covering material introduced in substitution for, or in addition to, the aforesaid floor covering materials;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to or in, or in or in connection with the laying or installation of any form of floor covering material not elsewhere specified in this Rule.

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in or in connection with the manufacture or repair of soft furnishings, loose coverings, stuffed quilts, pillows, bolsters, cushions, blinds (other than venetian blinds), vertical drapes, curtains, tapestry and furnishing drapery, said operations or processes, including but without limiting the generality thereof, planning, designing, cutting, measuring, fixing, sewing, measuring-up on site and installation on site;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacturing or repair of window blinds including venetian blinds, wood weave blinds, blinds manufactured from holland or ticking, wire blinds, gauze blinds, gauze screens or blinds and screens manufactured from other textile material or other material introduced in substitution for, or in addition to, the aforesaid materials, said operations or processes including, but without limiting the generality thereof, planning, designing, cutting, measuring, assembling, painting fixing and installation on site;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacture or repair of cornice boxes, cornice rods and rails, pelmets and pelmet boxes, facias and the like used in or in connection with all forms of window blinds heretofore described, said operations or processes including, but without limiting the generality thereof,

planning, designing, measuring, measuring on site, cutting, assembling including assembling on site, painting, fixing and installation on site;

* cabinetmakers engaged in piano and organ manufacture or repair;

* polishers and french polishers engaged in piano and organ manufacture or repair;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacture or repair of pianos, pianofortes, organs and general musical instruments and wood winds, said operations or processes including, but without limiting the generality thereof, planning, designing, assembling including assembly on site, iron frame fitting, key making, sound board making, action fitting, stringing, bass stringing making, chipping up, bass string fitting, tuning and regulation including tuning and regulation on site;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with, the manufacture and repair of mount and ticket boards, picture frames, photograph frames and lobby frame stands and any other manufacture of wood, metal or other construction in any material whatsoever of a like nature to the aforesaid manufactures, said operations and processes including, but without limiting the generality thereof, cutting, jigsaw cutting, fitting up, mount cutting, cardboard frame cutting, covering, shooting, coating, squeezing, applying and/or making compo, joining or finishing the said manufactures by bronzing, gilding burnishing, staining, spraying, polishing or waxing or covering the said manufactures with silk, or tapestry or other material or textiles;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacture, in any material whatsoever, or repair, of clock cases, printer cases, ice chests, camp furniture, wireless, radio, stereo-phonic and quadrophinic equipment, television equipment, video recorders, video monitors and the like, sound reproduction equipment, refrigerators, incubators, talking machines, sewing machines, lampshades and all forms of church, office, shop, commercial, domestic and residential furniture, furnishings and ornaments not specified elsewhere in the Rule 2(P);

* journeymen, tradesmen and persons who cannot now conveniently belong to an existing registered industrial union who are performing work incidental to, or in or in connection with the industry or industries, and/or occupations, and/or callings and/or vocations and/or industrial pursuits previously specified in this Rule in factories, retail shops or other establishments manufacturing furniture, pianos, organs, table tennis, billiards, snooker and pool tables, mantelpieces, overmantels, beds, bedding, quilts, mattresses, venetian and other window blinds, picture frames and any other form of furniture, furnishings, ornaments or ornamentation not elsewhere specified in this Rule;

* apprentices in any of the tradesmen callings previously specified in this Rule;

* juniors engaged in any of the industries, callings, vocations and industrial pursuits previously specified in this Rule;

* all persons appointed as foremen, sub-foremen and leading hands in any establishment in any of the industries, occupations, callings, vocations and industrial pursuits previously specified in this Rule;

* all persons, whether engaged in or in connection with the industry or industries, and/or occupations and/or callings and/or vocations and/or industrial pursuits

previously specified in this Rule or not, who have been appointed as Officers of the Society.

d) Persons who are eligible for membership of the Public Service Association of New South Wales shall not, by reason of anything contained in sub-rule (G) only of this rule, be eligible for membership of the Union.

i) In this Rule the words "wood, timber, metal and plastic" without in any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever material made or manufactured or constructed, which is or can or may be used in the place of wood, timber, metal or plastic, and which can be handled and/or treated and/or machined and/or worked in a similar way and by similar methods and with similar machines and/or tools as in the case of wood, timber, metal or plastic.

ii) In this Rule the word "furniture", in addition to its etymological, dictionary, statutory and judicial meanings shall mean and include all manner, forms and types of accoutrements, chattels, goods, items and articles now in existence, or hereafter coming into existence, which are used in the interior or exterior decoration, adornment, fitting-out, beautification, making habitable and ornamentation of any form of church, office, shop, commercial, domestic, residential or recreational premises or location and, without limiting the generality of the foregoing, shall include all manufactures and items commonly described as outdoor and/or garden furniture; and the word "furnishings" shall have a like meaning.

Further the fact that a given item, article or furniture manufacturing must, as a result of its particular construction, be wrought into or attached to any building, structure or other fixture, shall not be construed so as to eliminate the said item, article or furniture manufacture from the foregoing definition;

iii) In this Rule the word "ornament", in addition to its etymological, dictionary, statutory and judicial meanings shall mean and include all manner, forms and types of accoutrements, chattels, goods, items and articles now in existence, or hereafter coming into existence, which are used to decorate, adorn or beautify any form of church, office, shop, commercial domestic or residential premises and, without limiting the generality of the foregoing, shall include all forms of manufacture in ceramic, glass, porcelain, acrylic, metal or any other material whatsoever, such as figurines, flower vases, pottery, statues, statuettes, wall ornaments and any other form of ornament or ornamentation which pursuant to the principles of ejusden generis, would be classified as an ornament or ornamentation.

iv) In this Rule the word "employee" shall have the meaning ascribed to it within the meaning of section for the *Industrial Arbitration Act 1940*, which section, inter-alia, defines employees in terms which include deemed employees; said definition being cited as follows:

"Employee" means persons employed in any industry, whether on salary or wages or piece-work rates or as members of a butty-gang, and includes any person who is, pursuant to any provisions of this Act, deemed to be an employee for the purpose of this Act, but shall not include a member of a family in the employment of a parent, and the fact that a person is working under a contract for labour only, or substantially for labour only, or as lessee of any tools or other implements of production or an outworker, or is working as a salesman, canvasser, collector, commercial traveller, insurance agent or in any other capacity in which he is paid wholly or partly by commission, shall not in itself prevent such person being held to be an employee.

(H) Provided that nothing in this Rule 2(P) shall make any person eligible to be a member of the Union who is of a class of employees for whom, as of the date of this Rule being

approved, was subject to a representation order, a State demarcation order, a demarcation order, a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(Q) Additional Eligibility for Admission to Membership in the State of Western Australia

The provisions of this rule 2(Q) enabling workers, categories and classes of workers to be eligible for membership of the Union have no application whatsoever beyond the State of Western Australia. This proviso applies regardless of any term or provision of this rule 2(Q).

The provisions of this rule 2(Q) do not extend and are not intended to operate as extending the eligibility rules of the Union beyond those that of The Construction, Forestry, Mining and Energy Union of Workers. This proviso applies regardless of any term or other provision of this rule 2(Q).

Without limiting any other rule, this rule does not make any person eligible to be a member of the Union who is in a class of employees for whom, at the time when this rule was approved by the General Manager, was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to a class of employees of which that person is a member, in favour of another organisation or association.

Further, without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provide for additional eligibility for admission to membership of the Union in the State of Western Australia:-

(1) The Union shall in the State of Western Australia consist of an unlimited number of persons who are:

(a) over the age of 16 years and who are employed or usually employed as builders' labourers on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any trades person engaged in building operations or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel or combination of those or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings or as scaffolder, rigger, gear hand, gantry hand or crane hand, or as dogman, or as drainer on all building contracts, and any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete work, tar paving or asphalt work, or mortar or concrete mixing in connection with or incidental to the foregoing operations;

(b) provided that no person employed in any of the vocations or callings mentioned in subrule (1)(a) of this Rule shall be eligible for membership if he or she is eligible to be a member of the Australasian Society of Engineers, Industrial Union of Workers, Western Australian Branch, the Electrical Trades Union of Workers of Australia Western Australian Branch Perth, the Amalgamated Engineering Union Workers, Perth Branch, or the Amalgamated Engineering Union of Workers, Kalgoorlie Branch.

(2) In addition to the foregoing, the Union in the State of Western Australia shall consist of an unlimited number of persons who are employed, or who are usually employed in the painting and decorating industry applying paint or its substitutes, or any preparation, by any means, the purpose of which is of a decorative or protective character for residential, commercial or industrial purposes (excluding the application of bitumen or like substance to roads and like surfaces), which industry shall be deemed to include the painting of buildings and structures (residential, commercial and industrial), aircraft, machinery, ships and small vessels of every description (including prefabricated work on any of the aforementioned, wholly or in part) and general painting, together with plastic relief workers, paper hangers, wall coverers, decorators, grainers, marblers, varnishers, enamellers, gilders, lacquerers, spray workers, sign, profile, scenic, mural and pictorial

artists, or persons engaged in the removing of paints and/or their substitutes and the preparation of all work and materials used in the painting trade and branches thereof, including paint mixers together with glaziers, vitrolite cutters and fixers, ticket writers, cycle enamellers, liners, writers, and sprayers, and shall include foremen and sub-foremen in the industry.

(3) And in addition to the foregoing the Union in the State of Western Australia shall consist of an unlimited number of persons who are employed, or who are usually employed as:

(a) Plasterers - the work of a plasterer shall mean and be deemed to be, all internal and external plastering, and cementing, including rendering with all forms of plaster, asbestos fibre, finishing all kinds of plaster and plastic acoustic work, water proofing work in cement, plaster or patent materials, by manual or mechanical means, including wood lathing and metal lathing, or any similar substitute that may be used as a ground for plaster work, such as sackett board; the affixing of plain and ornamental tiles on walls and floors, the fixing of fibrous plaster or any other kind of plaster required to be finished off with plastered joints; the top dressing of all concrete work finished in cement also cement floors, walls and ceilings, rough cast; and fixing plaster, cement, or patent plaster ornaments; and in the use of materials appertaining to the trade or calling of plasterers;

(b) Wall and Floor Tilers;

(c) Wall and Ceiling Fixers;

(d) Fibrous Plaster Workers - Persons engaged in:

(i) Architectural modelling;

(ii) The manufacture of architectural ornaments of plaster and fibrous plaster;

(iii) The manufacture of fibrous plaster goods;

(iv) The fixing of manufactured plaster goods and fibrous plaster columns and acoustic tiles and the fixing of fibrous plaster on the walls and/or ceilings of buildings;

(v) The preparation of designs and ground work and the making of models and/or moulds whether of gelatine, plaster, wax, rubber or cement, subject to the making of such models and/or moulds being incidental to the fibrous plaster industry;

(vi) Any phase or phases of item (i) to (v) inclusive;

(e) Manufactured Cement Goods Workers - Persons engaged in-

(i) Architectural modelling;

(ii) the manufacture of architectural ornaments of cement;

(iii) except as provided for in subrule (8) of this Rule, the manufacture of portable articles of reinforced cement or concrete, cement pressed work, baths, washtubs, troughs, sinks, pillars, ornaments and other miscellaneous goods, including floor beams, partition blocks, lintels, cornices and balusters, subject to and without limiting the generality of subrule (1) and (2) of this Rule, excluding the manufacture of cement bricks, pipes and/or building blocks, except where such work is performed in the establishment

of manufacturers of fibrous plaster, plaster and/or cement goods, and excluding workers employed by the Fremantle Harbour Trust and the Minister controlling Harbours and Rivers.

(iv) the manufacture of cast stone and terrazzo where such work is performed in the establishments of manufacturers of fibrous plaster, plaster/or cement goods.

(v) any phase or phases of items (i) to (iv) inclusive;

(vi) plaster mill workers - persons engaged in the manufacture of plaster of paris.

(4) The Union shall also consist of an unlimited number of persons employed, or usually employed in the State of Western Australia as carpenters and/or joiners (including ships' carpenters and joiners, carpenters employed on jetties, and wharves, dams and bridges) and joinery assemblers and roof tile fixers and bricklayers, stoneworkers, stonemasons, marble masons, stone, marble or slate polishers, stone marble or slate machinists and stone, marble or slate sawyers and labourers in the industry of monumental masonry and foreman, subforemen, or apprentices to or in any of the foregoing trades provided that no foreman tradesman or subforeman tradesman (except acting foremen tradesmen or acting sub-foremen tradesmen) who is eligible for membership of The Foremen (Government) Industrial Union of Workers, WA as at the 11th Day of December 1986 shall be eligible for membership of the Union.

(5) The Union shall also admit to membership any person who is employed, or usually employed in the State of Western Australia including all islands bounding the whole coastline of the State in any of the following capacities:

Engine drivers, steam boiler and gas producer firemen, trimmers or fuelmen or tour guides in power houses, engine cleaners, greasers, boiler cleaners, crane drivers, dynamo attendants in power houses, stationary motor drivers, electric power sub-station attendants, power house switchboard attendants, electric locomotive drivers, railway shunters, locomotive observers, railway car and wagon examiners (not being tradesmen) and railway messengers. Provided that, in respect of the vocations referred to in this subrule 4.6, employees of the Western Australian Government Railways Commission and persons eligible for membership of the Coal Miners Industrial Union of Workers of Western Australia employed in the coal mining industry within the State of Western Australia shall not be eligible for membership of the Union.

(6) The Union may admit to membership all other persons in the State of Western Australia whether employees in the foregoing callings or vocations or not as have been appointed or elected officers of the Union, provided that no person shall be a member who is not an employee within the meaning of the Industrial Relations Act (WA) 1979 as amended.

(7) The Union may admit to membership employees who are engaged in the State of Western Australia the manufacture of:

(a) bricks and who are employed by:

(i) Boral Bricks Western Australia Pty Ltd trading as Midland Brick;

(ii) BGC (Australia) Pty Ltd trading as Brikmakers;

(iii) Austral Bricks (WA) Pty Ltd trading as Austral Bricks; and

(iv) Geraldton Brickworks Pty Ltd trading as Geraldton Brick Co;

(b) cement roof tiles and who are employed by:

(i) Austral Bricks (WA) Pty Ltd trading as Bristile Roofing; and

(ii) Monier Prime Pty Ltd trading as Monier Prime Roofing.

(8) This rule 2(Q) does not allow the union to cover in the State of Western Australia or elsewhere any person who, as of the date of this rule 2(Q) being approved, is of a class of employees in respect to which the Construction, Forestry, Mining and Energy Union of Workers was subject to a representation order, a State demarcation order, a demarcation order, or a demarcation undertaking or agreement (however described) in regards to that class of employees in favour of another organisation or association.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler, generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

4 - OBJECTS

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

2. To regulate the conditions under which all members, of the Union may be employed.

3. To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial Union, or association, or association of Trades Unions or any other organisation having objects similar in whole or in part to the objects of this Union.

4. To establish a fund for the assistance and support of Trade Unionists and to carry out the foregoing objects.

5. To establish a funeral and other benefit funds.

6. To establish Branches, Divisions, Divisional Branches, Sub-Branches, Districts or Sections of the Union throughout the Commonwealth of Australia.

7. To further any scheme that has for its object the establishment of Labor Research and Information Bureaux, and to assist in the establishment and maintenance of Labour and Trade Union newspapers and wireless broadcasting and television stations, and to invest in shares in such newspapers and radio and television stations.

8. To constitute, conduct, carry on and manage clubs in the interests of members.

9. To pay affiliation fees to and assist financially or otherwise any bona fide labour or Trade Union Organisation or Association.

10. To establish and manage a Union Journal or Journals.

11. To hold, purchase, lease, sell, mortgage or otherwise deal in property.

12. To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

13. To raise money by levies and/or other means for the purpose of carrying on the objects of the Union.

14. To render legal and other assistance to members, to protect the interests of the Union in all its Branches and to assist other trade unions by any legal method.

15. To obtain such other objects as the National Conference or National Executive shall from time to time determine.

16. To organise the education of members.

17. To establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Divisional or Divisional Branches.

18. The advancement of members intellectually, morally and socially and to do all things which, in the opinion of the Union, is in the interest of members including donations to political parties, the achievement of compulsory unionism, preference in employment, retrenchment, promotion,

demotion and transfer in employment, the production and distribution of newspapers, journals and the like.

19. To achieve such other objects as may be lawfully adopted by any Division of the Union.

20. To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

"BOARD" means a group of persons who supervise a corporation, organisation, association or other like body including a Board of Directors.

"DECLARED PERSON OR BODY" - a person or body is a declared person or body of the Union or a Branch of the Union for the purpose of rule 24D (and 50D) if:

(i) an officer of the Union or the Branch (as the case may be) has disclosed a material personal interest under rule 24C/50C; and

(ii) the interest relates to, or is in, the person or body; and

(iii) the officer has not notified the Union or the Branch (as the case may be) that the officer no longer has the interest.

"DISCLOSURE PERIOD" means the financial year of the Union as referred to in Rule 24.

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

"FINANCIAL DUTIES" includes duties that relate to the financial management of the Union or a Branch of the Union.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"FINANCIAL YEAR" means the financial year of the Union as referred to in Rule 24.

"GENERAL MANGAGER" means the General Manager of the Fair Work Commission.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"NON-CASH BENEFIT" means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.

"OFFICE" has the same meaning as defined by Section 9 of the *Fair Work (Registered Organisations) Act* 2009.

"PEAK COUNCIL" means a national or State council or federation that is effectively representative of a significant number of organisations (within the ordinary meaning of the term) representing employers or employees in a range of industries.

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

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union and in the case of the Forestry, Furnishing, Building Products and Manufacturing Division, of the Division.

"RELATED PARTY" has the same meaning as defined by section 9B of the *Fair Work (Registered Organisations) Act* 2009.

"RELATIVE" in relation to a person means:

(i) parent, step-parent, child, step-child, grandparent, grandchild, brother or sister or the person; or

(ii) the spouse of the first mentioned person.

"RELEVANT NON-CASH BENEFITS" in relation to an officer of the Union/Branch for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer's duties as an officer, by the Union/Branch or by a related party of the Union/Branch.

"RELEVANT REMUNERATION" in relation to an officer of the Union/Branch for a disclosure period is the sum of the following:

(i) any remuneration disclosed to the Union/Branch by the officer under Rules 24B/50B during the disclosure period;

(ii) any remuneration paid during the disclosure period, to the officer by the Union/Branch.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

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

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

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

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

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

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

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Mining and Energy Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Workplace Relations Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union

that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

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

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v) (a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form

utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

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

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

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

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.202 of the Industrial Relations Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

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

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

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

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or

Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

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

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) (a) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference

until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(b) The National Conference shall also consist of the two National Women's Committee members elected by each Division in accordance with Rule 17, regardless of whether those women are otherwise members of their Divisional Executive.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.
Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telegram or telex.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, telephonic, telegraphic, telex, verbal and/or written vote (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

13A - NATIONAL WOMEN'S CONFERENCE

(a) There shall be a National Women's Conference at least once every two years. The role of the National Women's Conference shall be to provide advice and recommendations to the Union on matters affecting women members of the Union.
(b) The National Women's Conference shall include the elected National Women's Committee members from each Division. The number of participants shall be no more than 15 members per division.
(c) Delegates to the National Women's Conference shall be nominated by the Divisional Executive of each Division.
(d) Notwithstanding the number of observers nominated by any Division to attend the National Women's Conference, only the nominated delegates from each Division shall have voting rights at the National Women's Conference.
(e) Resolutions of the National Women's Conference shall be referred to the National Conference for consideration by that Conference.

13B - NATIONAL WOMEN'S COMMITTEE

(a) There shall be a National Women's Committee.

(b) The National Women's Committee shall be made up of two female members from each Division. Only one National Women's Committee member from each Division may be a Full Time Paid officer of that Division.

(c) The members of the National Women's Committee are to be elected by each Division in accordance with Rule 17, or otherwise in accordance with the rules for general quadrennial elections applicable to each Division.

(d) Members of the National Women's Committee shall be, ex officio, members of the National Women's Conference and members of the CFMEU National Conference.

(e) The National Women's Committee will operate in accordance with a set of rules that have been adopted by either the CFMEU National Conference or Executive after consultation with the Committee.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) The National Executive Committee shall, on and from the first election for National Officers held after July 2010, consist of the National Officers, being the National Secretary, National President, National Assistant Secretary and three (3) National Vice Presidents of the Union together with such of the following elected officers of each Division at a National level namely:-

- in the case of the Construction and General Division, the Divisional Secretary, two (2) Divisional Assistant Secretaries, the Divisional President and three (3) additional National Executive Committee members elected by and from the Construction and General Division Divisional Conference.

- in the case of the Forestry, Furnishing, Building Products and Manufacturing Division, the Divisional Secretary, the Divisional Senior Assistant Secretary, the Divisional President and the Divisional Assistant Secretary who is also the District Secretary of the PPW District of the Division.

- in the case of the Mining and Energy Division, the General President, the General Secretary and two (2) additional National Executive Committee members elected by and from the Mining and Energy Divisional Conference.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive and National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six (6). A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a facsimile, telephonic, email, written and/or postal vote of members of the National Executive or National Executive Committee at any time. Members of the National Executive or National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or facsimile or email or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or email.

15 - NATIONAL EXECUTIVE

(i) (a) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

(b) Provided that in the case of the Forestry, Furnishing, Building Products and Manufacturing Division for purposes of this sub-rule a reference to the Principal Officer of a Divisional Branch shall be a reference to the District Secretary of a District of that Division.

(c) Where a Division has at least one woman who is a Full Time Elected Officer who is not otherwise entitled, under these Rules, to be a member of the National Executive, that Division is entitled to one National Executive (Female Affirmative Action) position on the National Executive.

(i) The National Executive (Female Affirmative Action) position for each Division may only be filled by a woman from that Division who is a Full Time Elected Officer who is not otherwise entitled to be a member of the National Executive;

(ii) Where there is more than one woman from a Division who is a Full Time Elected Officer who is not otherwise entitled under these Rules to be a member of the National Executive, and who is therefore eligible to fill the National Executive (Female Affirmative Action) position, the Divisional Executive of that Division shall determine which eligible officer shall fill the position.

(iii) Provided that, once nominated by the Divisional Executive, the Branch or District Executive (if the woman is a Branch or District Officer) must endorse the nomination of that Officer to the National Executive.

(ii) The National Officers shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

Provided that, the National Principal Officers holding office at 16 July 2010 shall, unless they resign or are removed from office in accordance with these rules, continue to hold office until 31 December 2010.

The National Officers elected in 2010 shall commence office on 1 January 2011.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

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

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Industrial Relations Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

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

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

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

16 - ELECTION OF NATIONAL OFFICERS

(i) The National Officers shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union (howsoever described in the Divisional Rules) and

the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Forestry Division and the General President of the Mining and Energy Division shall between them hold the positions of National Secretary, National Assistant Secretary and National President.

Further provided that, there shall be one Vice President from each Division who shall be nominated by and from their own Divisional Conference.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office. Further provided that in the case of a vacancy in one or more of the National Officer positions, the National Executive may fill such office by appointment from those members of the National Executive Committee who are otherwise eligible to hold the vacant office.

Provided however that any such appointment/s shall ensure that each Division maintains its representation of two (2) officers amongst the National Officers.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by post, letter, telegram, telephone, telex, facsimile and/or verbally as soon as the count is completed.

(ix) In any ballot of the National Collegiate for the election of National Officers, the representatives of each of the Divisions shall cast votes proportionate to the membership of their respective Divisions

determined in the same way, the necessary changes being made, as votes cast by delegates to the National Conference in accordance with Rule 13(iii) and (iv) herein.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(ii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iii) Except in the case of the Mining & Energy Division and the Forestry, Furnishing, Building Products and Manufacturing Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) That nominations are called in accordance with the rules of the Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) That the nominations process, closure and receiving of, are in accordance with the rules of the Division.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) Officers of all Divisional Branches holding such office at the date of amalgamation shall remain in office until the general election of officers held in 1996 and shall be eligible to nominate in that election. In this paragraph officers of all Divisional Branches shall mean officers of branches of the amalgamating unions being the persons listed in the schedule hereto.

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall, in accordance with the Rules of the Division, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only:-

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) The candidate's statement provided for in accordance with sub-rule (h) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail all ballot papers, in accordance with the Rules of the Division.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed closed in accordance with the rules of the Division.

(r) That the opening and closing of the ballot shall be in accordance with the rules of the Division.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

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

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

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except Mining and Energy Division and Forestry, Furnishing, Building Products and Manufacturing Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(ii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iii) The Divisional Officers at a national level shall be members of that Divisional Executive.

(iv) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

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

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

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

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

   National Executive shall:

   Determine the question to be submitted to the members and the form of the ballot paper.

   Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

   Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

   No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

   In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial

membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS/MEMBERS

1. The following sets out the duties of the National Officers outlined herein. The National Secretary shall be a full time position. The wages and costs relating to the office of the full time officer shall be borne by the Union.

2. National President:

   The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

   The National President shall have a deliberative vote only.

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

3. National Secretary:

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

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

   The National Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the National Office, together with a statement of the assets and liabilities of the National Office for the year ending 31st December in each year.

   Such financial statement shall be presented to the National Executive for its approval and be published within the journal of the National Union.

   The National Secretary shall carry out such other functions as shall be determined from time to time by the National Conference or National Executive.

   The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretaries:

   National Assistant Secretaries shall perform all duties assigned to them by National Conference and National Executive. They shall attend all meetings of National Conference and National Executive.

5. National Vice-Presidents:

   The National Vice-Presidents shall assist the National President in the conduct of meetings and in the absence of the National President, shall act as President.

   He/she shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

6. Members of National Executive and Delegates to National Conference:

   Members of National Executive and delegates to National Conference shall attend meetings of those bodies when summoned so to do.

7. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

8. No officers, employees, delegates or members shall be required to do, or required to omit to do, any act in breach of legislation applicable to the CFMEU.

9. Except as provided for by resolution of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof), it shall not be part of the duties of any delegate/steward, officer or employee, including organisers, whether temporary or not, to threaten, initiate, counsel, procure, induce, be involved in, engage in or be party to industrial action as defined by the Workplace Relations Act 1996 or building industrial action as defined by the Building and Construction Industry Improvement Act 2005.

22A - TRAINING OF OFFICERS

(a) This rule shall take effect on the commencement of Schedule 1 Part 2 of the *Fair Work (Registered Organisations) Amendment Act 2012*.

(b) Each person holding an office in the Union, including its Branches, Divisions and Divisional/District Branches whose duties include duties that relate to the financial management of the Union, including its Branches, Divisions and Divisional/District Branches shall undertake training:

   (i) approved by the General Manager under the provisions of the *Fair Work (Registered Organisations) Act 2009* or an Act replacing that Act; and

   (ii) that covers each of the officer's financial duties.

(c) An officer shall complete the training required by sub-rule (b) within:

   (i) six (6) months after the person begins to hold office; or

   (ii) if the officer holds office at the date of the Proclamation referred to in sub-rule (a), within six (6) months of that date.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

Provided that each Division/Divisional Branch is responsible to meet all costs associated with the operation of its Division/Divisional Branch, including all costs associated with the attendance and participation by their representatives at meetings, including National Conference, National Executive Committee unless decided otherwise by the National Executive Committee.

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. No funds shall be drawn from the Bank or financial institution except by cheque signed by two persons who are a National Secretary, National Assistant Secretary, National President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President or National Assistant Secretary. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

(viii) Any fines, penalties, damages, costs or other sum(s) ordered by a court against the Union is, if the conduct of a Division's officers, employees, agents or members made the Union liable for such amount(s), to be funded by that Division.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

The Auditor shall, in the report, draw attention of the National Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Union.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

Upon receipt by the National Secretary of a petition, signed by not less than 5% of the members of the Union, requesting that a general meeting of members of the Union be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the National Office, the National Secretary shall convene such meeting as soon as is practicable.

24A - POLICIES AND PROCEDURES - EXPENDITURE

(a) The Union shall develop and implement internal control policies and procedures relating to the expenditure of the Union, to ensure that the Union is conducted in accordance with the principles of good governance and to ensure accountability to members of the Union.

(b) Such policies and procedures shall be adopted by the National Executive and once adopted, shall be binding on all officers and members of the Union. Such policies and procedures must be identified in the resolutions of the National Executive as Rule 24A policies and procedures.

(c) Rule 24A policies and procedures must be published on the website of the Union with fourteen (14) days of their adoption.

(d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Branch, Division and Divisional/District Branch of the Union.

24B - DISCLOSURE BY OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

(a) Each person holding office in the Union shall disclose to the Union any remuneration paid to the officer:

(i) because the officer is a member of a board if:

(A) the officer is a member of the board only because the officer is an officer of the Union; or

(B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or

(ii) by a related party of the Union, in connection with the performance of the officer's duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Union shall disclose to the members of the Union:

(i) the identity of each officer of the Union who, when all officers of the Union are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than fifth;

(ii) the identity of each officer of each Division and Divisional/District Branch who, when all officers of the Division and Divisional/District Branches are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second; and

(iii) for each of those officers

(A) the actual amount of the officer's relevant remuneration for the disclosure period; and

(B) the form of the officer's relevant non-cash benefits for the disclosure period.

(d) For the purposes of sub-rules (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

24C - DISCLOSURE BY OFFICERS OF MATERIAL PERSONAL INTEREST

(a) Each person holding an office in the Union shall disclose to the Union any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Union including any Branch, Division or Divisional/District Branch thereof.

(b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The National Executive shall disclose to the members of the Union the interests disclosed to the Union pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year:

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

24D - DISCLOSURE BY UNION OF PAYMENTS

(a) The Union shall disclose to the members of the Union including its Branches, Divisions and Divisional/District Branches either of the following

(i) each payment made by the Union, during the disclosure period:

(A) to a related party of the Union or Branch; or

(B) to a declared person or body of the Union including its Branches, Divisions and Divisional/District Branches; or

(ii) the total of the payments made by the Union including its Branches, Divisions and Divisional/District Branches, during the disclosure period:

(A) to each related party of the Union or Branch; or

(B) to each declared person or body of the Union including its Branches, Divisions and Divisional/District Branches.

(b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Union including its Branches, Divisions and Divisional/District Branches from remuneration payable to officers or employees of the Union including its Branches, Divisions and Divisional/District Branches.

(c) Sub-rule (a) does not apply to a payment made to a related party if:

(i) the related party is an officer of the union; and

(ii) the payment:

(A) consists of remuneration paid to the officer by the union; or

(B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(d) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

25 - ALTERATION OF RULES

(a) The rules of the Union, or any of them, may be altered, rescinded, varied or made by the National Conference and/or National Executive. Proposals for alterations of rules may be forwarded by Divisions, Branches or any member of the National Executive or delegate to the National Conference and shall be forwarded to members and/or delegates with the notice calling the National Conference or National Executive, as the case may be, or so soon thereafter as is practicable. Provided that National Conference or National Executive may, in session, alter rules of which previous notice has not been given.

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telegraphic, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Industrial Relations Act (Commonwealth) or the regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the Industrial Relations Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

These National Rules and all the rules of the Union, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisions, Branches, and Divisional Branches and all sections of the Union and on all members who now, or who may hereafter, belong to the Union until they are made or become null and void according to the law.

26A - COMPLAINTS BY MEMBERS

1. Any financial member of the Union may raise a complaint over the actions of another member or members (including officers).

2. The complaint may be about a member or members:

   a. refusing to obey the rules of the union;

   b. refusing to obey a policy of the union;

   c. refusing to abide by a resolution carried at a properly constituted meeting of a management committee which has relevant control or management over the member;

   d. obstructing any properly constituted meeting of a management committee;

   e. obstructing any officer or employee of the union in the course of his/her duties;

f. Misappropriation of the funds of the union;

g. engaging in gross misbehaviour;

h. engaging in gross neglect of duty;

i. wrongfully and unreasonably holding out that he or she holds an office or position in the union;

j. making a false charge or complaint against a fellow member, including a complaint under this rule; or

k. aiding or encouraging any other member or members in any of the matters referred to above.

3. Members shall not subject a member who has made a complaint under this rule to adverse treatment.

4. The complaint must be raised in writing to the National Secretary. The complaint must clearly identify the member or members the subject of the complaint and the relevant action or actions that gave rise to the complaint. If the complaint is about the conduct of the National Secretary then the complaint may be raised with another National Officer.

5. The National Secretary (or if another National Officer receives the complaint, that National Officer) and at least one of the National Assistant Secretary or National President may refuse to accept a complaint if he or she considers the complaint to be trivial.

6. The National Secretary must refer the complaint to the National Executive Committee for the purpose of appointing an Investigator.

7. The National Executive Committee shall appoint an Investigator. The Investigator must be a member of the National Executive. The Investigator must not be an officer from the same Division as the member or members the subject of the complaint.

8. The Investigator shall investigate the complaint and provide a report to the National Executive Committee.

9. During the course of the investigation the Investigator may:

a. interview members or officers for the purpose of the investigation, and

b. require members or officers to provide documents relevant to the investigation.

10. Members will cooperate with the Investigator by attending interviews and providing all documents requested.

11. No one is entitled to legal representation during the investigation.

12. In the report the Investigator shall include his or her findings on the matters the subject of the complaint and include recommendations for action to be taken by the National Executive Committee. The Investigator may conclude that no action is necessary.

13. A copy of the Investigator's report shall be provided to the member who raised the complaint and to the member or members the subject of the complaint. Where the report recommends action against any member or members the member or members shall be given the opportunity to respond to the Report before the National Executive Committee considers any action.

14. Upon receipt of the Investigators report the National Executive Committee may take action in accordance with the recommendations of the Investigator's or take other action, as it considers appropriate.

15. Any decision of the National Executive Committee to take action against a member or members may be appealed to the National Executive.

16. The procedure in this rule shall apply in addition to any other procedure in the rules dealing with complaints about the conduct of members

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each division shall have autonomy in relation to its funds and property.

(iv) Each Division shall have rules and have power to make, alter or rescind such rules, to be called Divisional Rules. Without limiting the generality of the foregoing paragraph, each Division shall have power to determine policy for that Division, not inconsistent with the rules and policy of the Union as decided by National Conference or National Executive.

(v) If there is any environmental matter that directly affects the employment of members of one Division only, then that Division whose members are so affected shall have the power to determine the policy of the Union on that matter.

(vi) Divisions, other than the Forestry, Furnishing, Building Products and Manufacturing Division, shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland, New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.202 of the Industrial Relations Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of state unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or National Assistant Secretary or any person authorised by a National Secretary or National President or National Assistant Secretary so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary or any person authorised by a Divisional Secretary or Divisional Assistant Secretary may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, Divisional Secretary or Divisional Assistant Secretary, or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests issued by a Divisional Secretary or Divisional Assistant Secretary or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National Assistant Secretary, National President, Divisional Secretary and/or Divisional Assistant Secretary shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.

(g) The taking of industrial action (within the meaning of the Workplace Relations Act 1996), building industrial action (within the meaning of the Building and Construction Industry Improvement Act 2005) or picketing by members is not authorised by the union without the consent of a committee of management of the CFMEU (including any committee of management of a Division, Branch, Divisional or District Branch thereof).

Provided however that the preceding paragraph shall not restrict the right of a person or body duly authorised by such a committee of management to authorise industrial action in accordance with s 446 (1)(a) of the Workplace Relations Act 1996, or any successor provisions thereto.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 361 Kent Street, Sydney in the State of New South Wales, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

Where a Division ceases to exist and the Union continues, the property of that defunct Division shall be vested in the Division to which the members of the defunct Division are allocated.

Where the Union is dissolved the property of the Union shall be vested in the trustees of each existing Division at the time of dissolution for the benefit of the members thereof on the basis that each such Division will continue to hold its own property and funds and any property or funds not vested at the time of dissolution in a Division shall be divided between the existing Divisions on a basis proportionate to the membership of each such Division.

35 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members may be sued for in the name of the Union by the National Secretary or by the Divisional Secretary, or Divisional Branch Secretary to which the member is attached, or by any other person or body authorised by the rules of the Union including the rules of any Divisional Branch or the Rules of any Division.

36 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy shall be decided by a majority of the National Conference or National Executive and shall not exceed $50.00 and when so decided shall be binding on all members or sections of members as National Conference or National Executive may decide.

(iii) A Division or Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

(a) If the National Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a rule, to a vote of National Conference or National Executive at any time when it is inconvenient to call National Executive or National Conference together, the National Secretary may submit a resolution dealing with the matter to the delegates or members, by letter, facsimile, telegram, telephone, email, in writing, by computer link and/or by any other means of communication.

(b) A copy of such resolution shall, as soon as practicable thereafter, be sent to each Branch Secretary and each Divisional Secretary. The votes on such resolution shall be returnable to the National Secretary at such time as the National Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.

(c) Provided that where no record can be kept of the vote and/or decision, such a record shall be created and a copy of that record sent to each person entitled to vote or, in the case of computer linkages, the record is such that it can be viewed and/or copied by the person entitled to vote.

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

1. All motions shall be of an affirmative character and must be moved and seconded by delegates or members. Such motions become the property of Conference or Executive and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates or members present agree to an extension of time.

2. Unless a delegate or member rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

3. A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

4. A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

5. Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

6. All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chairperson's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

   If the votes are equal the question is resolved in the negative.

7. A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates or members present agree to an extension of time.

8. Right of Speaker: Any delegate desiring to speak shall rise and address the chairperson. If two or more delegates or members rise at the same time the chairperson shall call upon the one who, in the Chairperson's opinion, first rose. Provided that no delegates or members can speak more than once upon any question (which shall include the original motion and all amendments thereto) before Conference or Executive, except -

   (a) In reply as the mover of the original motion.
   (b) In explanation or correction of some matter during the debate.
   (c) Upon a point of order raised during the debate.
   (d) Upon a resolution being carried "that the delegate now be heard".

9. A delegate or member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by that delegate or member.

10. No more than two delegates or members shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

11. Any delegate or member speaking shall at once resume their seat -

    (a) If the chairperson rises to speak; or
    (b) If a point of order is raised.

    and shall not resume their speech until the point of order is decided.

12. No delegate or member may speak to any question after it has been put by the chairman or during the taking of the vote.

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of Conference.

CHAIRPERSON'S RULINGS

The chairperson's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by Conference or Executive. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the delegates or members present for Conference or Executive to suspend the order of business.

SITTING AS A COMMITTEE

Conference or Executive may at any time, by a resolution agreed to by a majority of delegates or members present, resolve itself into a committee of the whole. The rules governing the business of Conference or Executive shall be observed when in Committee.

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

The National Executive, the State Executive, a Divisional Executive or a Divisional Branch Management/Executive Committee may, in their absolute discretion, summon meetings of members over which they have authority and/or responsibility from time to time.

If such meeting is called notice shall be given in a union journal circulating in the area covering the members to which the meeting relates or in a mass circulation daily newspaper circulating in the area in which the meeting is to be held and such publication shall be issued at least fourteen days before the date of the meeting. The notice of such meeting shall specify the day, the date, the time and the place of such meeting.

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the Industrial Relations Act 1988, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, telex, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee, following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including

members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted

(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) deleted

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the

former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer

is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - Divisional Restructuring (FEDFA)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps which steps may deal with one Division at a time, Divisional Branches within a Division and/or the Divisional Office of any particular Division.

2. In relation to the above, the FEDFA Division shall be restructured in steps which shall involve:

(a) The abolition of full-time Divisional Officers at a national level and the allocation of responsibility for the FEDFA Division between the Building Unions Division and the UMW Division;

(b) The allocation of full-time Divisional Officers of the FEDFA Division to the Building Unions Division and the UMW Division;

(c) The continued operation of the Divisional Branches of the FEDFA Division with the intent, over time, of the restructuring of said Divisional Branches in accordance with Rule 42, into the Building Unions/Construction and General Division, UMW/Mining & Energy Division and the ATAIU/Forestry Division;

(d) The payment of capitation fees by FEDFA Divisional Branches to a designated fund which shall be administered by the Divisional Secretary of the FEDFA Division or, if or when that Office is abolished by the former Divisional Secretary and the Divisional Secretaries of the Building Unions and/or Construction and General Division and the UMW and/or Mining and Energy Division.

(e) The continued meeting of the Division Executive of the FEDFA Division for so long as is necessary before the complete restructuring of the FEDFA Division is effected in accordance with Rule 42.

3. On and from 27 September 1993, in accordance with the above procedure, the current Divisional Secretary of the FEDFA Division shall be and become the Divisional President of the Building Unions Division and the current Divisional Assistant Secretary of the FEDFA Division shall be and become a Divisional General Vice-President of the UMW Division and upon translation in accordance with Rule 42 (iii), shall hold the corresponding offices in the Construction and General Division and the Mining & Energy Division respectively.

4. The current Divisional Secretary and Divisional Assistant Secretary of the FEDFA Division shall continue to hold those positions in the FEDFA Division on an honorary basis until such time as the FEDFA Division no longer meets on a national basis.

5. This Rule shall come into force after its adoption by the National Executive and agreement thereto by the FEDFA Divisional Executive, UMW Divisional Executive and Building Unions Divisional Executive and thereupon shall be registered with the Australian Industrial Registry and shall take effect upon registration, or 27 September 1993, whichever is the later.

6. Further to the above provisions, and notwithstanding any other rule of the Union to the contrary, during the process of restructuring, any Divisional Branch of the FEDFA Division may reach agreement with any or all of the UMW Division/Mining & Energy Division and/or the Building Unions Division/Construction and General Division and/or the Forestry Division or the relevant Divisional Branches thereof to transfer members and officers of the FEDFA Division to any and/or all of the other aforementioned Divisions. Such agreement shall be reached with the approval of the Management Committee or its equivalent in each Divisional Branch and the officers concerned. Any such Divisional Branch may reach agreement on some or all of the matters relating to such transfer and, failing agreement on any or all of such matters, refer the matters by agreement to the National Executive for decision. Until such time as there no longer exists an FEDFA Division in accordance with the Rules of the Union, all such officers transferred shall, notwithstanding the holding of positions in other Divisions, continue to hold the office or position in the FEDFA Division on an honorary basis and shall, to the extent that the Rules require same, continue to perform the functions associated with that office in relation to the FEDFA Division. All agreements in relation to the transfer of members and officers shall be notified to the National Executive Committee and attached to the Minutes thereof. Such agreements shall have force and effect in accordance with the terms thereof and from the date of effect of that agreement as specified in that agreement, or failing any specification thereof, on the date of the agreement.

7. The following table shows the restructuring of the FEDFA Division, merging with the appropriate Union Division to create Industry Divisions:

	(	merged with	)
STATE	CONSTRUCTION AND GENERAL	MINING AND ENERGY	FORESTRY
National Office	27 Sept 1993	27 Sept 1993	
Queensland	4 Feb 1994	1 Jan 1993	
New South Wales		Northern 2/4/93 Southern 1/7/93 Western 8/4/93 Energy 21/7/93	
Tasmania	31 July 1996	24 August 1996	1 Jan 1994
Sth Aust	1 Aug 1993	1 Aug 1993	
West Aust	1 Sept 1993	1 Sept 1993	
Victoria	1 Aug 2003	2 Jan 2001	
Barrier		1 July 1996	

42B - Merger with ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DIVISIONAL RESTRUCTURING (FFTS)

1. Notwithstanding any other Rule of the Union to the contrary, the process of restructuring may be completed in steps, such steps may deal with one Division at a time and/or Divisional Branches within a restructured Division at a time.

2. In relation to the above, the FFTS Division shall on and from the 11th February 2002, be restructured in the first instance into the Forestry Division to form "The Forestry, Furnishing, Building Products and Manufacturing Division" (FFPD) which shall result in:

   (a) The abolition of full-time FFTS Divisional Officers at a national level and the allocation of responsibility for the FFTS Division to the restructured Division.

   (b) The allocation of Divisional/Branch Office Holders of the FFTS Division to the Office Holders positions of the restructured Division.

   (c) The continued operation of the Victorian and Queensland Divisional Branches of the FFTS Division within the restructured Division of up to four years beyond the expiration of the eight years referred to in sub-rule 42(xii). This sub-rule shall not otherwise affect the operation of sub-rule 42(xii). For the avoidance of doubt, the four years referred to in this sub-rule shall expire on 26 March 2005.

3. Further to the above provisions and notwithstanding any other rule of the Union to the contrary, the FFTS Victorian Branch shall unless otherwise agreed by the FFTS Victorian Branch Management Committee maintain its current structure and existence within the restructured Division up until 26 March 2005.

4. Prior to the 26 March 2005, the FFPD (which shall include representatives of the former FFTS Division) and the Construction & General Division (which shall include representatives from the National Office and all interested Branches) will meet under the chairpersonship of the National Secretary of the CFMEU to reach agreement to finalise translation/integration provisions intended by the respective Schemes of Amalgamation and the Rules of the Union in respect to the Forestry, FFTS and C&G Divisions.

5. Should agreement not be reached between the Divisions the matter shall be referred to the CFMEU National Executive to determine in accordance with the Schemes of Amalgamation and Rules of the Union.

6. Until the elections scheduled to be held in August 2004 the FFPD shall be constituted and represented as follows:-

(a) Divisional Conference shall consist of:-

(i) Forestry Division Representatives

Trevor Smith	SA	Jane Calvert	VIC
Paul Martinella	SA	Andy Laing	VIC
Mark Nicholls	SA	Ian Mullen	VIC
Brenton Lockwood	SA	Michael O'Connor	VIC
Scott McLean	TAS	Brad Platschinda	VIC
Colin Butler	TAS	Bevan Anderson	NSW
Gary Jaeschke	WA	Bruce CampbellNSW	
Christopher Northover	P&P	Craig Smith	NSW
Phillip Illidge	P&P	Eileen Anderson	NSW
Alex Millar	P&P	Kenneth Miller	NSW
Debbie Brennan	P&P		

(ii) FFTS Division Representation

Jim Emery	SA	Leo Skourdoumbis	VIC
David Kirner	SA	Frank Vari	VIC
Brad Parker	NSW	Joe Patti	VIC
Greg Williams	QLD	Cliff Palmer	VIC
John O'Brien	VIC	Alwin Seneviratne	VIC

(iii) Representation

Representation of the Forestry and FFTS Division Branches shall be in accordance with Rule 8 of the Forestry Division Rules.

(b) Divisional Executive shall consist of:-

(i)

Jane Calvert	Divisional President
Phillip Illidge	Divisional Snr V/President
Brad Parker	Divisional V/President
Craig Smith	Divisional V/President
Trevor Smith	Divisional Secretary
Chris Northover	Divisional Snr Assistant Secretary (Honorary)
Michael O'Connor	Divisional Assistant Secretary
Leo Skourdoumbis	Divisional Assistant Secretary (Honorary)
Kenneth Miller	Divisional Trustee
Dave Kirner	Divisional Trustee
Frank Vari	Divisional Trustee
Scott McLean	Divisional Trustee
Paul Martinella	Divisional Executive Member
Greg Williams	Divisional Executive Member
Gary Jaeschke	Divisional Executive Member

(c) FFPD NSW Branch Executive/Committee of Management

Brad Parker	Joint President (full-time)
Bevan Anderson	Joint President (Honorary)
Bruce CampbellSnr V/President	
Jayne Willet	Jnr V/President (AA)
Tom Abramovic	Jnr V/President
Craig Smith	Secretary
Sala Taalilil	Trustee
Eileen Anderson	Trustee (AA)
Peter Reilly	Trustee
Ronnie Watson	Trustee
Kenneth Miller	Trustee
Alan Lanyon	Committee Member
Barry Barrakett	Committee Member
Cheryl Hampton	Committee Member
Kerry Hickey	Committee Member
Mark Thompson	Committee Member
Michael Schuppan	Committee Member
Peter StClair	Committee Member
Anthony Ovington	Committee Member

(2 Vacant COM positions to be filled by FFTS)

(d) (a) FFPD VIC FFTS Branch Executive/Committee of Management

Joe Patti	President
Cliff Palmer	V/President
John O'Brien	V/President
Leo Skourdoumbis	Secretary
Frank Vari	Assistant Secretary
Michael Doran	Trustee
Ernie Landolt	Trustee
Les Ford	Trustee
Florencio P Carrion	Committee Member
Eric Maher	Committee Member
Jeffery Connor	Committee Member
Brenda Crawford	Committee Member
Penny Lintzos	Committee Member
James Maine	Committee Member
Alwin Seneviratne	Committee Member
Greg Wheeler	Committee Member
Chris Christou	Committee Member
Damian Cooke	Committee Member
Ian Morris	Committee Member

(b) FFPD VIC Forestry Branch Executive/Committee of Management

Andy Laing	President
Ian Mullen	Snr V/President
Andrew Wareham	V/President
Kim Mason	V/President (AA)
Jane Calvert	Secretary
Yorick Piper	Assistant Secretary
Kevin Wyley	Trustee
Clare Burford	Trustee (AA)
Ken Tonkin	Trustee
Mark Nelson	Trustee

Ricky Owens	Committee Member
Bob Salmnon	Committee Member
Wayne Smith	Committee Member
Neil Saunders	Committee Member
David Sheppard	Committee Member
Sunsera Verhoven	Committee Member
Anthony Jones	Committee Member
Duncan Ingram	Committee Member
Graeme Howe	Committee Member

(1 vacant COM AA position to be filled)

(e) FFPD Pulp & Paper Branch Executive/Committee of Management

Phillip Illidge	President
Robert Johnston	Snr V/President
Alex Millar	Jnr V/President
Chris Northover	Secretary/Treasurer
Grant Keys	Trustee
Chris Northover	Trustee
Alex Millar	Trustee
Geoff Gasperotti	Committee Member
Wayne Hardy	Committee Member
Andrew Ball	Committee Member
Greg Stewart	Committee Member
David Jessup	Committee Member
Mervyn Donoghue	Committee Member
Tom Blacka	Committee Member
Craig Waters	Committee Member
Ken Fraser	Committee Member
William Davey	Committee Member
Greg Godde	Committee Member
Trevor Sinclair	Committee Member
Marne Gurney	Committee Member

(f) FFPD SA Branch Executive & Committee of Management

Jim Emery	President
Mark Nicholls	Snr V/President
Tony Howlett	V/President
Maree Gale	V/President
Paul Martinella	Secretary
David Kirner	Assistant Secretary
Steve Crafter	Trustee
Tom Kenny	Trustee
Ross Bennetta	Trustee
Leonie Kiploks	Trustee (AA)
Karen Cory	Committee Member
Mark Vickers	Committee Member
Peter Nelson	Committee Member
Greg Muhovics	Committee Member
Andrew Sampson	Committee Member
Kym Isaacson	Committee Member
Peter Starr	Committee Member
Bill Burns	Committee Member
Bernie Maguire	Committee Member
Laurie Barbary	Committee Member

(1 Vacant COM AA position to be filled by FFTS)

(g) FFPD TAS Branch Executive & Committee of Management

Colin Butler	President
Angela Lord	Snr V/President
Narrelle Bassett	V/President (AA)
Anthony Clay	V/President
Scott McLean	Secretary
Shiralee Gillespie	Trustee (AA)
Ronald Brown	Trustee
Leanne Hardy	Trustee (AA)
Lindsay Hills	Trustee
Robert Bowden	Committee Member
Paul Worker	Committee Member
Peter Mason	Committee Member
Margaret Watson	Committee Member
Kylie Dundas	Committee Member
Joseph Kelly	Committee Member
Anthony Barnes	Committee Member
Adrian Littlejohn	Committee Member

(h) FFPD QLD Branch Executive/Committee of Management

Ursula Korableff	President
Desmond Flanagan	V/President
Stephan Williams	V/President
Greg Williams	Secretary
Rodney Black	Committee Member
Vincent Breen	Committee Member
John Forrest	Committee Member

(i) FFPD WA Branch Executive/Committee of Management

John Rudge	President
Vincent Preedy	Snr V/President
Douglas Ashcroft	V/President
Gary Jaeschke	Secretary (Honorary)
John Cleary	Trustee
Garry Rampling	Trustee

7. This rule shall come into force on and from 11 February 2002 in accordance with the unanimous decision of the National Executive and shall be registered with the Australian Industrial Registry.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such

State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS

(i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

Nothing in this Rule prevents the Branch from entering into an agreement with a Trade or Industrial Union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or on a basis on which the funds are held in common or jointly so long as the funds are treated, for all purposes, insofar as they relate to members of the Branch, as funds of the Branch.

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

The Auditor shall, in the aforesaid report, draw attention of the State Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Branch.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made pursuant thereto.

Upon receipt by the State Branch Secretary of a petition, signed by not less than 5% of the members of the State Branch, requesting that a general meeting of members of the State Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the State Branch, the State Branch Secretary shall convene such meeting as soon as is practicable.

50A - POLICIES AND PROCEDURES - EXPENDITURE

(a) Each Branch shall develop and implement internal control policies and procedures relating to the expenditure of the Branch, to ensure that the Branch is conducted in accordance with the principles of good governance and to ensure accountability to members of the Branch.

(b) Such policies and procedures shall be adopted by the State Executive and once adopted, shall be binding on all officers and members of the Branch. Such policies and procedures must be identified in the resolutions of the State Executive as Rule 50A policies and procedures.

(c) Rule 50A policies and procedures must be published on the website of the Branch with fourteen (14) days of their adoption.

(d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Division and Divisional/District Branch of the Union.

50B - DISCLOSURE BY BRANCH OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

(a) Each person holding office in a Branch shall disclose to the Branch any remuneration paid of the officer:

(i) because the officer is a member of a board if:

(A) the officer is a member of the board only because the officer is an officer of the Branch; or

(B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or

(ii) by a related party of the Branch, in connection with the performance of the officer's duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Branch shall disclose to the members of the Branch:

(i) the identity of each officer of the Branch who, when all officers of the Branch are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second;

(ii) for each of those officers

(A) the actual amount of the officer's relevant remuneration for the disclosure period; and

(B) the form of the officer's relevant non-cash benefits for the disclosure period.

(d) For the purposes of sub-rules (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50C - DISCLOSURE BY BRANCH OFFICERS OF MATERIAL PERSONAL INTEREST

(a) Each person holding an office in the Branch shall disclose to the Branch any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Union or Branch.

(b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The State Executive shall disclose to the members of the Branch the interests disclosed to the Branch pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year:

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50D - DISCLOSURE BY BRANCH OF PAYMENTS

(a) The Branch shall disclose to the members of the Branch either of the following

(i) each payment made by the Branch, during the disclosure period:

(A) to a related party of the Branch; or

(B) to a declared person or body of the Branch; or

(ii) the total of the payments made by the Branch during the disclosure period:

(A) to each related party of the Branch; or

(B) to each declared person or body of the Branch.

(b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Branch from remuneration payable to officers or employees of the Branch.

(c) Sub-rule (a) does not apply to a payment made to a related party if:

(i) the related party is an officer of the Branch; and

(ii) the payment:

(A) consists of remuneration paid to the officer by the Branch; or

(B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(d) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

SCHEDULE OF OFFICERS REFERRED TO IN RULE 42 (xiv) (a)

POSITION	PERSON TO HOLD POSITION
NATIONAL UNION	
** Joint National Secretary	Stanley Sharkey
** Joint National Secretary	Vic Fitzgerald
** Joint National President	John Maitland
** Joint National President	Trevor Smith
** National Assistant Secretary	John Sutton
** National Senior Vice President	Lou Kyriacou
* National Senior Vice President	Albert Littler
National Senior Vice President	Bill Ethell
Joint National Vice President	Christopher Northover
Joint National Vice President	Kenneth Hawkins
Joint National Vice President	Malcolm McDonald
Joint National Vice President	Thomas Burke
* FEDFA Divisional Assistant Secretary	Tony Maher
* BWIU/Plasterers Divisional Assistant Secretary	Lindsay Fraser
* ATAIU Divisional Assistant Secretary	Chris Northover

* UMW Divisional General Secretary	Eric A Wilks
* UMW Divisional Vice President	Kenneth Hawkins

NATIONAL EXECUTIVE COMMITTEE shall consist of the six (6) principal officers (marked **) plus the other full-time Divisional Officers of each Division (marked *).

NATIONAL EXECUTIVE shall consist of the persons who constitute the National Executive Committee set out above and the Divisional Branch Secretary of each Divisional Branch of each Division set out herein and shall, in accordance with Rule 42 (viii) (a) include the National President and National Secretary of the former OPPWF. This body shall also include the Divisional Branch Secretaries from Victoria, New South Wales, South Australia and Queensland of the FFTS Union Division.

It also includes the South Australian, Victoria and Queensland Branch Secretaries and the NSW Branch Assistant Secretary of the former OPDU.

NATIONAL CONFERENCE shall consist of the persons listed as the members of the four (4) divisional executives set out herein until 2 January 1997, the following shall also be a delegate,

T. Richardson - Secretary of former OPPWF, Queensland Branch.

The National Conference shall also include the persons (as set out herein) comprising the Federal Executive of the FFTS Union Division while that Union Division remains autonomous.

BRANCHES OF THE UNION

NEW SOUTH WALES BRANCH

New South Wales State Officers

Joint NSW State Secretary	Dennis Matthews
Joint NSW State Secretary	Ian Peel
Joint NSW State President	Gavin Hillier
Joint NSW State President	Michael Watson
Joint NSW State Assistant Secretary	Andrew Ferguson
Joint NSW State Assistant Secretary	Alf Rankin
Joint NSW State Senior Vice President	Thomas Burke
Joint NSW State Senior Vice President	Peter McClelland
Joint NSW State Senior Vice President	Edward Curran
Joint NSW State Senior Vice President	Sid Wales
Joint NSW State Vice President	Bevan Anderson
Joint NSW State Vice President	Howard Fisher
Joint NSW State Vice President	Mick Smith
Joint NSW State Vice President	Gary McArthur

New South Wales State Executive

Shall consist of the abovenamed persons being the NSW State Officers together with the persons who are the full-time Divisional Branch officers, other than organisers, of each Divisional Branch, being,

ATAIU NSW Divisional State Assistant Secretary, Joyce Tuckwell
FEDFA NSW Divisional State Assistant Secretary, Scott Gartrell
FFTS NSW Union Divisional State Assistant Secretary, Rex Smith

New South Wales State Conference

Shall consist of the persons who constitute NSW State Executive as listed above (i.e. including NSW State Officers) and the persons being the other members of ATAIU NSW Divisional Branch Management Committee and the Building Unions NSW Divisional Branch Management Committee and the UMW Divisional Branch Management Committee, and the FEDFA NSW Divisional Branch Management Committee and the FFTS Union Division NSW Branch Management Committee listed herein.

VICTORIAN BRANCH

Victorian State Officers

Joint Vic State Secretary	John Van Camp
Joint Vic State Secretary	Vince Raffa
Joint Vic State President	Barry King
Joint Vic State President	Lou Kyriacou
Joint Vic State Assistant Secretary	Martin Kingham
Joint Vic State Assistant Secretary	Vacant
Vic State Senior Vice President	Frank O'Grady
Joint Vic State Vice President	Vilma Stargatt
Joint Vic State Vice President	Malcolm McDonald
Joint Vic State Vice President	Alex Findlay
Joint Vic State Vice President	Vacant

Victorian State Executive

Shall consist of the abovenamed persons being the Victorian Divisional Officers, Building Unions Victorian Divisional State Assistant Secretary and the FEDFA Victorian Divisional State Assistant Secretary plus FFTS Union Division Victorian Divisional Branch Senior Organiser.

Victorian State Conference

Shall consist of the persons who constitute the persons being the other members of the ATAIU Victorian Divisional Branch Management Committee, the BWIU Victorian Divisional Branch Management Committee and the FEDFA Victorian Branch Management Committee and the FFTS Union Division Victorian Divisional Branch Management Committee listed herein.

SOUTH AUSTRALIAN BRANCH

South Australian State Officers

SA State Secretary	Ben Carslake
SA State President	Quentin Cook
Joint SA Senior State Vice President	A. Johnson
Joint SA Senior State Vice President	D. Frater
Joint SA State Vice President	A. Young
Joint SA State Vice President	G. Bull
Joint SA State Vice President	D. Stapleton
Joint SA State Assistant Secretary	Terry Carrol
Joint SA State Assistant Secretary	Geoff Day
Joint SA State Assistant Secretary	J. McGirr

South Australian State Executive

Shall consist of the abovenamed persons being South Australian State Officers and

ATAIU SA Divisional Branch Assistant Secretary
FFTS SA Divisional Branch Assistant Secretary

South Australian State Conference

Shall consist of the persons who constitute South Australian State Executive set out above and the persons being the other members of the ATAIU South Australian Divisional Branch Management Committee, the Building Unions South Australian Divisional Branch Management Committee the FFTS Union Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee listed herein.

TASMANIAN BRANCH

Tasmanian State Officers

Joint Tas State Secretary	Max Cordwell
Joint Tas State Secretary	Mike Grey
Joint Tas State President	Shayne Murphy
Joint Tas State President	Leonard Miles
Tas State Senior Vice President	Stephen Hevey
Joint Tas State Vice President	J. Gill
Joint Tas State Vice President	Colin Butler
Joint Tas State Vice President	M. Collins
Joint Tas State Vice President	David Bean
Joint Tas State Vice President	Barry Bishop
Joint Tas State Vice President	Ray Carroll
Tas State Assistant Secretary	

Tasmanian State Executive

Shall consist of the Full Time Tasmanian State Officers.

Tasmanian State Conference

Shall consist of the persons listed as the Tasmanian State Executive set out above and, the other persons being the persons listed as members of the ATAIU Tasmanian Divisional Branch Management Committee, UMW Tasmanian Divisional Branch Management Committee, the Building Unions Tasmanian Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee and the FFTS Union Division Tasmanian Branch Management Committee listed herein.

AUSTRALIAN CAPITAL TERRITORY BRANCH

ACT State Officers

ACT State Secretary	George Wason
ACT State President	Rod Driver
Joint ACT State Vice President	Kate Lundy
Joint ACT State Vice President	J. McHugh
Joint ACT State Assistant Secretary	Trevor Zeltner
Joint ACT State Assistant Secretary	Stan Hambesis

ACT State Executive

Shall consist of the abovenamed persons listed as ACT State Officers.

ACT State Conference

Shall consist of those persons listed above as being the ACT State Executive and the other persons listed herein as members of the Building Unions ACT Divisional Branch Management Committee.

WESTERN AUSTRALIAN BRANCH

Western Australian State Officers

WA State Secretary	Bill Ethell
Joint WA State President	John Borlini
Joint WA State President	Alex A'Vard
Joint WA State Vice President	Gary Wood
Joint WA State Vice President	A. Baxter
Joint WA State Vice President	Ron Kielty
Joint WA State Vice President	A. Cook
Joint WA State Vice President	K. Reynolds
Joint WA State Assistant Secretary	Rick Todd
Joint WA State Assistant Secretary	Dave McIntyre

WA State Executive

Shall consist of the abovenamed persons listed as WA State Officers.

WA State Conference

Shall consist of those persons listed above as being the WA State Executive and the persons listed herein as members of the both Building Unions Divisional Branches' Management Committees, the members of the UMW WA District Divisional Branch Management Committee and the FEDFA Divisional Branch Management Committee.

QUEENSLAND BRANCH

Queensland State Officers

Joint Qld State Secretary	William Trohear
Joint Qld State Secretary	Greg Betts
Joint Qld State President	Andrew Vickers
Joint Qld State President	Peter Stone
Joint Qld State President	Des Holloway
Joint Qld State Senior Vice President	V. Robinson
Joint Qld State Vice President	B. Rushan
Joint Qld State Vice President	Kevin Anderson
Joint Qld State Vice President	Peter Neilson
Joint Qld State Assistant Secretary	Mark Hickey
Joint Qld State Assistant Secretary	Geoff Wilson
Joint Qld State Assistant Secretary	P. Waters

Queensland State Executive

Shall consist of the abovenamed persons listed as Queensland State Officers plus an additional person being the FFTS Union Division Qld Branch Assistant Secretary.

Queensland State Conference

Shall consist of those persons listed above as being the Queensland State Executive and the persons listed herein as members of the Building Unions Queensland Divisional Branch Management Committee, the members of the UMW Divisional Branch Management Committee and the members of the FEDFA Divisional Branch Management Committee and members of the FFTS Union Division Qld Divisional Branch Management Committee.

BUILDING UNIONS DIVISION

DIVISIONAL OFFICERS

Joint Divisional President	A. Littler
Joint Divisional President	B. Ethell
Divisional Secretary	S. Sharkey
Joint Divisional Assistant Secretary	J. Sutton
Joint Divisional Assistant Secretary	L. Fraser
Joint Divisional Senior Vice President	D. McDonald
Joint Divisional Senior Vice President	J. McGirr
Joint Divisional Vice President	C. Bates
Joint Divisional Vice President	M. Bingham
Joint Divisional Vice President	T. Burke

BUILDING UNIONS DIVISIONAL EXECUTIVE

The Divisional Officers of Building Unions Division as set out above, and

W. Trohear	Queensland
M. Cordwell	Tasmania
B. Carslake	South Australia
V. Raffa	Victoria
D. Cafferty	Victoria
G. Wason	Australian Capital Territory
D. Matthews	New South Wales
A. Rankin	New South Wales
B. Ethell	Western Australia
T. Carroll	Plasterers
K. Reynolds	WA Plasterers

BUILDING UNIONS DIVISIONAL CONFERENCE

The Divisional Officers of Building Unions Division and the Divisional Executive as set out above, and the following delegates from Building Unions Divisional Branches:

A. Ferguson	(NSW)	A. Wigchert	(QLD)
P. Grainger	(NSW)	M. Hickey	(QLD)
J. Briggs	(NSW)	T. Richardson	(QLD)
T. Morrison	(NSW)		
T. Mawdsley	(NSW)	F. O'Grady	(VIC)
J. Taylor	(NSW)	R. Williams	(VIC)
I. Smith	(NSW)	M. Kingham	(VIC)
B. Woodham	(NSW)	J. Saddington	(VIC)
T. McDonald	(NSW)		
E. Boatswain	(NSW)	R. Todd	(WA)

- together with the OPDU Federal Council as at the date of amalgamation.

BUILDING UNIONS DIVISIONAL TRUSTEES

W. Trohear (QLD)
R. Driver (ACT)

BUILDING UNIONS NSW DIVISIONAL BRANCH

Divisional State President	P. McClelland
Divisional State Secretary	D. Matthews
Joint Divisional State Assistant Secretary	A. Ferguson
Joint Divisional State Assistant Secretary	T. Burke
Joint Divisional State Assistant Secretary	A. Rankin
Divisional State Vice President	G. McArthur

BUILDING UNIONS NSW DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners
T. Morrison
J. Pineiro
I. Smith
L. Strutzenberger
M. Barrios

Bricklayers
H.D. Eisenhammer
A. Baxter

Builders Labourers
J. Ashdown
P. Balcombe
I. Gavin
S. Green

Bridge & Wharf
A. Melnikoff

Tilelayer
L. Quill

Stonemason
S. Cafarella

Slater & Tiler
M. Murphy

Plasterer
C. Howarth

Painters
J. Anning
J. Foster
J. Hoddle

BUILDING UNIONS NSW DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and -

Sydney Zone

Sydney Carpenters & Joiners
H. Brazao
P. Bristow
T. Connolly
P. Eggers
E. Elder
G. Kelly
F. Malis
P. Leyden
A. Zdrilic

Country Zone

Country Carpenters & Joiners
L. Allen
R. Wills

Country Bricklayer
D. Atkinson

Country Builders Labourer
W. Shipman

Sydney Bricklayers
V. Catania
J. Taylor
M. McAliney

Sydney Builders Labourers
B. Granata
E. Harbidge
G. Sheen
D. Stean
J. McGee
S. Whetter

Bridge & Wharf
C. Ford

Tilelayers
L. Quill

Slaters & Tilers
M. French

Stonemasons
J. Robinson

Plasterer
K. Andrews

Newcastle Zone

Newcastle Carpenters & Joiners
J. Allen
P. Cuskelly

Newcastle Bricklayer
L. Deeks

Newcastle Builders Labourer
E. Purins

Wollongong Zone

Wollongong Carpenters & Joiners
T. Gray
G. Karry

Wollongong Bricklayer
W. Hall

Wollongong Builders Labourer
M. Ward

BUILDING UNIONS NSW DIVISIONAL BRANCH TRUSTEES

T. Morrison
L. Strutzenberger
S. Green
J. Anning

BUILDING UNIONS NSW DIVISIONAL BRANCH ORGANISERS

B. Miller
P. Grainger
W. Baker
J. Briggs
B. Cochrane
N. Fodor
J. Higgins
J. Curruthers
J. Prentice
J. McKee
T. Hunt
M. Lawler
P. Zaboyak
M. Lynch
S. Manna
T. Mawdsley
D. Sullivan
C. Bates
J. Adams
J. McGahan
B. Beasley

Newcastle: R. Jarman

BUILDING UNIONS NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

T. McDonald
S. Sharkey
D. McDonald
J. Briggs
I. Smith
E. Boatswain
D. Matthews
L. Fraser
C. Bates
A. Ferguson

P. Grainger
J. Taylor
J. Sutton
T. Burke
T. Morrison
T. Mawdsley
B. Woodham

BUILDING UNIONS QLD DIVISIONAL BRANCH

Divisional State President	P. Stone
Divisional State Secretary	W.W. Trohear
Divisional State Assistant Secretary	M. Hickey
Divisional State Assistant Secretary	P. Waters
Divisional State Vice President	K. Anderson
Divisional State Vice President	B. Rushan

BUILDING UNIONS QLD DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

B. Tucker
P. Stone
T. Richardson
R. Bostock
K. Marcus
K. Anderson
B. Hopton
K. Bull
R. Vanderhorst
A. Pountey
F. Pearson
J. Gruer
G. Federer
B. Hall
G. Horn
B. McGill
M. Edwards

BUILDING UNIONS QLD DIVISIONAL BRANCH TRUSTEES

P. Stone
T. Richardson
R. Bostock
R. Vanderhorst

BUILDING UNIONS QLD DIVISIONAL BRANCH ORGANISERS

W. Perrett
D. Kersey
T. Richardson
K. Murphy
K. Carroll
G. Howcroft
A. Wigchert

BUILDING UNIONS QLD DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. Trohear
A. Wigchert
M. Hickey
T. Richardson

BUILDING UNIONS WA DIVISIONAL BRANCH

Divisional State President	A. Baxter
Divisional State Secretary	B. Ethell
Divisional State Assistant Secretary	R. Todd

BWIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

N. Houston
P. Alcantara
B. Churchill
B. Freeman
T. Bird
H. Johnson
M. Banks
J. Giles

BWIU WA DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

Perth
G. Curtin
R. Gaskell
C. Knight
B. Waller
A. De Klerk
M. Floud
N. Drayton
A. Hughes
K. Bulloch
J. Fitzgerald

Fremantle/Medina
C. Gorham
A. Phillips
J. Allison
P. Fairbotham
J. Curran

South West
J. McDonell

BWIU WA DIVISIONAL BRANCH ORGANISERS

D. Wildgoose
J. Gallagher

BWIU WA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Ethell
R. Todd

BUILDING UNIONS WA PLASTERERS DIVISIONAL BRANCH

Divisional State President	Mark Hudston
Divisional State Secretary	Kevin Reynolds
Divisional Branch Delegate to National Conference	Kevin Reynolds
Divisional State Vice President	Roy Cox
Divisional Committee of Management	James Hamilton
	Michael Naughton
Divisional Branch Organiser	Robert Manwaring

BUILDING UNIONS TAS DIVISIONAL BRANCH

Divisional State President	Stephen Hevey
Divisional State Secretary	Max Cordwell
Divisional State Assistant Secretary	T. Benson
Joint Divisional State Vice President	Ray Browne
Joint Divisional State Vice President	Ray Carroll
Joint Divisional State Vice President	M. Collins

BUILDING UNIONS TAS DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Adrian Telha	Paul Ridgeway
Roy Smedley	Grant Jackson
Ray Carroll	Gary Taylor
R. Edwards	L. Verrell

BUILDING UNIONS TAS DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

002 Area	003 Area
C. Green	A.J. Smith
A. Currie	L. Edwards
R. Dillon	P. Harris

004 Area

W. Maloney
B. Knowles
R. Doe

BUILDING UNIONS TAS DIVISIONAL BRANCH TRUSTEES

Max Cordwell	Stephen Hevey
Ray Browne	Adrian Telha
R. C. Edwards	A. R. Benson

BUILDING UNIONS TAS DIVISIONAL BRANCH ORGANISERS

Mark Telha
Martin Clifford
Ray Carroll

BUILDING UNIONS TAS DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

M. Cordwell

BUILDING UNIONS VIC DIVISIONAL BRANCH

Divisional State President	F. O'Grady
Divisional State Secretary	V. Raffa
Divisional Branch Assistant Secretaries	M. Kingham M. Bingham
Divisional State Vice President	B. Oliver

BUILDING UNIONS VIC DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

Carpenters & Joiners
R. Williams
R. Carter
G. Lavery
D. Van Dam
M. Santana
W. Torpey
D. Noonan
B. Giagnacovo

Builders Labourers
T. Sinclair
R. Ryan
J. Nicol
P. Lennon
M. Bingham
M. Ratel

Painters
M. Baird
M. Garcia
K. B. Hughes
P. Boyle
M. Evans

Tilelayer
Z. Prazac

Stonemason
M. Newham

BUILDING UNIONS VIC DIVISIONAL BRANCH COUNCIL

Carpenters & Joiners
V. Nicoli
K. Green
D. Black
A. Moore
W. Oliver
H. Kotsabis
D. Jacobson
G. Preddy
D. Shacklock

Builders Labourers
T. Bockting
G. Young
G. Miles
D. Noonan
K. Hughes
J. Bruce
J. McPartlin
C. Leatham

Stonemasons
A. Patience
G. Slack

Tilelayers
O. Kypta
Z. Prazak

Zone Delegates

Ballarat
V. Broes
L. Brown
N. Davidson

Bendigo
T. Coleman
N. Pyle
L. Worme

Brunswick
M. Kingham
W. McConnel
F. Stradijot

Camberwell
J. Baysinger
R. Bentley
S. Mitchell

Clifton Hill
F. Amarante
R. Collins
S. West

Essendon
D. Deprisco
T. Hancy
V. Raffa

Footscray
P. Leckie
F. Lopez
R. Storey

Geelong
J. Cody
J. O'Mara
B. Roche

Goulburn Valley
C. Craig
A. Kerris
P. O'Flaherty

Latrobe Valley
V. Beaton
M. Smith
A. Nabulsi

Melbourne
R. Carter
M. Santana
G. Tsotsos

Mordialloc
G. Burleigh
I. Nichol
P. Sullivan

Murray Valley
L. Fahey
S. Masterson
J. Salinger

Oakleigh
L. Bacolas
J. Medlyn
B. Smith

Preston
M. Collingburn
R. Lucas
N. Porter

Prahran
B. Giagnacovo
A. Medina
S. Delaney

Richmond
D. Blake
C. Commons
R. Hakainsson

South Western
K. O'Connor
A. Sargent
G. Sullivan

Sunraysia
A. Boldock
D. Costa
M. Dawes

Wimmera
R. Nesibit
G. Scott
A. Patterson

BUILDING UNIONS VIC DIVISIONAL BRANCH TRUSTEES

M. Kingham
B. Oliver
Vacant

M. Bingham
F. O'Grady
M. Baird

BUILDING UNIONS VIC DIVISIONAL BRANCH ORGANISERS

R. Welsh
T. Sinclair
R. Storey
W. Bingham
A. Medina
D. Jacobson
D. Noonan
P. Muldeary

H. Kotsabis
R. Carter
T. O'Kane
D. Riddell
G. Young
M. Kingham
M. Garcia

BUILDING UNIONS VIC DIVISIONAL BRANCH DELEGATES DIVISIONAL CONFERENCE

F. O'Grady
M. Kingham
V. Raffa

R. Williams
J. Saddington
M. Bingham

BUILDING UNIONS SA DIVISIONAL BRANCH

Divisional State President	A. Johnson
Divisional State Secretary	B. Carslake
Divisional State Vice President	G. Millar
Divisional State Vice President	D. Stapleton
Divisional State Assistant Secretary/Treasurer	T. Carroll
Divisional State Assistant Secretary/Treasurer	J. McGirr

BUILDING UNIONS SA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

BWIU	PLASTERERS	PAINTERS
F. Gosden	G. Parrish	George Tilley
T. Karrandjis	R. Watson	Greg Tilley
C. Morton	R. Bennett	Lambden
D. Sellmann	A. Spano	Weir
T. Middleton	S. Kesisoglou	McEwan
		Evans

BUILDING UNIONS SA DIVISIONAL BRANCH ORGANISERS

M. Gnatenko
H. Koemecker
M. Bella

BUILDING UNIONS SA DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

B. Carslake

BUILDING UNIONS ACT DIVISIONAL BRANCH

Divisional State President	R. Driver
Divisional State Secretary	G. Wason
Joint Divisional State Assistant Secretary	S. Hambesis
Joint Divisional State Assistant Secretary	T. Zeltner
Divisional State Vice President	K. Lundy
Divisional State Vice President	J. McHugh

BUILDING UNIONS ACT DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Pyner	J. Grey Reitz
A. Dillon	D. Rail
J. Long	G. Roderick
T. Lagoya	L. Lancsar
J. Diamante	B. Larke
G. McGowan-Lay	G. Cleghorn
P. Johnstone	P. Trapani

BUILDING UNIONS ACT DIVISIONAL BRANCH COUNCIL

The Divisional Branch Officers and Divisional Branch Management Committee members as set out above, and -

D. Thompson	G. Kirkwood
B. Norman	G. Frasin
C. Kaskoutas	W. Thompson
M. Morgan	J. Clyde
T. Gooden	R. Hemsley

BUILDING UNIONS ACT DIVISIONAL BRANCH TRUSTEES

G. Wason
S. Hambesis
G. McGowan-Lay
R. Driver
K. Lundy

BUILDING UNIONS ACT DIVISIONAL BRANCH DELEGATE TO DIVISIONAL CONFERENCE

G. Wason

ATAIU DIVISIONAL BRANCH OFFICE HOLDERS

ATAIU DIVISIONAL OFFICERS

Divisional President	G. Hillier
Divisional Secretary	T. Smith
Divisional Assistant Secretary	C. Northover
Divisional Senior Vice President	S. Murphy
Joint Divisional Vice President	P. Illidge
Joint Divisional Vice President	B. King

ATAIU DIVISIONAL TRUSTEES

J. Tuckwell
V. Stargatt
Q. Cook

Who form the Divisional Executive, and who with the following form the Divisional Conference

A. Roberg (SA)
C. Butler (TAS)
J. Gallogley (NSW)
M. Schuppan (NSW)
J. Beeson (VIC)
E. Swainston (VIC)
A. Dunlop (Pulp & Paper)
M. St Clair (SA)
B. Anderson (NSW)
J. Quartermaine (NSW)
B. Campbell (NSW)
B. Murpy (VIC)
M. Graham (Pulp & Paper)

ATAIU SA DIVISIONAL BRANCH

ATAIU SA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Young
Divisional Branch Secretary	Q. Cook
Divisional Branch Vice Presidents	M. St Clair
	A. Roberg

ATAIU SA DIVISIONAL BRANCH TRUSTEES

E. Cathro
J. Nicks
P. Martinella

Who form the Executive.

ATAIU SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

L. Barry
L. Kilsby
G. Schultz
B. Lockwood
T. Goodrich
F. Beimans
L. Pelkonen

ATAIU SA DIVISIONAL COUNCIL DELEGATES

M. St Clair
T. Smith
A. Young
Q. Cook

ATAIU NSW DIVISIONAL BRANCH

ATAIU NSW DIVISIONAL BRANCH OFFICERS

Divisional President	B. Anderson
Divisional Secretary	G. Hillier
Divisional Assistant Secretary	J. Tuckwell
Divisional Vice Presidents	G. Sacco
	J. Gallogley

ATAIU NSW DIVISIONAL BRANCH TRUSTEES

S. McDonald
B. Campbell
M. Schuppan

Who are officers and form the Executive.

ATAIU NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

W. Englert
S. Hudson
W. Sentance
C. Brooks
K. Yelverton
J. Quartermain
C. McGowan

ATAIU NSW DIVISIONAL COUNCIL DELEGATES

G. Hillier
J. Gallogley
J. Quartermain
B. Campbell
B. Anderson
S. McDonald
K. Yvelton

ATAIU VIC DIVISIONAL BRANCH

ATAIU VIC DIVISIONAL OFFICERS

Divisional President	V. Stargatt
Divisional Secretary	B. King
Divisional Vice Presidents	V. Iluk
	E. Swainston

ATAIU VIC DIVISIONAL BRANCH TRUSTEES

J. Beeson
T. Carley
B. Murphy

ATAIU VIC DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

J. Browne
B. Harms
P. Love
R. Owens
T. Stinton
C. Walkear
S. Wilson
P. Tait

ATAIU VIC DIVISIONAL COUNCIL DELEGATES

V. Stargatt
M. Lynch
J. Beeson
E. Swainston
B. Murphy

ATAIU TAS DIVISIONAL BRANCH

ATAIU TAS DIVISIONAL BRANCH OFFICERS

Divisional President	C. Butler
Divisional Secretary	S. Murphy
Divisional Vice Presidents	R. Ford
	D. Turriff

ATAIU TAS DIVISIONAL BRANCH TRUSTEES

C. Butler
S. Cahoon
R. Smith

ATAIU TAS DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

M. Barber
S. Cahoon
R. Foster
R. French
D. Harkes
N. Lincoln
B. Riley
R. Smith

ATAIU TAS DIVISIONAL COUNCIL DELEGATES

C. Butler
S. Murphy

ATAIU WA DIVISIONAL BRANCH

ATAIU WA DIVISIONAL BRANCH OFFICERS

Divisional Branch President	A. Cook
Divisional Branch Secretary	A. A'Vard
Divisional Branch Vice President	D. Murie
Divisional Branch Treasurer	R. Taylor

ATAIU WA DIVISIONAL BRANCH TRUSTEES

P. McCarthy
K. Smith
R. Henry

ATAIU WA DIVISIONAL BRANCH MANAGEMENT COMMITTEE

R. J. Smith	C. Hagelund
R. Reiter	K. Cameron
V. McGlinn	J. Savage
G. P. Jaeschke	M. Bennett
W. J. Hall	

ATAIU NO. 7 DIVISIONAL BRANCH

ATAIU NO. 7 DIVISIONAL BRANCH OFFICERS

Divisional Branch President	P. Illidge
Divisional Branch Secretary/Treasurer	C. Northover
Divisional Branch Assistant Secretary/Treasurer	M. Graham
Divisional Vice Presidents	A. Dunlop
	R. Johnson

ATAIU NO. 7 DIVISIONAL BRANCH TRUSTEES

C. Northover M. Graham

ATAIU NO. 7 DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

D. Garlick	G. Aston
T. Mackerell	G. Morley
N. Anderson	C. Glaubitz
N. Allen	D. McKay
M. Donoghue	P. Graham
J. Wright	T. Kelly
W. Hardy	G. Lincoln
G. Draper	T. Dwyer

ATAIU NO. 7 DIVISIONAL COUNCIL DELEGATES

C. Northover	M. Graham
P. Illidge	

ATAIU NOWRA SUB-BRANCH

President	Peter Graham
Senior Vice President	Harry Knowles
Junior Vice President	Tim Cato
Secretary-Treasurer	Mervyn Donoghue
Committee of Management	Rhonda Shelley
	Jim Evans
	Ray Clarke
	Alan Whitton

Delegate to No. 7 Branch Committee of Management	Mervyn Donoghue
	Peter Graham

ATAIU BURNIE SUB-BRANCH

President	George Draper
Senior Vice President	Barry Connors
Junior Vice President	Eric Edwards
Secretary-Treasurer	Geoffrey Lincoln

Committee of Management

Alan Claridge	Graham Wells
Anthony Johnson	Andrew Crawn
Jack Wylie	Russell Norton
Danny Rowlands	Richard Troughton
Noel Stubbs	Rex Berry

Delegate to No. 7 Branch Committee of Management	Geoffrey Lincoln George Draper

ATAIU PORT HUON SUB-BRANCH

President	Barry Young
Senior Vice President	Colin McMullin
Junior Vice President	Jeff Parsons
Secretary-Treasurer	Wayne Hardy

Committee of Management

Neville Burgess	Graeme Goaman
David Greatbatch	Ricky Cowen

Delegate to No. 7 Branch Committee of Management	Wayne Hardy

ATAIU MYRTLEFORD SUB-BRANCH

President	Vacant
Senior Vice President	Bruce Dale
Junior Vice President	Paul Ryan
Secretary-Treasurer	Trevor Dwyer
Committee of Management	Oliver Evans Colin Richardson Trevor Davis Robert Arnold Christopher Stone
Delegate to No. 7 Branch Committee of Management	Trevor Dwyer

ATAIU MARYVALE SUB-BRANCH

President	Neville Anderson
Senior Vice Persident	Charles Glaubitz
Junior Vice President	Cidge Fabris
Secretary/Treasurer	Graeme Morley

Committee of Management	
Steven Gilham	Robert Brown
Vernon Jones	Charles Stuart
Geoffrey Dorling	Brian McNamara
Peter Morris	Steven Mason
Wayne Snell	Vincent Nabel
Delegates to No. 7 Branch	
Committee of Management	Neville Anderson
	Charles Glaubitz
	Graeme Morley
Delegates Gippsland Trades &	
Labour Council	Graeme Morley
	Vernon Jones
	Brian McNamara
	Robert Brown

ATAIU SYDNEY SUB-BRANCH

President	Donald McKay
Senior Vice Pesident	Ron McElhinney
Junior Vice President	Edward Pram
Secretary-Treasurer	Philip Illidge
Committee of Management	
William Daly	Les Smith
William Flowers	Anthony De Bono
Harry Marshall	Wayne Trewella
Mark Skennerton	Joseph Bodor
Delegates to No. 7 Branch	
Committee of Management	Philip Illidge
	Donald McKay

ATAIU BROADFORD SUB-BRANCH

President	Vacant
Senior Vice President	Vacant
Junior Vice President	Vacant
Secretary-Treasurer	Len Allen
Committee of Management	Garry Nesbitt
	Terry Hobson
	Alan Cole
	Craig Waters
Delegate to No. 7 Branch	
Committee of Management	Len Allen

ATAIU MILLICENT SUB-BRANCH

President	John Wright
Senior Vice Pesident	Trevor Kelly
Junior Vice President	Richard Watts
Secretary-Treasurer	Robert Johnston

Committee of Management	Michael King
	Graeme Richards
	Mavis Kloock
	Graeme Richardson
	Gilbert Mouat
	Helen Walker
Delegates to No. 7 Branch Committee of Management	John Wright
	Trevor Kelly
	Robert Johnston

ATAIU MELBOURNE SUB-BRANCH

President	David Garlick
Senior Vice President	George Ashton
Junior Vice President	Vacant
Secretary-Treasurer	Alexander Dunlop

Committee of Management

William Horton	Stan Mazur
Terry Mackerell	Steve Morris
Tom Donelly	Ian James
Alex Miller	Michael Adamopolous

Delegates to No. 7 Branch Committee of Management	Alexander Dunlop
	David Garlick
	George Aston
Delegates to Victorian Trades Hall Council	Alexander Dunlop
	William Horton
	Terry Mackerell
	Malcolm Graham

UMW DIVISION

In accordance with Rule 42 - Transitional Provisions of the Rules of the Union being the National Rules the officers of the previously existing Mining Division immediately prior to the date of effect of the amalgamation shall be, on and from the date of effect of amalgamation the officers of the UMW Division which is the new name for the previous Mining Division and the only change therein shall be, to the extent necessary, the change in the title of office to reflect the change in the name of the Division from Mining Division to UMW Division.

FEDFA DIVISION

DIVISIONAL OFFICERS

Divisional President	M. McDonald
Divisional Secretary	V. Fitzgerald
Divisional Assistant Secretary	T. Maher

FEDFA DIVISIONAL EXECUTIVE

The Divisional Officers of FEDFA Division as set out above, and

I. Peel	New South Wales
J. Van Camp	Victoria
G. Betts	Queensland
G. Day	South Australia
B. O'Neil	Barrier
M. Grey	Tasmania
D. McIntyre	Western Australia

FEDFA DIVISIONAL CONFERENCE

The Divisional Officers of FEDFA Division and the Divisional Executive as set out above, and the following delegates from FEDFA Divisional Branches:

T. Maher	(NSW)
P. Jordan	(NSW)
B. Neilson	(VIC)
M. Hill	(VIC)
D. Holloway	(QLD)
G. Purtill	(QLD)
L. Wilson	(QLD)
B. Samson	(Barrier)
M. Buckley	(SA)
B. Low	(WA)
R. Harrison	(TAS)

FEDFA NSW DIVISIONAL BRANCH

Divisional Branch President	M. Smith
Divisional Branch Secretary	I. Peel
Divisional Branch Assistant Secretary	S. Gartrell

FEDFA NSW DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Officers as set out above,

FEDFA NSW DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers and Divisional Branch State Management Committee members as set out above, and regional delegates and organisers stated below,

Metropolitan	**Northern Region**
P. Wormleaton	N. Rose
R. Johnson	M. Sealby
B. Francis	G. Webb
D. Whitehead	D. Owens
D. Dunn	J. Nixon

Southern Region	**Western Area**
K. Anderson	R. Fuller
B. Barnham	W. Williams
G. Freeman	
T. Potter	

FEDFA NSW DIVISIONAL BRANCH ORGANISERS

Metropolitian
G. Avouris
T. Grant
S. Cochran

Northern
M. Beehag
S. Harding
L. Sinclair

Riverina
S. King
J. Wilson

Western
G. Childs

Southern
H. Miller

Mining
P. Jordan

Energy
A. Drew

FEDFA NSW DIVISIONAL BRANCH TRUSTEES

D. Dunn
L. Robinson
J. Owens

FEDFA NSW DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

V. Fitzgerald
T. Maher
P. Jordan
I. Peel

FEDFA VICTORIAN DIVISIONAL BRANCH

Divisional Branch President	M. McDonald
Divisional Branch Secretary	J. Van Camp
Divisional Branch Assistant Secretary	M. Greenbury
Divisional Branch Vice President	M. Hill

FEDFA VICTORIAN DIVISIONAL BRANCH MANAGEMENT COMMITTEE

The Divisional Officers as set out above, and -

M. French
D. McDonald
D. Baker
J. Kadziela
A. Mercieca

FEDFA VICTORIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional Officers as set out above, and -

SECV Yallourn
P. Wilson

SECV Morwell
G. Reid

Country Provisional
W. Fleet
M. French
T. McKenzie
P. Skinner

SECV LaTrobe	**Metropolitian**
(vacant)	D. Baker
	J. Kadziela
Organisers Rep.	D. McDonald
A. Riley	A. Mercieca
M. Hallett	

FEDFA VICTORIAN DIVISIONAL BRANCH ORGANISERS

W. Fleet	M. Hill
M. French	A. Riley
R. Hallett	

TRUSTEES

M. McDonald
J. Van Camp

FEDFA VICTORIAN DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

J. Van Camp	M. Hill
M. McDonald	B. Nielson

FEDFA BARRIER DIVISIONAL BRANCH

Divisional Branch President	B. Samson
Divisional Branch Secretary	W. O'Neil
Divisional Branch Vice President	R. Hunter

FEDFA BARRIER DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above,

FEDFA BARRIER DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

D. Brennan	R. Adams
A. Fraser	B. Sayers
E. Snaith	

FEDFA BARRIER DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

W. O'Neil	B. Samson

TRUSTEES

R. Adams	B. Sayer
E. Snaith	

FEDFA TASMANIAN DIVISIONAL BRANCH

Divisional Branch President	B. Bishop
Divisional Branch Secretary	M. Grey

FEDFA TASMANIAN DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and - D. Dawson

FEDFA TASMANIAN DIVISIONAL BRANCH STATE COUNCIL

The Divisional State Officers as set out above, and -

Launceston
D. Dawson

Hobart
M. Hyland

Devonport
(vacant)

Tullah
T. Jones

Burnie
L. Britton

Savage River
R. Harrison

Rosebery/Lyell
N. Hartnell

Organisers
D. Moncrieff
B. Best

FEDFA TASMANIAN DIVISONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

M. Grey

R. Harrison

FEDFA WA DIVISONAL BRANCH

Divisional Branch President	(vacant)
Divisional Branch Secretary	(vacant)

FEDFA WA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

FEDFA WA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

P. Bates
T. Feeney

I. Douglas
D. Hellyer

FEDFA WA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

B. Low
(vacant)

FEDFA SA DIVISIONAL BRANCH

Divisional Branch President	G. Bull
Divisional Branch Secretary	G. Day
Divisional Branch Vice President	F. Stonys

FEDFA SA DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

J. Rogers

R. Brewer

FEDFA SA DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch Officers as set out above, and -

J. Rodgers
F. Grosso
R. Brewer
K. Maywald
F. Harrison

ORGANISER

R. Brewer

FEDFA SA DIVISIONAL BRANCH DELEGATES TO DIVISIONAL CONFERENCE

G. Day
M. Buckley

FEDFA QUEENSLAND DIVISONAL BRANCH

Divisional Branch President — D. Holloway
Divisional Branch Secretary — G. Betts
Divisional Branch Assistant Secretary — G. Wilson

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE MANAGEMENT COMMITTEE

The Divisional Branch Officers as set out above, and -

S. Douglas
C. Swift
L. Wilson
B. Scheuber
R. Coleman
J. Spencer

FEDFA QUEENSLAND DIVISIONAL BRANCH STATE COUNCIL

The Divisional Branch State Management Committee as set out above, and -

M. Dowvendans
L. Genrich
R. Beattie
J. Rossington
(vacant)
T. Quaid
N. Rampton
H. Heumiller
C. Price

FEDFA QUEENSLAND DIVISIONAL BRANCH ORGANISERS

D. Bloxsom
G. Flack
C. Gillespie
J. Rossington
R. Tremlin
H. Heumiller
C. Price
T. Rosier
B. Stacker

FEDFA QUEENSLAND DIVISIONAL BRANCH TRUSTEES

D. Holloway
G. Betts
S. Douglas
L. Wilson

FFTS UNION DIVISION

DIVISIONAL OFFICERS

Divisional President	A. Findlay
Divisional Secretary	L. Kyriacou
Divisional Assistant Secretary	M. Haritou
Divisional Senior Vice-President	S. Wales
Divisional Junior Vice-President	D. Frater

FFTS UNION DIVISIONAL EXECUTIVE

The Divisional Officers of the FFTS Union Division as set out above, and

A. Smith	New South Wales
V. Robinson	Queensland

FFTS UNION DIVISIONAL CONFERENCE

The Divisional Officers of the FFTS Union Division and the Divisional Executive as set out above, and the following delegates from the FFTS Union Divisional Branches;

W. Brown	(VIC)
M. Findlay	(VIC)
R. Smith	(NSW)
R. Groat	(SA)
A. Cookson	(QLD)
R. Orange	(TAS)

FFTS UNION VIC. DIVISIONAL BRANCH

Divisional Branch President	M. Mitten
Divisional Branch Secretary	L. Kyriacou
Divisional Branch Assistant Secretary	A. Findlay
Divisional Branch Senior Vice-President	W. Brown
Divisional Branch Junior Vice-President	C. Avent
Divisional Branch Organiser	M. Haritou
Divisional Branch Organiser	R. Shugg

FFTS UNION VIC. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch Officers as set out above and -

A. Frazer	N. Hazeldine
G. Lee	P. Linzos
J. Maines	J. O'Brien
J. Patti	J. Robins
I. Whitcroft	L. Zanandrea
J. Calvert	

FFTS UNION NSW DIVISIONAL BRANCH

Divisional Branch President	R. Smith
Divisional Branch Secretary	S. Wales
Divisional Branch Assistant Secretary	R. Smith
Divisional Branch Vice-President	J. Callaway
Divisional Branch Organiser	Jack Lawrence

FFTS UNION NSW DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

J. Campbell	R. Davies
K. Campbell	W. Kraan
Robert Cumbo (Trustee)	Harry Irvine (Trustee)

FFTS UNION S.A. DIVISIONAL BRANCH

Divisional Branch President	R. Groat
Divisional Branch Secretary	D. Frater
Divisional Branch Assistant Secretary	S. Rowe
Divisional Branch Senior Vice-President	J. Emery
Divisional Branch Junior Vice-President	A. Reeves
Divisional Branch Organiser	S. Rowe
Divisional Branch Organiser	P. Wong
Divisional Branch Organiser	T. Woods

FFTS UNION S.A. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

B. Billington	M. Brownlie
P. Crisanti	A. Czora
A. Howlett	J. Salter
G. Whitford	

FFTS UNION QLD DIVISIONAL BRANCH

Divisional Branch President	G. William
Divisional Branch Secretary	V. Robinson
Divisional Branch Vice-President	A. Amos
Divisional Branch Assistant Secretary	A. Cookson

FFTS UNION QLD. DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and - G. Dawson

FFTS UNION TAS DIVISIONAL BRANCH

Divisional Branch President	S. Negus
Divisional Branch Secretary	J. Gill
Divisional Branch Assistant Secretary	R. Orange
Divisional Branch Vice-President	C. Schoenwald
Additional Divisional Branch Executive member	W. Picken
Additional Divisional Branch Executive member	P. Green

FFTS UNION TAS DIVISIONAL BRANCH COMMITTEE OF MANAGEMENT

The Divisional Branch officers as set out above and -

C. Sproule
W. Bandlow

END OF RULES

[105N-FED: Incorporates alterations of 24 July 2019] [R2019/89]
(replaces rulebook dated 27 March 2018 [D2017/5])

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 101 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Maritime, Mining and Energy Union.

DELEGATE OF GENERAL MANAGER
FAIR WORK COMMISSION

Rules of the Construction, Forestry, Maritime, Mining and Energy Union
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1 - NAME

The name of the Union shall be the "Construction, Forestry, Maritime, Mining and Energy Union".

2 - CONSTITUTION

(A)(A) The following unlimited number of persons, whether male or female, are eligible to be members of the Union

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

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(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;

(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, shall be eligible to be members of the Union including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

(l) persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connexion with the production or preparation of manufactured goods, plant, machinery, equipment, packages or containers for sale or purposes of distribution.

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors
(whether prefabricated or otherwise)

Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:

(i) All persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) An unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board, strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) Such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members are eligible to be members of the Union.

(E) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:-

(a) An unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river, and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Union or a branch of the Union or whilst financial members of the Union are elected as representatives of any working-class organisation to which the Union or a branch thereof is affiliated, or as a working-class member of Parliament.

Provided that mobile crane drivers, operators of fork lifts and/or tow motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

(b) Further, provided that, without limiting the generality of the foregoing the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building are eligible to be members of the Union. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other sub-rule or paragraph or being limited thereby an unlimited number of persons who are employed in, or competent to be employed in or in connection with the following industries or trades are eligible to be members of the Union:

Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers,

glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland are eligible to be members of the Union.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

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(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the following are eligible to be members of the Union: an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

(O) **Additional Eligibility for Admission to Membership in the State of Queensland**

This rule 2(O) does not apply outside the State of Queensland.

Without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provide for additional eligibility for admission to membership of the Union in the State of Queensland:-

(i)

SECTION A

(a) The Union shall consist of an unlimited number of persons, employed or usually employed as carpenters or joiners, including ship carpenters or joiners, or as stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions; also those employed in or usually employed in the following callings:- Bricklaying, tuckpointing, coke slab wall erection, gas retort repairers, fire clay block layers, floor tilers, roof tilers, slaters and shinglers, Terracotta fixer; majolica fixers, earthenware pipe drain layers in or about a building, cutters of brickwork for doorways, windows etc. plasterers; fibrous plasterers; tilers; floor specialists; lathers; together with such other persons, whether employees in the industry or not, as have been appointed Officers of the Association and admitted as members hereof.

(b) This Union shall also consist of an unlimited number of persons employed in or usually employed in the painting and decorating industry in connection with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

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(i) On ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational Offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind.

(ii) The painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind.

(iii) The painting of or in connection with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise). The painting of or in connection with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts or prefabricated building and structures as aforementioned.

(iv) The painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensors, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or seas, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases.

(v) Glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars.

(vi) Paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering.

(vii) Signwriting, designing and/or lettering of price tickets and show cards.

(viii) Pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering.

(ix) Leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections.

(x) Employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, putty stopping, caulking mixtures, compositions or compounds, oils, varnishes, watercolours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings will not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 1.2.2, Constitution hereof (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures,

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stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, watercolour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water solvents, electrical, mechanical, air powered or hand tools or by grit, shot, or other abrasives or by any other means.

(xi) The Union shall also consist of an unlimited number of persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade together with such other persons whether engaged in any industrial pursuit or not who have been appointed Officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connection with the production or preparation of manufactured goods, plant, machinery, equipment, packages, or containers for sale or purposes of distribution.

(c) Nothing in this Section A rule will make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time. Provided further that, notwithstanding the foregoing provisions of this rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

(d) Notwithstanding any other provision in these Section A rules, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the union under this sub-rule.

(e) The Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connection with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accommodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattressmakers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products

or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(f) Provided further that, notwithstanding the foregoing provisions of this Section A rule, the union does not have the right to enrol as members under this sub-rule persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.

(g) Without limiting the generality of the foregoing Sub-Rules of this Section A Rule, or being limited thereby, independent contractors who, if they were employees performing work of the kind that they usually perform as independent contractors, would be employees eligible for membership of the Union, will be eligible for membership of the Union, and the Union will consist of an unlimited number of such persons.

SECTION B

(a) The Association shall consist of an unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow-motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Association or a Branch of the Association or whilst financial members of the Association are elected as representatives of any working class organisation to which the Association or a Branch thereof is affiliated or as a working class member of parliament. Provided that mobile crane drivers, operators of fork lifts and/or towmotors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership. Provided further that, notwithstanding the foregoing provisions of this Section B rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

(b) Nothing in sub-rule (O)(i) shall make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time.

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(c) Notwithstanding any other provision in this Section B rule, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the association under this sub-rule.

(d) Notwithstanding any other provision in this Section B rule, the persons employed by Dalrymple Bay Coal Terminal Pty Ltd at the Dalrymple Bay Coal Terminal site shall not be eligible for membership under this sub-rule.

SECTION C

(a) The Union shall be formed of persons not under the age of fourteen years employed or formerly employed in or about any coal, shale, metal, coke, and smelting works in Queensland, and who are approved by the Committee of Management.

(b) Provided further that, notwithstanding the foregoing provisions of this rule, the Union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

Without limiting any other rule, sub-rule (O)(i) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(ii) The Union shall consist of an unlimited number of persons employed or usually employed as Builders' Labourers throughout Queensland on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any tradesperson engaged in building operations, or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings, or as scaffolder, rigger, gear hand, gantry hand or crane hand or as dogperson, or as a drainer on all building contracts, any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete work, tarpaving or asphalt work, or mortar or concrete mixing in connection with, or incidental to the foregoing operations, together with such other persons whether employees in the industry or not, as have been appointed officers of the Association and admitted as members thereof. Provided that, notwithstanding the foregoing provision of this rule, the union does not have any right to enrol as members under this sub-rule persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.

Without limiting any other rule, sub-rule (O)(ii) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

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(P) Additional Eligibility for Admission to Membership in the State of New South Wales

This Rule 2(P) does not apply outside the State of New South Wales.

Without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provided for additional eligibility for admission to membership of the Union in the State of New South Wales:-

(A) The Union shall consist of an unlimited number of persons, whether male or female

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and bridge carpenters, wharf carpenters and carpenters and joiners (including foremen and sub-foremen) employed on bridges, wharves, jetties, piers or dams, or as carpenter-divers, ships carpenters or joiners (including foremen and sub-foremen) or as tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like, not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or as bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro, fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental hereto or in place thereof, stonemasons, letter cutters, carvers, machinists, sawyers, polishers, assistant quarrymen and quarry workers in and about dimension stone quarries other dimension stone quarries other than dimension stonework in other quarries and workers in terrazzo and similar materials or as apprentices or journeymen and other labour engaged in the plate, sheet and ornamental glass trade or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof.

(4) Further provided that without limiting the generality of the foregoing, the Union shall also consist of:

(1) workers (other than tradesperson) on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine operator, except in the mining or exploration or hydrocarbon industries

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Provided that, nothing in this sub-rule (4) shall render eligible to join the Union any person employed:

(3) as a drainer or person employed as a plumber's labourer,

(4) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site:

(B) Without limiting the generality of the foregoing, or being limited thereby the union shall also consist of an unlimited number of persons:

who are employed together with such persons who are deemed to be employees by virtue of sub-paragraph (b) of Regulation 91A Industrial Arbitration Regulations under the *Industrial Arbitration Act 1940*, as amended in the process of trade or business as a plasterer, fixer, shophand and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, finishing all kinds of plaster and plastic acoustic work, waterproofing work in cement, plaster or patent materials by manual or mechanical means, excepting employees engaged in manufacture of cement and/or concrete and/or fibrolite articles including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixed and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, ie floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, terrazzo and similar work including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground-work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets, the laying or fixing to floors or walls of tablets of sheeting made of plastic substance or other materials in substitution thereof, excepting metal, terra-cotta or potteryware, and all persons covered by the constitution of The Federated Rubber and Allied Workers' Union of Australia, New South Wales Branch, whether employed in the process, trade or business of plastering of any description or not, together with all persons who have been appointed Officers of the Federation and admitted members thereof, registered for the industries of building operations and of plastering.

All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any branch of the plastering trade.

(C) (1) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of an unlimited number of persons employed in or usually employed in the painting and decorating industry in connection with buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind.

(b) the painting of launches and boats of every kind.

(c) the painting of or in connection with all buildings and structures, (commercial, residential, industrial or otherwise), the painting of or in connection with prefabricated buildings and structures, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) glazing, glass cutting, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars

(e) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(f) signwriting, designing and/or lettering of price tickets and showcards, (excluding workers in retail shops carrying out the lettering of price tickets and showcards for their employers own use, but not for resale.)

(g) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto.

(h) employees who mix and/or apply and/or fix paint or like matter or substitutes or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wall papers, wall hangings or coverings, coatings, or other materials used in any of the callings specified in Rule 2(P), Constitution hereof (other than mixing of paint, protective coatings and/or plastic coatings and/or finishes, putty stopping, caulking compositions or compounds, oils, varnishes, water colours, lacquers, stains, and removers, in paint and chemical factories) and/or other materials used in the painting and decorating trade with brush, spray, roller or other tool or remove paint or like matter or substitute or compositions or compounds for texture (other than employees engaged on plasterers' texture work) or plastic coatings and finishes or other decorative coatings and/or finishes, or putty, stopping or caulking compositions or compounds, oils varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings or other materials used in the painting and decorating trade, by heat, flame, water solvent, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means.

(i) the Union shall also consist of an unlimited number of persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and/or sub-Branches and admitted as members thereof but shall not include persons employed in connection with production of manufactured goods, or the preparation of any goods, packages or containers for sale or purpose of distribution.

(2) A person who is a member of or who is eligible for membership of The Printing Industry Employees Union of Australia, New South Wales Branch, the Amalgamated Printing Trades Employees Union of Australia New South Wales Branch, or the New South Wales Branch of the Vehicle Builders Employees Federation of Australia, shall not, by reason of anything contained in sub-rule (c) only of this rule, be eligible for membership of the Union.

(D) Without limiting the generality of the foregoing and without being limited thereby:

The union shall consist of all persons who are employed or are usually employed in any position on or in or in connection with (a) Saws and Woodworking machines; (b) Handling and treating timber and articles manufactured therefrom; (c) Sawmills, timber yards, box and case factories, sawmakers shops, joiners workshops, car and waggon shops, coachbuilders shops; (d) preparing woodwork for joiners, carpenters, implement makers, coachbuilders, car and waggon builders; (e) Hewing, splitting and felling timber and such other persons who may from time to time be appointed to any office.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners shall not be eligible for membership; and

Provided further than any employee covered by an award by the New South Wales Industrial Relations Commission, or its predecessors, existing at the time of the registration of rule 2(D) of the Construction, Forestry, Mining and Energy Union (New South Wales Branch) shall not be eligible for membership under this sub-rule 2(P)(D), in the event of such award being in respect of members of an existing Industrial Union registered under the Industrial Relations Act 1996 (NSW) or its predecessors.

In this rule, the words “wood and/or timber” without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence, from whatever material made or manufactured or constructed, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and by similar methods and with similar machines and/or tools as in the case of wood or timber.

(E) (a) Without limiting the generality of the foregoing and without being limited thereby, the union shall also consist of an unlimited number of persons engaged in, or in connection with the Coal, Shale or Coke Industries in the Western District and in the Metalliferous Mining Industry and any person who is a duly registered unemployed member in compliance with these rules, together with and including other persons temporarily or permanently taken from the Industry and who are employed by the members or representatives of the members appointed by them, who shall be aggregated in Lodges already established or which may be established by the authority of the Western District branch of the Australian Coal and Shale Employees Federation.

(b) Without limiting the generality of the foregoing and without being limited thereby, the union shall also consist of an unlimited number of persons engaged in any capacity in connection with coal and shale mining; in connection with the coke industry, but excepting persons employed in the iron, steel and metal industries; and excepting also persons who are now members, or in the future may be eligible for membership of the United Collieries Staff Association of New South Wales; but as regards the last mentioned union, so as not to exclude lampmen and grooms.

(c) Without limiting the generality of the foregoing and without being limited thereby, the union shall also be composed of an unlimited number of persons employed in and around the coal mines, shale mines and coke works in the Northern District of New South Wales

(F) Without limiting the generality of the foregoing and without being limited thereby the Union shall also consist of:-

(a) An unlimited number of all classes of engine drivers, (including operators of rear side and/or bottom dumpers on construction work), firemen, crane drivers dynamo attendants, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery and all operators and trainees howsoever called employed by Shell Refining (Australia) Pty Limited at its Clyde Refinery and Gore Bay terminal or any other site where these installations may be relocated in the future.

Provided that persons engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

Provided further, that persons employed in the steel wire netting and wire rope industries shall not be admitted to membership or retained as members. Provided further, that the union shall not admit to membership or retain as members, any manager, foreman or members of the salaried staff of any employer, excepting salaried staff employed by the Electricity Commission of New South Wales on operational duties as power plant operator, ie one engaged in the operation and control of generating plant (turbine boiler and generator) by instrumentation and assistant power plant operator, ie one engaged in assisting in the operation and control of generating plant (turbine boiler and generator) by instrumentation.

(b) Further, provided that, without limiting the generality of the foregoing the Union shall also consist of the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this proviso building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger, assisting a rigger specified in the immediately preceding classification
Drilling Machine Operator

Provided that, nothing in this sub-rule shall render eligible to join the Union any person employed:

(i) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(ii) in the mining or exploration or hydrocarbons industries.

Further provided that the union shall also consist of Elected officers and position holders of the union whether or not employed in an industry in respect of which the union is registered, and

Any person who whilst a financial member of the union is elected as a representative of a working class organisation to which the union is affiliated, or as a working class Member of Parliament and who have been admitted as members of the union.

(G) Without limiting the generality of any other sub-rule or paragraph or being limited thereby, the union also shall consist of an unlimited number of persons, whether male or female:

a) employed in, or deemed to be employed in, usually employed in or qualified to be in desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or callings, and/or vocations, and/or industrial pursuits of; and/or

b) who are employed in an occupation, in or in connection with the furnishing industry (as hereinafter defined) whether on salary or wages or piece-work rates, or as members of a butty-gang; and/or

c) who, pursuant to the Industrial Arbitration Act 1940, or any Act, amending, repealing or replacing the said Act, are deemed to be employees for the purpose of the cited Act, and are engaged in the industrial pursuit or pursuits of the following industries, occupations, callings, and vocations; viz:

* cabinetmaking including cabinetmakers employed in retail shops;

* cabinetmakers and joiners manufacturing kitchen cabinets;

* patternmaking;

* chair, couch and/or seating accommodation manufacture in any material whatsoever;

* chair, couch and/or seating accommodation assembling, fitting up and repairing in any material whatsoever;

* journeymen, tradesmen and persons wholly or partially engaged in the installation of chair, couch and/or seating accommodation;

* wood carvers;

* wood finishers, lacquerers, sprayers, varnishers and journeymen tradesmen and persons engaged in applying any other form of coating including, but without limiting the generality of the foregoing, powder coating and coatings applied by mechanical, electrostatic or other means;

* wood turners, other than those engaged in saw mills, timber yards and the coachbuilding industry;

* wood machinists other than those engaged in the saw mill departments of furniture factories;

* wood polishers and french polishers including wood polishers and french polishers employed in retail shops and/or by contract polishers;

* journeymen, tradesmen and persons wholly or partially engaged in the manufacture, assembly, fitting up and/or installation of new furniture or furnishings such new furniture or furnishings being manufactured of any material whatsoever;

* journeymen, tradesmen and persons wholly or partially engaged in the repair, renovation, refurbishment and/or restoration of damaged, used or second-hand furniture or furnishings such furniture or furnishings being constructed of any material whatsoever;

* journeymen, tradesmen and persons wholly or partially engaged in the manufacture, installation, repair, renovation, refurbishment and/or restoration of wooden mantelpieces and/or overmantels;

* billiards, table tennis, snooker and pool table makers, repairers, restorers, fitters and installers;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in, or in connection, with the design, manufacture, alteration, repair and installation of amusement machines, poker machines, card machines, juke boxes and suchlike, roulette wheels, baccarat tables, blackjack card shoe boxes and any other form of amusement, recreational and or gaming machine, furniture or furnishings now in existence, or hereafter coming into existence, which pursuant to the principles of ejusdem generis would be classified as furniture, furnishings, decoration or ornamental background work;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or procedure incidental to, or in, or in connection with the manufacture or repair of spring units, couches, divans, lounges, sofas or similar articles whether constructed or weaved wire or of spiral springs attached to wire and/or metal framework excepting persons engaged in the metallic bedstead-making industry;

* journeymen, tradesmen and persons wholly or partially engaged in the manufacture of bedding, baldachins, bed valances and bedding materials such bedding and bedding materials being manufactured of any material or combination of materials whatsoever;

* journeymen, tradesmen and persons wholly or partially engaged in the manufacture, case cutting, sewing and/or repair of all forms and types of mattresses (inclusive of spring filled, wire, machine made and/or filled mattresses and water filled mattresses);

* persons wholly or partially engaged in any operation or process, including feather processing, incidental to or in, or in connection with mattress case and bed covering filling said mattress and bed coverings including but, not limiting the generality of the foregoing, quilts, doonas, sleeping bags and bedspreads;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process in or in connection with or incidental to the design, manufacture, alteration, repair and installation of display materials and devices, exhibition stands and show cases including but, not limiting the generality of the foregoing, point of sale materials, merchandising devices, panelling and show room stock fixtures;

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* journeymen, tradesmen and persons wholly or partially engaged in cutting, jigsaw cutting, fitting up and/or assembling, laying of carpet, carpet tiles, seagrass, linoleum, hessian, imitation grass, or any other form of floor covering in any material whatsoever, laminating and/or painting, covering, staining, spraying, polishing, rolling, moulding, vacuum forming, wire bending, machining and die cutting performed incidental to, or in or in connection with display work and exhibition work;

* journeymen, tradesmen and persons wholly or partially engaged in the design, manufacture, alteration, repair and installation of any composition of wood, metal or other construction, in any material whatsoever, and in

  any other process performed incidental to or, in or in connection with display work, exhibition work and ornamental background work;

* persons wholly or partially engaged in teasing upholstery or bedding material;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to or in or in connection with the following industries and callings;

  * the manufacture, finishing, repair, alteration and restoration of frames of manilla type furniture;

  * the manufacture, weaving, finishing, repair, alteration and restoration of perambulators or pithcane bassinets; and

  * mottling, lacing, preparing material, lapping and fixing pre-woven sheets of reedtex, hytex or like material or machine woven pithcane to frames;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to or in connection with the manufacture of basketware said basketware being manufactured of any material whatsoever;

* wicker workers and makers of articles of whatsoever description made of bamboo, cane, pithcane, willow, rush grasses, seagrass, reedtex, hytex or any similar or like material or any material introduced in substitution for the aforesaid materials;

* upholsterers including upholsterers employed in retail shops;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with carpet planning, measuring, cutting, laying, repairing, fixing, sewing and/or machining including all preparatory work performed incidental to, or in connection with the foregoing and also including, but without limiting the generality of the aforesaid the installation of protection, floor patching and/or levelling, removal and replacement of furniture, drilling, plugging and adhering, taking up and or disposal of carpet, underlay, smoothedge and such like, naplocking and the installation of smoothedge;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with tilelaying - excepting journeymen, tradesmen and persons wholly or partly engaged in any operation or process in or in connection with the laying or fixing of encaustic, ceramic and vitreous tiles, faience, mosaic and opalite not exceeding in measurement .093 square metres where the said tiles, faience, mosaic and opalite is fixed with cement

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composition but including journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the laying of vinyl tiles and sheeting, rubber tiles or sheeting, cork tiles or sheeting, parquetry, floor sanding, synthetic grass laying, linoleum and any other form of floor covering material introduced in substitution for, or in addition to, the aforesaid floor covering materials;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to or in, or in or in connection with the laying or installation of any form of floor covering material not elsewhere specified in this Rule.

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in or in connection with the manufacture or repair of soft furnishings, loose coverings, stuffed quilts, pillows, bolsters, cushions, blinds (other than venetian blinds), vertical drapes, curtains, tapestry and furnishing drapery, said operations or processes, including but without limiting the generality thereof, planning, designing, cutting, measuring, fixing, sewing, measuring-up on site and installation on site;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacturing or repair of window blinds including venetian blinds, wood weave blinds, blinds manufactured from holland or ticking, wire blinds, gauze blinds, gauze screens or blinds and screens manufactured from other textile material or other material introduced in substitution for, or in addition to, the aforesaid materials, said operations or processes including, but without limiting the generality thereof, planning, designing, cutting, measuring, assembling, painting fixing and installation on site;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacture or repair of cornice boxes, cornice rods and rails, pelmets and pelmet boxes, facias and the like used in or in connection with all forms of window blinds heretofore described, said operations or processes including, but without limiting the generality thereof, planning, designing, measuring, measuring on site, cutting, assembling including assembling on site, painting, fixing and installation on site;

* cabinetmakers engaged in piano and organ manufacture or repair;

* polishers and french polishers engaged in piano and organ manufacture or repair;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacture or repair of pianos, pianofortes, organs and general musical instruments and wood winds, said operations or processes including, but without limiting the generality thereof, planning, designing, assembling including assembly on site, iron frame fitting, key making, sound board making, action fitting, stringing, bass stringing making, chipping up, bass string fitting, tuning and regulation including tuning and regulation on site;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with, the manufacture and repair of mount and ticket boards, picture frames, photograph frames and lobby frame stands and any other manufacture of wood, metal or other construction in any material whatsoever of a like nature to the aforesaid manufactures, said operations and processes including, but without limiting the generality thereof, cutting, jigsaw cutting, fitting up, mount cutting, cardboard frame cutting, covering, shooting, coating, squeezing, applying and/or making compo, joining or finishing the said

manufactures by bronzing, gilding burnishing, staining, spraying, polishing or waxing or covering the said manufactures with silk, or tapestry or other material or textiles;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacture, in any material whatsoever, or repair, of clock cases, printer cases, ice chests, camp furniture, wireless, radio, stereo-phonic and quadrophinic equipment, television equipment, video recorders, video monitors and the like, sound reproduction equipment, refrigerators, incubators, talking machines, sewing machines, lampshades and all forms of church, office, shop, commercial, domestic and residential furniture, furnishings and ornaments not specified elsewhere in the Rule 2(P);

* journeymen, tradesmen and persons who cannot now conveniently belong to an existing registered industrial union who are performing work incidental to, or in or in connection with the industry or industries, and/or occupations, and/or callings and/or vocations and/or industrial pursuits previously specified in this Rule in factories, retail shops or other establishments manufacturing furniture, pianos, organs, table tennis, billiards, snooker and pool tables, mantelpieces, overmantels, beds, bedding, quilts, mattresses, venetian and other window blinds, picture frames and any other form of furniture, furnishings, ornaments or ornamentation not elsewhere specified in this Rule;

* apprentices in any of the tradesmen callings previously specified in this Rule;

* juniors engaged in any of the industries, callings, vocations and industrial pursuits previously specified in this Rule;

* all persons appointed as foremen, sub-foremen and leading hands in any establishment in any of the industries, occupations, callings, vocations and industrial pursuits previously specified in this Rule;

* all persons, whether engaged in or in connection with the industry or industries, and/or occupations and/or callings and/or vocations and/or industrial pursuits previously specified in this Rule or not, who have been appointed as Officers of the Society.

d) Persons who are eligible for membership of the Public Service Association of New South Wales shall not, by reason of anything contained in sub-rule (G) only of this rule, be eligible for membership of the Union.

i) In this Rule the words "wood, timber, metal and plastic" without in any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever material made or manufactured or constructed, which is or can or may be used in the place of wood, timber, metal or plastic, and which can be handled and/or treated and/or machined and/or worked in a similar way and by similar methods and with similar machines and/or tools as in the case of wood, timber, metal or plastic.

ii) In this Rule the word "furniture", in addition to its etymological, dictionary, statutory and judicial meanings shall mean and include all manner, forms and types of accoutrements, chattels, goods, items and articles now in existence, or hereafter coming into existence, which are used in the interior or exterior decoration, adornment, fitting-out, beautification, making habitable and ornamentation of any form of church, office, shop, commercial, domestic, residential or recreational premises or location and, without limiting the generality of the foregoing, shall include all manufactures and items commonly described as outdoor and/or garden furniture; and the word "furnishings" shall have a like meaning.

Further the fact that a given item, article or furniture manufacturing must, as a result of its particular construction, be wrought into or attached to any building, structure or other fixture, shall not be construed so as to eliminate the said item, article or furniture manufacture from the foregoing definition;

iii) In this Rule the word "ornament", in addition to its etymological, dictionary, statutory and judicial meanings shall mean and include all manner, forms and types of accoutrements, chattels, goods, items and articles now in existence, or hereafter coming into existence, which are used to decorate, adorn or beautify any form of church, office, shop, commercial domestic or residential premises and, without limiting the generality of the foregoing, shall include all forms of manufacture in ceramic, glass, porcelain, acrylic, metal or any other material whatsoever, such as figurines, flower vases, pottery, statues, statuettes, wall ornaments and any other form of ornament or ornamentation which pursuant to the principles of ejusden generis, would be classified as an ornament or ornamentation.

iv) In this Rule the word "employee" shall have the meaning ascribed to it within the meaning of section for the *Industrial Arbitration Act 1940*, which section, inter-alia, defines employees in terms which include deemed employees; said definition being cited as follows:

"Employee" means persons employed in any industry, whether on salary or wages or piece-work rates or as members of a butty-gang, and includes any person who is, pursuant to any provisions of this Act, deemed to be an employee for the purpose of this Act, but shall not include a member of a family in the employment of a parent, and the fact that a person is working under a contract for labour only, or substantially for labour only, or as lessee of any tools or other implements of production or an outworker, or is working as a salesman, canvasser, collector, commercial traveller, insurance agent or in any other capacity in which he is paid wholly or partly by commission, shall not in itself prevent such person being held to be an employee.

(H) Provided that nothing in this Rule 2(P) shall make any person eligible to be a member of the Union who is of a class of employees for whom, as of the date of this Rule being approved, was subject to a representation order, a State demarcation order, a demarcation order, a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(Q) Additional Eligibility for Admission to Membership in the State of Western Australia

The provisions of this rule 2(Q) enabling workers, categories and classes of workers to be eligible for membership of the Union have no application whatsoever beyond the State of Western Australia. This proviso applies regardless of any term or provision of this rule 2(Q).

The provisions of this rule 2(Q) do not extend and are not intended to operate as extending the eligibility rules of the Union beyond those that of The Construction, Forestry, Mining and Energy Union of Workers. This proviso applies regardless of any term or other provision of this rule 2(Q).

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Without limiting any other rule, this rule does not make any person eligible to be a member of the Union who is in a class of employees for whom, at the time when this rule was approved by the General Manager, was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to a class of employees of which that person is a member, in favour of another organisation or association.

Further, without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provide for additional eligibility for admission to membership of the Union in the State of Western Australia:-

(1) The Union shall in the State of Western Australia consist of an unlimited number of persons who are:

(a) over the age of 16 years and who are employed or usually employed as builders' labourers on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any trades person engaged in building operations or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel or combination of those or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings or as scaffolder, rigger, gear hand, gantry hand or crane hand, or as dogman, or as drainer on all building contracts, and any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete work, tar paving or asphalt work, or mortar or concrete mixing in connection with or incidental to the foregoing operations;

(b) provided that no person employed in any of the vocations or callings mentioned in subrule (1)(a) of this Rule shall be eligible for membership if he or she is eligible to be a member of the Australasian Society of Engineers, Industrial Union of Workers, Western Australian Branch, the Electrical Trades Union of Workers of Australia Western Australian Branch Perth, the Amalgamated Engineering Union Workers, Perth Branch, or the Amalgamated Engineering Union of Workers, Kalgoorlie Branch.

(2) In addition to the foregoing, the Union in the State of Western Australia shall consist of an unlimited number of persons who are employed, or who are usually employed in the painting and decorating industry applying paint or its substitutes, or any preparation, by any means, the purpose of which is of a decorative or protective character for residential, commercial or industrial purposes (excluding the application of bitumen or like substance to roads and like surfaces), which industry shall be deemed to include the painting of buildings and structures (residential, commercial and industrial), aircraft, machinery, ships and small vessels of every description (including prefabricated work on any of the aforementioned, wholly or in part) and general painting, together with plastic relief workers, paper hangers, wall coverers, decorators, grainers, marblers, varnishers, enamellers, gilders, lacquerers, spray workers, sign, profile, scenic, mural and pictorial artists, or persons engaged in the removing of paints and/or their substitutes and the preparation of all work and materials used in the painting trade and branches thereof, including paint mixers together with glaziers, vitrolite cutters and fixers, ticket writers, cycle enamellers, liners, writers, and sprayers, and shall include foremen and sub-foremen in the industry.

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(3) And in addition to the foregoing the Union in the State of Western Australia shall consist of an unlimited number of persons who are employed, or who are usually employed as:

(a) Plasterers - the work of a plasterer shall mean and be deemed to be, all internal and external plastering, and cementing, including rendering with all forms of plaster, asbestos fibre, finishing all kinds of plaster and plastic acoustic work, water proofing work in cement, plaster or patent materials, by manual or mechanical means, including wood lathing and metal lathing, or any similar substitute that may be used as a ground for plaster work, such as sackett board; the affixing of plain and ornamental tiles on walls and floors, the fixing of fibrous plaster or any other kind of plaster required to be finished off with plastered joints; the top dressing of all concrete work finished in cement also cement floors, walls and ceilings, rough cast; and fixing plaster, cement, or patent plaster ornaments; and in the use of materials appertaining to the trade or calling of plasterers;

(b) Wall and Floor Tilers;

(c) Wall and Ceiling Fixers;

(d) Fibrous Plaster Workers - Persons engaged in:

(i) Architectural modelling;

(ii) The manufacture of architectural ornaments of plaster and fibrous plaster;

(iii) The manufacture of fibrous plaster goods;

(iv) The fixing of manufactured plaster goods and fibrous plaster columns and acoustic tiles and the fixing of fibrous plaster on the walls and/or ceilings of buildings;

(v) The preparation of designs and ground work and the making of models and/or moulds whether of gelatine, plaster, wax, rubber or cement, subject to the making of such models and/or moulds being incidental to the fibrous plaster industry;

(vi) Any phase or phases of item (i) to (v) inclusive;

(e) Manufactured Cement Goods Workers - Persons engaged in-

(i) Architectural modelling;

(ii) the manufacture of architectural ornaments of cement;

(iii) except as provided for in subrule (8) of this Rule, the manufacture of portable articles of reinforced cement or concrete, cement pressed work, baths, washtubs, troughs, sinks, pillars, ornaments and other miscellaneous goods, including floor beams, partition blocks, lintels, cornices and balusters, subject to and without limiting the generality of subrule (1) and (2) of this Rule, excluding the manufacture of cement bricks, pipes and/or building blocks, except where such work is performed in the establishment of manufacturers of fibrous plaster, plaster and/or cement goods, and excluding workers employed by the Fremantle Harbour Trust and the Minister controlling Harbours and Rivers.

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(iv) the manufacture of cast stone and terrazzo where such work is performed in the establishments of manufacturers of fibrous plaster, plaster/or cement goods.

(v) any phase or phases of items (i) to (iv) inclusive;

(vi) plaster mill workers - persons engaged in the manufacture of plaster of paris.

(4) The Union shall also consist of an unlimited number of persons employed, or usually employed in the State of Western Australia as carpenters and/or joiners (including ships' carpenters and joiners, carpenters employed on jetties, and wharves, dams and bridges) and joinery assemblers and roof tile fixers and bricklayers, stoneworkers, stonemasons, marble masons, stone, marble or slate polishers, stone marble or slate machinists and stone, marble or slate sawyers and labourers in the industry of monumental masonry and foreman, subforemen, or apprentices to or in any of the foregoing trades provided that no foreman tradesman or subforeman tradesman (except acting foremen tradesmen or acting sub-foremen tradesmen) who is eligible for membership of The Foremen (Government) Industrial Union of Workers, WA as at the 11th Day of December 1986 shall be eligible for membership of the Union.

(5) The Union shall also admit to membership any person who is employed, or usually employed in the State of Western Australia including all islands bounding the whole coastline of the State in any of the following capacities:

Engine drivers, steam boiler and gas producer firemen, trimmers or fuelmen or tour guides in power houses, engine cleaners, greasers, boiler cleaners, crane drivers, dynamo attendants in power houses, stationary motor drivers, electric power sub-station attendants, power house switchboard attendants, electric locomotive drivers, railway shunters, locomotive observers, railway car and wagon examiners (not being tradesmen) and railway messengers. Provided that, in respect of the vocations referred to in this subrule 4.6, employees of the Western Australian Government Railways Commission and persons eligible for membership of the Coal Miners Industrial Union of Workers of Western Australia employed in the coal mining industry within the State of Western Australia shall not be eligible for membership of the Union.

(6) The Union may admit to membership all other persons in the State of Western Australia whether employees in the foregoing callings or vocations or not as have been appointed or elected officers of the Union, provided that no person shall be a member who is not an employee within the meaning of the Industrial Relations Act (WA) 1979 as amended.

(7) The Union may admit to membership employees who are engaged in the State of Western Australia the manufacture of:

(a) bricks and who are employed by:

(i) Boral Bricks Western Australia Pty Ltd trading as Midland Brick;

(ii) BGC (Australia) Pty Ltd trading as Brikmakers;

(iii) Austral Bricks (WA) Pty Ltd trading as Austral Bricks; and

(iv) Geraldton Brickworks Pty Ltd trading as Geraldton Brick Co;

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(b) cement roof tiles and who are employed by:

(i) Austral Bricks (WA) Pty Ltd trading as Bristile Roofing; and

(ii) Monier Prime Pty Ltd trading as Monier Prime Roofing.

(8) This rule 2(Q) does not allow the union to cover in the State of Western Australia or elsewhere any person who, as of the date of this rule 2(Q) being approved, is of a class of employees in respect to which the Construction, Forestry, Mining and Energy Union of Workers was subject to a representation order, a State demarcation order, a demarcation order, or a demarcation undertaking or agreement (however described) in regards to that class of employees in favour of another organisation or association.

(R) Without limiting the generality of Sub Rules (A) to (Q) and (S) herein or being limited thereby:

The Union shall consist of:

(a) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the following industries, mills, factories, places of work, products or processes in Australia:-

textile, woollen (other than wool scouring), worsted, wool tops, spinning, weaving, dyeing, finishing, waste-breaking, flock, wadding, felt and feltex, flax, cotton, carpets, silk and artificial silk, rayon and/or any vegetable or synthetic fibre or non woven substance, technical textile, textile backing, textile coating, textile services, hosiery, half-hose, knitting, textile printing, textile furnishings, tapestry, braids and tassels;

(b) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the designing, preparing, patternmaking, manufacturing, making including the treatment or conversion of any vegetable or synthetic fibre or non-woven substance, processing, repairing, altering, trimming, blocking, pressing, finishing or selling from factory outlets of:

(i) infants' nappies;

(ii) table and sanitary napkins;

(iii) facial and toilet tissue;

(iv) tampons;

(v) mats, towels and absorbent cloths, pads and wipers;

(vi) substitutes for the products of any of the industries, mills, factories, places of work, products or processes listed in paragraph (a) above;

(c) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the Felt Hatting Industry, and the designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets the whole or any part of all articles of headwear and/or millinery including but not limited to hats, caps, berets, hoods and helmets.

(d) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets the whole or any part of footwear of every description including but not limited to boots, shoes, slippers and wood lasts.

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(e) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets the whole or any part of:

(i) any male or female garment;

(ii) any article of wearing apparel whatsoever, made from material of any description;

(iii) any article of neckwear;

(iv) handkerchiefs;

(v) any fashion accessory whatsoever.

(f) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets of the whole or any part of any description of textile furnishings including but not limited to any description of serviettes, pillowslips, pillowshams, sheets, blankets, bedspreads, tablecloths, towels, quilts, aprons, mosquito nets, bed valances, cot covers, blinds, carpets, cushions, curtains or bed curtains and automotive textile furnishings including but not limited to motor vehicle and other seat covers, mats and dash covers.

(g) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the laundry industry, or the dyeing and/or cleaning and/or repairing and/or pressing and/or ironing any garment or any article of any description whatsoever.

(h) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with designing, preparing, patternmaking, manufacturing, making, processing repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets of the whole or any part of any description of umbrella;

(i) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the embroidering and/or ornamenting of:

(i) any of the articles referred to in any other part of this rule;

(ii) artificial flowers.

(j) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the industry of a furrier.

(k) Without limiting the generality of any other subrule of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the making of chenille and the designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets of articles of all descriptions made of chenille;

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(l) Without limiting the generality of any other part of this rule, all persons other than electrical workers, and fitters (including persons performing the job of fitters where these persons are described as mechanical and fabrication tradespersons, and including howsoever 'fitters' are termed in the future), wholly or partly engaged or usually engaged in or in connection with:

(i) the maintenance or repair of machinery used at any premises referred to in any other part of this rule, or at any premises where any of the processes or activities referred to in any other part of this rule occurs, or in relation to a product referred to in any other part of this rule, including but not limited to mechanics engaged in the maintenance or repair of machinery used in the production of boots, shoes and slippers.

(ii) cleaning at any premises referred to in any other part of this rule, or at any premises where any of the processes or activities referred to in any other part of this rule occurs, or in relation to a product referred to in any other part of this rule.

(iii) receiving, dispatching, packing, unpacking, storing and/or otherwise handling goods at any premises referred to in any other part of this rule, or at any premises where any of the processes or activities referred to in any other part of this rule occurs.

(m) such other persons as have been elected or appointed officers or organisers or employees (other than clerical employees) of the Union or a Branch and who have been continuously employed in any one or more of the industries of the Union for at least three years.

(n) Such other persons who are independent contractors who, if they were employees performing the work of the kind that they usually perform as independent contractors, would be eligible for membership of the union.

(S) Without limiting the generality of Sub-Rules (A) to (R) herein or being limited thereby:

1. PART S

(a) The Union shall be composed of any number of:

(i) bosuns, bosuns' mates, quartermasters, storekeepers, able seamen, chief integrated ratings, bosun integrated ratings, integrated ratings, provisional integrated ratings, trainee integrated ratings, general purpose ratings, sailors, deckhands, ordinary seamen, deck boys, pumpmen, donkeymen, water tenders, engineroom attendants, oilers, greasers, motormen, boiler attendants, firemen, wipers, trimmers, crew attendants, catering attendants and trainee catering attendants, employees engaged on working on dredges, lighters, hulks, barges, punts, employees working on river and harbour vessels, including ferries, employees working on tugboats and tenders, employees working in the pilot services; and

(ii) Marine Cooks, Bakers and Butchers, trainee cooks and other employees employed, or competent to be employed in the galley of Australasian vessels; and

(iii) seafaring stewards, pantrymen and stewardesses, catering attendants and trainee catering attendants; and

(iv) persons temporarily, permanently or usually employed within the Commonwealth of Australia, or in any place in which the Industrial Relations Act, 1988 applies on a full time or part time basis in the Industry defined in Rule 2(b) of the Rules;

(v) all employees who are employed in or in connection with the recreational diving industry throughout the Commonwealth of Australia, including those employees who are in command and control of small vessels which are operated in or in connection with a port or adjacent to an offshore facility and who are required to possess and use a Coxswain's Certificate or equivalent in such operation; other than those employees who are:-

(1) in command, control or who supervise or operate vessels including employees described as masters, mates, deck officers and skippers;

(2) marine engineers, however described;

(3) employed in the State of Queensland in or in connection with the sale or supply of recreational diving equipment or facilities the provision of recreational diving services or related underwater services by an employer whose sole or predominant business activity consists of the operation of one or more tourist resorts or hospitality facilities of a similar nature, and where such sale, supply or services are provided in association with the operation of that tourist facility;

(4) solely or predominantly engaged in the sale, reception or delivery of merchandise in a retail outlet operating separately and distinct from the provision of recreational diving services;

(5) solely or predominantly engaged in clerical duties in a retail outlet operating separately and distinct from the provision of recreational diving services;

together with officers of the Union.

For the purposes of (v) herein an employee shall be regarded as employed in or in connection with the recreational diving industry only if the employee is employed by an employer whose sole or predominant business activity consists of either the sale or supply fo recreational diving equipment or facilities, the provision of recreational diving services or related underwater services.

(b) Without limiting in any way whatsoever the operation of the provisions of Sub-Rule (a) of this Part S, in the State of Western Australia, the Union shall, in the State of Western Australia, consist of an unlimited number of members in addition to those referred to in Sub-Rule (a) of this Part S who follow in that State the occupation of:-

(i) Painting (excepting those provided for in Part 1 of Reference No. 32 of 1945 Demarcation Board Decision if the word "enamelling" in sub-paragraph (ii) and the words "done in enamel" in sub-paragraph (ix) of paragraph 5 of part 1 of that Decision were deleted therefrom), chipping, sandblasting, shotblasting (subject to the abovementioned Decision), scraping, scrubbing, cleaning, limewashing, cementing and cement washing, on any vessel or sectional part thereof, or on any vessel during construction; boiler scalers, shipwrights' assistant, carpenters' assistant, and joiners' assistant in the shipping trade; workers employed cleaning ships' holds and dunnaging, excepting such cleaning and dunnaging as is normally performed by waterside workers or shipwrights; riggers, wire splicers, sailmakers, sailor gangs or general labourers (other than those engaged in structural maintenance) working about docks, dockyards, slips, vessels (including any sectional part of a vessel or on any vessel during construction) and shipyards; painters of ironwork, machinery, sheds, sheerlegs, cranes and smokestacks in established dockyards and shipyards in which members of the Union have from time to time been employed for work on ships; workers engaged in the making,

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repairing and/or maintaining of rope, wire, chain or canvas gear used in connection with cargo handling, insulation and lagging workers; workers engaged in the mooring and unmooring of vessels; deckhands of floating cranes and such like vessels.

Provided that a worker who, pursuant to the foregoing provisions of this Sub-Rule (b), is eligible for membership of the Union shall remain eligible for such membership when in the course of employment in any of the occupations referred to in the said provisions and included in the Constitution of the Union, such worker is required to paint ironwork, machinery, sheds, sheerlegs, cranes and smokestacks in established dockyards and shipyards.

(ii) Mates and engineers of whaling vessels, lamp trimmers, boatswains, boatswains' mates, sailors, quartermasters, donkeymen, storekeepers, greasers, oilers, firemen, trimmers, watertenders, wipers, deckhands, ordinary seamen, deck boys, deckhands and sailors' attendants, stokehold staff attendants, laddermen, pipe-winchmen, winchmen, hoppermen, and boatmen engaged working on ships and vessels including dredges, lighters, hulks, barges, ferries, tugboats, tenders and pilot vessels;

(iii) Boatbuilder or shipwright in the maintenance, manufacture, construction or repair of iron, steel, wooden, fibre glass, plastic or concrete ships and vessels of any description and (without limiting the generality of the term) of boats, punts, pontoons, floating stages, targets, preventors, torpedo netting booms, rafts, dock gates, caisson and coffer dam gates, aircraft or seaplanes (where work on such aircraft or seaplanes is done in an establishment, the principal business of which is work of the other class hereinbefore mentioned) or on any other floating structure;

(iv) Cargo, jetty, ship, or wharf (including wharf entrance gates) watchmen;

(v) The secretary for the time being of the Seamen's Union of Australia, West Australian Branch and persons whether included or not included in the occupations referred to in paragraphs (i) (ii) and (iii) hereof as have been appointed officers of the organisation, and admitted as members thereof.

Provided that a person (other than a crewman of a self-propelled dredge, hopper barge or tender) who is employed under an agreement (whether registered or not) to which the Australian Workers' Union, West Australian Branch, Industrial Union of Workers was a party and in force on the eighth day of December, 1967 or under an Award to which that Union is a party at any time shall not be eligible to be a member of this Union.

Provided further that a person who is eligible for membership of the Australasian Society of Engineers Industrial Union of Workers, Western Australian Branch shall not be eligible to be a member of this Union.

Provided further that no person employed in connection with river improvements or employed or serving in any naval, military or police force in Western Australia or is under fourteen years of age shall be eligible to become a member of this Union. Provided further that no person shall be eligible to become a member except in the capacity of an honorary member who or whose personal representative is entitled to some financial benefit or financial assistance under the rules of the Union while not being a worker within the meaning of the Industrial Arbitration Act, 1912.

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(c) Without limiting in any way whatsoever the operation of the provisions of Sub-Rule (a) of this Part S in the State of New South Wales, the Union shall, in the State of New South Wales, consist of an unlimited number of members in addition to those referred in Sub-Rule (a) of this Part S and shall be composed of:

(i) Any number of sailors, lamp-trimmers, boatswains, boatswain's mates, quarter masters, donkeymen, storekeepers, greasers, oilers, firemen, trimmers, watertenders, wipers, deckhands, ordinary seamen, deckboys, employees engaged working on dredges, lighters, hulks, barges, punts, employees working on river and harbour vessels, including ferries, deckhands and sailors' attendants and stokehold staff attendants, employees working on tugboats and tenders, and employees working in the pilot services;

(ii) persons employed in the Dredge Service of the Department of Public Works of New South Wales and the Maritime Services Board of New South Wales, including Signal Masters, Assistant Signal Masters, Signalmen, Tide Signalmen, Light Keepers, Motor Drivers, Coxswains, Firemen, Greasers, Seamen, Watchmen, Diesel Engine Drivers, Cooks and Stewards, Wharfingers, Officers in Charge of Out Stations (not Pilots) Patrolmen and Communication Attendants and others employed in lighters, and Rockchoppers in the service of the Maritime Services Board of New South Wales;

(iii) any person or persons who may be elected an Officer of the Union;

(d) Without limiting in any way whatsoever the operation of the provisions of Sub-Rule (a) of this Part S in the State of New South Wales, the Union shall, in the State of New South Wales, consist of an unlimited number of members in addition to those referred in Sub-Rule (a) of this Part S and shall be composed of:

(i) an unlimited number of employees in the manipulation and navigation of motor boats in the State of New South Wales;

(ii) all persons engaged in the mooring and unmooring of interstate, intrastate and overseas vessels;

with the exception of

(a) colliers,
(b) members of ships' crews,
(c) any vessel berthing at Cockatoo Dock, Woolwich Dock, and Garden Island;

(iii) competent deckhands, engine room attendants, fishermen, shipkeepers, wharfhands, passage hands, turnstile hands, change hands, collectors, steersmen, motor hands and all persons employed on or usually employed in connection with ferry boats, tug boats, lighters, punts, hoppers, barges, launches, motor boats, trawlers and harbour and river craft.

Provided that nothing in this Sub-Rule (d) shall apply to persons employed in or in connection with private or pleasure craft as watchmen, caretakers or cleaners or employees of the Maritime Services Board of the Department of Public Works Dredge Service.

2. PART W

Without limiting the generality of Part S, or being limited thereby, the Union shall also consist of:

(a) Any person who intends to follow the occupation of a waterside worker, including without limiting the foregoing any employee referred to in Sub-Rule (b) of this Part W.

(b) (i) For the purpose of this Sub-Rules (b) (c) and (d) the following definitions shall apply:

(1) "Administrative clerk" means any clerk employed in budgeting, costing, accounting and allied functions, preparation of payrolls, clerical work associated with purchasing, banking of monies, typing or secretarial work, stenography, and in the performance of those functions shall include the operation of telex, facsimile, accounting or calculating machines, computers, and other equipment used in connection with electronic data processing and operators of switchboards, and persons employed in a clerical capacity for the keeping and maintenance of general administrative records.

(2) "Container depot" means an area and building authorised by Customs Authorities for the examination of goods on landing at which containers, pallets and flats are unpacked, the contents sorted and prepared for delivery or stored, and for the receipt, delivery and storage of containers, and at which loose goods or packages are received and stored into containers or onto pallets and flats, or otherwise handled or stored.

(3) "Employees" means that class or group of employees being:

(I) employees engaged or assisting in the work of handling, storing, preparing, packing or dispatching goods or merchandise, or work on or in connection with the loading or unloading, stacking, moving or sorting of such goods and merchandise in or about container depots, including the operation of equipment necessary to move containers or goods and any equipment required to clean the premises or containers, and including clerical work, but excluding the work of an administrative clerk and work of a supervisory nature;

(II) employees engaged in watching, guarding or protection duties in or about container depots;

(III) employees performing the work of a qualified trades person;

or any combination of work specified in sub-paragraphs (I), (II) and (III).

(ii) For the purpose of this Sub-Rule (b) the employers and the specified container depots operated by the employers are as follows:

EMPLOYER	CONTAINER DEPOT
National Terminals Aust. Ltd	East Swanston Dock Victoria Port Botany NSW
Conaust Limited	McKenzie Road West Swanston Dock, Vic Rozelle NSW Gillman SA
F.G. Strang Pty Ltd trading as Strangtainers	Footscray Vic

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Western Packing Pty Ltd trading as Cargo Distributors	Footscray Vic
Port Botany Container Depot Pty Ltd	Banksmeadow NSW
Seatons Container Freight Station Pty Ltd	Camellia NSW
Brisbane Cargo Services Pty Ltd operating as Brisbane Amalgamated Terminals Limited	Fishermans Island
Macpak Pty Ltd	Hemmant Qld
Rivers Trading Company Cargo Pty Ltd trading as Rivers Trading Company	Nudgee Qld
Interport (Brisbane) Pty Ltd	Hamilton Qld
Charlick Operators Pty Ltd trading as Austainer Services	Gillman SA
Terminal Properties of Australia Pty Ltd trading as Freight Bases	Gillman SA
Fremantle Port Authority	North Quay Fremantle WA
Fremantle Terminals Limited	North Quay Fremantle WA

(iii) For the purpose of this Rule the employees, as defined in sub-paragraph (b)(i)(3) above, of each of the employers specified in paragraph (b)(ii), where those employees are employed at the specified container depots in respect of each employer, shall be eligible for membership of the Union.

(c) All employees employed by "TT Line Company Pty Limited" as administrative clerks, as defined in sub-paragraph (b)(i)(1) above, but not including employees performing work of a supervisory nature, provided that such employees are employed or usually employed in or in connection with stevedoring operations and/or passenger and/or cargo booking where such passenger and/or cargo booking is related to intrastate and/or interstate travel where those persons are employed in performing those duties solely on or immediately adjacent to a wharf, a wharf office or on a ship.

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(d) The following named persons, whilst those persons remain employed as administrative clerks, as defined in sub-paragraph (b)(i)(1) above, but not including employees performing work of a supervisory nature, and are employed or usually employed in or in connection with stevedoring operations and/or passenger and/or cargo booking where such passenger and/or cargo booking is related to intrastate and/or interstate travel where those persons are employed in performing those duties solely on or immediately adjacent to a wharf, a wharf office or an a ship.

(i) For the purpose of this sub-rule (d), the employees are those listed in Schedule I to these rules.

3. (a) Without limiting the generality of 1. PART S and 2. PART W, or being limited thereby, the Union shall also consist of:

All employees as defined in subrule (b) other than those employees who are employed in supervisory duties of any nature (excepting employees performing duties of forepersons or leading hands or otherwise who exercise similar and direct supervisory powers over other employees), and other than employees who possess a Maritime Certificate of Competency where the possession of the certificate is part of the requirements of a classification, and other than those employees who are employed as harbourmasters, port managers, marine pilots, marine surveyors, maintenance technicians, masters and deck officers of vessels, officers of pilot cutters, port control officers, signal station officers, radio officers, superintendents, stevedoring supervisors or who are employed in managerial or professional occupations;

provided that employees who perform clerical and administrative, supervisory or technical duties shall not be eligible to be members of the Union by virtue of this subrule until:

(i) 1 December 1995 if employed by the Port of Brisbane Corporation or Fremantle Port Authority;

(ii) 1 January 1996 if employed by the Townsville Port Authority;

(iii) 1 June 1996 if employed by the Sydney Ports Corporation, the Newcastle Port Corporation, the Port Kembla Port Corporation, the Waterways Authority in NSW, or the Port of Melbourne Authority.

(b) For the purposes of subrule (a) "employees" means all those persons employed by the employers identified in subrule (c) other than those persons who are employed in the office of public servant in accordance with relevant State Government legislation in the States of South Australia and Western Australia.

(c) For the purposes of subrule 3 of this rule the employers are:

Albany Port Authority
Bunbury Port Authority
Bundaberg Port Authority
Burnie Port Authority
Dampier Port Authority
Darwin Port Authority
Department of Transport, Marine & Harbours Agency (in the State of South Australia)
Department of Transport (in the State of Western Australia in relation to the Department of Marine and Harbours)
Esperance Port Authority
Fremantle Port Authority

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Geraldton Port Authority
Kimberley Port Authority
Marine Board of Circular Head
Marine Board of Flinders
Marine Board of Hobart
Marine Board of King Island
Newcastle Port Corporation
Port Hedland Port Authority
Port of Brisbane Corporation
Port of Devonport Authority
Port of Geelong Authority
Port Kembla Port Corporation
Port of Launceston Authority
Port of Melbourne Authority
Port of Portland Authority
Rockhampton Port Authority
Sydney Ports Corporation
Townsville Port Authority
Waterways Authority

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

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(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings

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Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler, generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

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(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

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(K) Without limiting the generality of Sub Rules (A) to (J) and (L) herein or being limited thereby:

The industries in or in connection with which the Union is registered are the textile, clothing and footwear industries, including but not limited to those parts of the industries referred to in Rule 2(R).

(L) Without limiting the generality of Sub-Rules (A) to (K) herein or being limited thereby, the Union is registered in or in connection with:-

(a) The shipping industry; and
(b) The industry of diving in the provision of underwater services.

4 - OBJECTS

(a) To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial and social legislation.

(b) To regulate and protect the wages and conditions under which all members or other persons entitled to become members of the Union may be employed, to achieve compulsory unionism and control the supply of labour, to take such steps as may be necessary for the efficient operation of the industries in or in connection with which the organisation is registered, to regulate relations between the members and their employers and between the members and other employees in or in connection with the Industries of the Union and to foster the best interests of the members of the Union.

(c) To improve industrial relations in the industries in or in connection with which the Union is registered and undertakings where members are employed, and to exercise all the powers, privileges and advantages of employees under the Act and any legislation replacing that Act and under any Commonwealth or State legislation, or any other legislation in any way relating to the Industries of the Union either directly or indirectly affecting the members.

(d) To do all things conducive to the welfare and organisation of the working class.

(e) To provide legal assistance to the Union and its members to protect the interests of the Union in all its Divisions and Divisional Branches, and to assist other trade unions by any legal method.

(f) To secure preference in employment, retrenchment, promotion, demotion and transfer of employment for members.

(g) To protect members from any infringement of their rights.

(h) To organise the education of members.

(i) To secure or assist in securing legislation for safety in or in connection with the Industries of the Union and for the general and material well being of members.

(j) To establish funeral, sick, accident, unemployment or other funds, including insurance or assurance funds, for the assistance, support and benefit of members, or other trade unionists, and to establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Branches, Divisions or Divisional Branches.

(k) To establish Branches, Divisions, Divisional Branches, Sub – Branches, Districts, Sectors, Sections, Associations or Committees of the Union, including but not limited to Port, Ship and Area Committees, throughout Australia and its Territories.

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(l) To effect unity between the Branches, Divisions, Divisional Branches and other bodies of a similar character.

(m) To work as far as is lawful in harmony with other labour unions.

(n) To establish and maintain a Union journal or journals for the publication of matters directly or indirectly relating to the affairs of the Union or its members, and to assist to establish or maintain labour and trade union journals, radio and television broadcasting stations and other means of mass communication, information or education, and to invest in such ventures.

(o) To promote the interchange of membership between the Union and other unions throughout the world.

(p) To assist members by loan or otherwise.

(q) To constitute, conduct, carry on and manage clubs for the benefits of members.

(r) To co – operate or otherwise combine with, affiliate to or amalgamate with, pay affiliation fees to and assist financially or otherwise, or join or absorb, any organisation, union or association which has objects similar to the objects of the Union, and to be represented on other bodies and trade union organisations.

(s) To render financial assistance to Branches, Divisions, Divisional Branches or other union or labor organisations for any charitable purpose.

(t) To take part in any or all questions of matters affecting or involving the wages and conditions of labour.

(u) To grant assistance to members who are shipwrecked.

(v) To establish and/or support co-operative ventures generally and to do such other things which may be deemed necessary in connection therewith.

(w) To hold, purchase, lease, transfer, rent, sell, mortgage or otherwise deal in property and to enter into contracts and agreements in connection with same and to do all such other things as may be deemed necessary in connection therewith for the purpose of furthering directly or indirectly any one or more objects, provided that where such property is in the care, custody and control of a Division, it shall be subject to governance in accordance with the Divisional Rules and the National Rules.

(x) To raise funds by levies and/or other means for the furtherance of any one or more objects.

(y) To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

(z) To obtain such other objects as the National Conference or National Executive shall from time to time determine or as may be lawfully adopted by any Division of the Union.

(aa) To do all such other acts and things as are incidental or in any way related to the carrying out of any one or more of the above objects.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

“ACT” means the Fair Work Act 2009 (Cth) or any Act replacing that Act.

“BCI(IP) ACT” means the Building and Construction Industry (Improving Productivity) Act 2016.

"BOARD" means a group of persons who supervise a corporation, organisation, association or other like body including a Board of Directors.

"DECLARED PERSON OR BODY" - a person or body is a declared person or body of the Union or a Branch of the Union for the purpose of rule 24D (and 50D) if:

(i) an officer of the Union or the Branch (as the case may be) has disclosed a material personal interest under rule 24C/50C; and

(ii) the interest relates to, or is in, the person or body; and

(iii) the officer has not notified the Union or the Branch (as the case may be) that the officer no longer has the interest.

"DISCLOSURE PERIOD" means the financial year of the Union as referred to in Rule 24.

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

“DIVISIONAL EXECUTIVE” shall mean, in the case of The Maritime Union of Australia Division, the Divisional National Council of that Division.

“DIVISIONAL CONFERENCE” shall mean, in the case of The Maritime Union of Australia Division, the Divisional National Council of that Division.

"FINANCIAL DUTIES" includes duties that relate to the financial management of the Union or a Branch of the Union.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"FINANCIAL YEAR" means the financial year of the Union as referred to in Rule 24.

"GENERAL MANAGER" means the General Manager of the Fair Work Commission.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

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"NON-CASH BENEFIT" means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.

"OFFICE" has the same meaning as defined by Section 9 of the RO Act.

"PEAK COUNCIL" means a national or State council or federation that is effectively representative of a significant number of organisations (within the ordinary meaning of the term) representing employers or employees in a range of industries.

"PROPORTIONAL REPRESENTATION" shall mean a system of representation at Committees, Conferences, Executives or the like which, as far as practicable, will provide for voting on a basis which reflects the number or percentage of financial members, as calculated in accordance with these rules, that each person on such Committee, Conference, Executive or the like, represents.

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union and in the case of the Manufacturing Division, of the Division.

"RELATED PARTY" has the same meaning as defined by section 9B of the RO Act.

"RELATIVE" in relation to a person means:

(i) parent, step-parent, child, step-child, grandparent, grandchild, brother or sister or the person; or

(ii) the spouse of the first mentioned person.

"RELEVANT NON-CASH BENEFITS" in relation to an officer of the Union/Branch for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer's duties as an officer, by the Union/Branch or by a related party of the Union/Branch.

"RELEVANT REMUNERATION" in relation to an officer of the Union/Branch for a disclosure period is the sum of the following:

(i) any remuneration disclosed to the Union/Branch by the officer under Rules 24B/50B during the disclosure period;

(ii) any remuneration paid during the disclosure period, to the officer by the Union/Branch.

"RO ACT" means the Fair Work (Registered Organisations) Act 2009 (Cth) or any Act replacing that Act.

"RO REGULATIONS" mean the Fair Work (Registered Organisations) Regulations 2009 or any regulations replacing those Regulations.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

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In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast then that candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then that candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the vote preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

“UNION” shall mean the Construction, Forestry, Maritime, Mining and Energy Union.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Maritime, Mining and Energy Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

(ii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Rules of the Union may require, and shall, when requested, fill in and sign such application form as may be provided.

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v) (a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

(vii) A member shall, when applying for membership be informed of the financial obligations arising from membership and the circumstances, and the manner, in which a member may resign from the organisation and shall be informed of such in writing.

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

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Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

(ii) Any member who has failed to pay the entrance fees, or contributions, levies and fines imposed in accordance with the rules of the union on or before the date specified in such rules, shall be deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant for admission or exercise any authority or any membership rights, provided that the rules may provide that some members or some class or classes of members may vote in a ballot and/or may differentiate between classes of members as to the amount of any contribution and/or entrance fee.

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.151 of the RO Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

(i) A member desiring to transfer to any other union covering their calling shall make application to the Divisional Branch Secretary, or where the rules of the union so provide, Divisional Sub-Branch, in writing, and shall pay all dues owing to the union, and the transfer will be forwarded to the Secretary of the union to which the member desires to transfer. Such member shall cease to be a member of this Union as from the date on which the transfer is forwarded to the Secretary of such other union.

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(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

(iii) A clearance shall not be granted to any member unless all moneys owing have first been paid.

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

A register of members and any other records of the Union required to be kept by the RO Act and the Regulations made thereunder shall be kept at the registered office of the Union and so far as such records relate to a Division or Divisional Branch at the registered office of that Division or Divisional Branch.

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) (a) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(b) The National Conference shall also consist of the two National Women's Committee members elected by each Division in accordance with Rule 17, regardless of whether those women are otherwise members of their Divisional Executive.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

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For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.

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Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

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(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telephone, email, in writing, by computer link and/or by any other means of communication.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, facsimile, telephonic, email, in writing, by computer link and/or by any other means of communication (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

13A - NATIONAL WOMEN'S CONFERENCE

(a) There shall be a National Women's Conference at least once every two years. The role of the National Women's Conference shall be to provide advice and recommendations to the Union on matters affecting women members of the Union.

(b) The National Women's Conference shall include the elected National Women's Committee members from each Division. The number of participants shall be no more than 15 members per division.

(c) Delegates to the National Women's Conference shall be nominated by the Divisional Executive of each Division.

(d) Notwithstanding the number of observers nominated by any Division to attend the National Women's Conference, only the nominated delegates from each Division shall have voting rights at the National Women's Conference.

(e) Resolutions of the National Women's Conference shall be referred to the National Conference for consideration by that Conference.

13B - NATIONAL WOMEN'S COMMITTEE

(a) There shall be a National Women's Committee.

(b) The National Women's Committee shall be made up of two female members from each Division. Only one National Women's Committee member from each Division may be a Full Time Paid officer of that Division.

(c) The members of the National Women's Committee are to be elected by each Division in accordance with Rule 17, or otherwise in accordance with the rules for general quadrennial elections applicable to each Division.

(d) Members of the National Women's Committee shall be, ex officio, members of the National Women's Conference and members of the National Conference.

(e) The National Women's Committee will operate in accordance with a set of rules that have been adopted by either the National Conference or Executive after consultation with the Committee.

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14 - NATIONAL EXECUTIVE COMMITTEE

(i) The National Executive Committee shall consist of the National Officers, being the National Secretary, National President, National Assistant Secretary, International President and five (5) National Vice Presidents of the Union together with such of the following elected officers of each Division at a National level namely:-

- in the case of the Construction and General Division, eleven (11) additional National Executive Committee members elected by and from the Construction and General Division Divisional Conference.

- in the case of the Manufacturing Division, the Divisional Secretary, the Divisional Senior Assistant Secretary, the Divisional President and the Divisional Assistant Secretary who is also the District Secretary of the PPW District of the Division and the TCF National Secretary.

- in the case of the Mining and Energy Division, four (4) additional National Executive Committee members elected by and from the Mining and Energy Divisional Conference.

  in the case of The Maritime Union of Australia Division, the Divisional Deputy National Secretary, the two (2) Divisional Assistant National Secretaries and the Divisional Deputy National Presiding Officer.

  Provided that in the year preceding the quadrennial elections, it shall be open to the National Conference or the National Executive, upon review, to abolish the National Executive Committee.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive and National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six (6). A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a facsimile, telephonic, email, written and/or postal vote of members of the National Executive or National Executive Committee at any time. Members of the National Executive or National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or facsimile or email or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or email.

(vi) All decisions of the National Executive Committee shall be made by a majority of the votes cast at the meeting unless otherwise provided by these Rules. The votes cast by members of the National Executive Committee shall be on a card system and the value of the vote cast by any member of the National Executive Committee, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive Committee herein, no member of the National Executive Committee who is not entitled to attend and/or vote at the National Executive Committee meeting shall be included as a member for the purposes of the aforesaid calculations.

15 - NATIONAL EXECUTIVE

(i) (a) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

(b) Provided that in the case of the Manufacturing Division for purposes of this sub-rule a reference to the Principal Officer of a Divisional Branch shall be a reference to the District Secretary of a District of that Division, the Senior Vice President (TCF) and the additional Divisional Assistant Secretary established pursuant to Rule 44 of the Manufacturing Divisional Rules.

(c) Where a Division has at least one woman who is a Full Time Elected Officer who is not otherwise entitled, under these Rules, to be a member of the National Executive, that Division is entitled to one National Executive (Female Affirmative Action) position on the National Executive.

(i) The National Executive (Female Affirmative Action) position for each Division may only be filled by a woman from that Division who is a Full Time Elected Officer who is not otherwise entitled to be a member of the National Executive;

(ii) Where there is more than one woman from a Division who is a Full Time Elected Officer who is not otherwise entitled under these Rules to be a member of the National Executive, and who is therefore eligible to fill the National Executive (Female Affirmative Action) position, the Divisional Executive of that Division shall determine which eligible officer shall fill the position.

(iii) Provided that, once nominated by the Divisional Executive, the Branch or District Executive (if the woman is a Branch or District Officer) must endorse the nomination of that Officer to the National Executive.

(ii) The National Officers (other than the office of National Vice President held by the TCF National Secretary and the office of National Vice President held by the Divisional National Presiding Officer of The Maritime Union of Australia Division) shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

(iv) The National Executive shall, unless its actions are overturned by the National Conference, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds and property of the Union and shall have and may exercise no more and no less than all of the powers of the National Conference and, without limiting the generality of the foregoing may:

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

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Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Act or the RO Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

* in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

16 - ELECTION OF NATIONAL OFFICERS AND NATIONAL EXECUTIVE COMMITTEE MEMBERS

(i) The National Officers (other than the office of National Vice President held by the TCF National Secretary and the office of National Vice President held by the Divisional National Presiding Officer of The Maritime Union of Australia Division) shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union (howsoever described in the Divisional Rules) and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Manufacturing Division, the General President of the Mining and Energy Division and the Divisional National Secretary of The Maritime Union of Australia Division shall between them hold the positions of National Secretary, National Assistant Secretary, National President and International President or if the position of International President is abolished, the additional position of National Assistant Secretary.

Should the office of International President become vacant at any time due to death, resignation from office or removal from office in accordance with the Rules of the Union, it shall be open to the National Executive to abolish the office of International President. If at any time, the National Executive abolishes the office of International President, it shall forthwith create an additional office of National Assistant Secretary.

Further provided that, there shall be one National Vice President from each Division who shall be nominated by and from their own Divisional Conference except in the case of The Maritime Union of Australia Division, where the National Vice President from that Division shall be the Divisional National Presiding Officer. Provided further that there shall be one (1) additional National Vice President from the Manufacturing Division the office of which shall be held by the TCF National Secretary.

Should the additional office of National Vice President held by the TCF National Secretary become vacant at any time due to death, resignation from office or removal from office in accordance with the Rules of the Union, it shall be open to the National Executive to abolish the additional office of National Vice President.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

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(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office. Further provided that in the case of a vacancy in one or more of the National Officer positions, the National Executive may fill such office by appointment from those members of the National Executive Committee who are otherwise eligible to hold the vacant office.

Provided however that any such appointment/s shall ensure that each Division maintains its representation of two (2) officers amongst the National Officers.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by email, post, letter, telephone, facsimile, verbally or by any other electronic means as soon as the count is completed.

(ix) In any ballot of the National Collegiate for the election of National Officers, the representatives of each of the Divisions shall cast votes proportionate to the membership of their respective Divisions determined in the same way, the necessary changes being made, as votes cast by delegates to the National Conference in accordance with Rule 13(iii) and (iv) herein.

(x) In conjunction with the conduct of the election of the National Officers, the Returning Officer shall also conduct an election in the Divisional Conferences of the Union, where necessary, for the National Executive Committee members to be elected by and from the relevant Divisional Conference having regard to Rule 14(i).

(xi) The elections held in accordance with sub-rule (x) shall be conducted in accordance with sub-rules (ii) to (v) and (viii) with the necessary changes.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) This Rule shall not apply to The Maritime Union of Australia Division.

(ii) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(iii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iv) Except in the case of the Mining & Energy Division and the Manufacturing Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) That nominations are called in accordance with the rules of the Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) That the nominations process, closure and receiving of, are in accordance with the rules of the Division.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) (deleted)

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall, in accordance with the Rules of the Division, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only:-

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the RO Regulations.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

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(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) The candidate's statement provided for in accordance with sub-rule (h) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail all ballot papers, in accordance with the Rules of the Division.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed closed in accordance with the rules of the Division.

(r) That the opening and closing of the ballot shall be in accordance with the rules of the Division.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

"Preferential Voting" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter gives as their first preference, and shall place the number 2, 3, 4 (and so on as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the preference for them. In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate. If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference. If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preference shall be the same as is above prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except Mining and Energy Division and Manufacturing Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) This Rule shall not apply to The Maritime Union of Australia Division and the Manufacturing Division.

(ii) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(iii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

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(iv) The Divisional Officers at a national level shall be members of that Divisional Executive.

(v) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

Any Officer may be removed from office by majority decision of the National Executive, provided that such officer shall not be dismissed from office unless found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

Any officer so removed from office shall have the right of appeal to the National Conference. In the event of the appeal being upheld the National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

   National Executive shall:

   Determine the question to be submitted to the members and the form of the ballot paper.

   Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

   Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

   No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS/MEMBERS

1. The following sets out the duties of the National Officers outlined herein. The National Secretary shall be a full time position. The wages and costs relating to the office of the full time officer shall be borne by the Union.

2. National President:

   The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

   The National President shall have a deliberative vote only.

   The National President shall perform all duties assigned to him/her by the National Conference or National Executive and shall be responsible with the National Secretary for the allocation of duties and responsibilities arising from decisions of the National Conference or the National Executive.

3. National Secretary:

   The National Secretary shall be responsible for the general correspondence of the Union, National finance, filing of documents, industrial returns and the carrying out of decisions made by National Conference or National Executive.

   The National Secretary shall have the power, subject to decisions of the National Executive and/or National Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the National Office and allocate duties and responsibilities within the National Office.

   The National Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the National Office, together with a statement of the assets and liabilities of the National Office for the year ending 31st December in each year.

   Such financial statement shall be presented to the National Executive for its approval and be published within the journal of the National Union.

   The National Secretary shall carry out such other functions as shall be determined from time to time by the National Conference or National Executive.

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The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretaries:

National Assistant Secretaries shall perform all duties assigned to them by National Conference and National Executive. They shall attend all meetings of National Conference and National Executive.

5. International President

The International President shall assist the National Secretary especially in relation to international matters. The International President shall otherwise perform all duties assigned to him/her by the National Conference or the National Executive.

6. National Vice-Presidents:

The National Vice-Presidents shall assist the National President in the conduct of meetings and in the absence of the National President, shall act as President.

He/she shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

7. Members of National Executive and Delegates to National Conference:

Members of National Executive and delegates to National Conference shall attend meetings of those bodies when summoned so to do.

8. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

9. No officers, employees, delegates or members shall be required to do, or required to omit to do, any act in breach of legislation applicable to the Union.

10. Except as provided for by resolution of a committee of management of the Union (including any committee of management of a Division, Branch, Divisional or District Branch thereof), it shall not be part of the duties of any delegate/steward, officer or employee, including organisers, whether temporary or not, to threaten, initiate, counsel, procure, induce, be involved in, engage in or be party to industrial action as defined by the Act or the BCI(IP) Act or unlawful picketing within the meaning of the BCI(IP) Act.

22A - TRAINING OF OFFICERS

(a) Each person holding an office in the Union, including its Branches, Divisions and Divisional/District Branches whose duties include duties that relate to the financial management of the Union, including its Branches, Divisions and Divisional/District Branches shall undertake training:

(i) approved by the General Manager under the provisions of the RO Act or an Act replacing that Act; and

(ii) that covers each of the officer's financial duties.

(b) An officer shall complete the training required by sub-rule (a) within six (6) months after the person begins to hold office.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

Provided that each Division/Divisional Branch is responsible to meet all costs associated with the operation of its Division/Divisional Branch, including all costs associated with the attendance and participation by their representatives at meetings, including National Conference, National Executive Committee unless decided otherwise by the National Executive Committee.

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. All cheques shall be signed by two (2) persons who are a National Secretary, National Assistant Secretary, National President, International President or two (2) National Executive members as nominated by National Executive resolution. All authorisations for the transfer and/or disbursement of funds shall be approved by two (2) persons who are a National Secretary, National Assistant Secretary, National President, International President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President, National Assistant Secretary or International President. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

(viii) Any fines, penalties, damages, costs or other sum(s) ordered by a court against the Union is, if the conduct of a Division's officers, employees, agents or members made the Union liable for such amount(s), to be funded by that Division.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

The Auditor shall, in the report, draw attention of the National Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Union.

For the purpose of this Rule a competent person shall have the same meaning as in the RO Act and the RO Regulations made thereunder.

Upon receipt by the National Secretary of a petition, signed by not less than 5% of the members of the Union, requesting that a general meeting of members of the Union be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the National Office, the National Secretary shall convene such meeting as soon as is practicable.

24A - POLICIES AND PROCEDURES - EXPENDITURE

(a) The Union shall develop and implement internal control policies and procedures relating to the expenditure of the Union, to ensure that the Union is conducted in accordance with the principles of good governance and to ensure accountability to members of the Union.

(b) Such policies and procedures shall be adopted by the National Executive and once adopted, shall be binding on all officers and members of the Union. Such policies and procedures must be identified in the resolutions of the National Executive as Rule 24A policies and procedures.

(c) Rule 24A policies and procedures must be published on the website of the Union with fourteen (14) days of their adoption.

(d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Branch, Division and Divisional/District Branch of the Union.

24B - DISCLOSURE BY OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

(a) Each person holding office in the Union shall disclose to the Union any remuneration paid to the officer:

(i) because the officer is a member of a board if:

(A) the officer is a member of the board only because the officer is an officer of the Union; or

(B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or

(ii) by a related party of the Union, in connection with the performance of the officer's duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Union shall disclose to the members of the Union:

(i) the identity of each officer of the Union who, when all officers of the Union are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than fifth;

(ii) the identity of each officer of each Division and Divisional/District Branch who, when all officers of the Division and Divisional/District Branches are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second; and

(iii) for each of those officers

(A) the actual amount of the officer's relevant remuneration for the disclosure period; and

(B) the form of the officer's relevant non-cash benefits for the disclosure period.

(d) For the purposes of sub-rules (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

24C - DISCLOSURE BY OFFICERS OF MATERIAL PERSONAL INTEREST

(a) Each person holding an office in the Union shall disclose to the Union any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Union including any Branch, Division or Divisional/District Branch thereof.

(b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The National Executive shall disclose to the members of the Union the interests disclosed to the Union pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year:

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

24D - DISCLOSURE BY UNION OF PAYMENTS

(a) The Union shall disclose to the members of the Union including its Branches, Divisions and Divisional/District Branches either of the following

(i) each payment made by the Union, during the disclosure period:

(A) to a related party of the Union or Branch; or

(B) to a declared person or body of the Union including its Branches, Divisions and Divisional/District Branches; or

(ii) the total of the payments made by the Union including its Branches, Divisions and Divisional/District Branches, during the disclosure period:

(A) to each related party of the Union or Branch; or

(B) to each declared person or body of the Union including its Branches, Divisions and Divisional/District Branches.

(b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Union including its Branches, Divisions and Divisional/District Branches from remuneration payable to officers or employees of the Union including its Branches, Divisions and Divisional/District Branches.

(c) Sub-rule (a) does not apply to a payment made to a related party if:

(i) the related party is an officer of the union; and

(ii) the payment:

(A) consists of remuneration paid to the officer by the union; or

(B) is reimbursement for expenses reasonably incurred by the officer in performing the officer’s duties as an officer.

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(d) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

25 - ALTERATION OF RULES

(a) The rules of the Union, or any of them, may be altered, rescinded, varied or made by the National Conference and/or National Executive. Proposals for alterations of rules may be forwarded by Divisions, Branches or any member of the National Executive or delegate to the National Conference and shall be forwarded to members and/or delegates with the notice calling the National Conference or National Executive, as the case may be, or so soon thereafter as is practicable. Provided that National Conference or National Executive may, in session, alter rules of which previous notice has not been given.

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the Union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Act , the RO Act or the Regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the RO Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

These National Rules and all the rules of the Union, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisions, Branches, and Divisional Branches and all sections of the Union and on all members who now, or who may hereafter, belong to the Union until they are made or become null and void according to the law.

26A - COMPLAINTS BY MEMBERS

1. Any financial member of the Union may raise a complaint over the actions of another member or members (including officers).

2. The complaint may be about a member or members:

a. refusing to obey the rules of the Union;

b. refusing to obey a policy of the Union;

c. refusing to abide by a resolution carried at a properly constituted meeting of a management committee which has relevant control or management over the member;

d. obstructing any properly constituted meeting of a management committee;

e. obstructing any officer or employee of the union in the course of his/her duties;

f. Misappropriation of the funds of the Union;

g. engaging in gross misbehaviour;

h. engaging in gross neglect of duty;

i. wrongfully and unreasonably holding out that he or she holds an office or position in the Union;

j. making a false charge or complaint against a fellow member, including a complaint under this rule; or

k. aiding or encouraging any other member or members in any of the matters referred to above.

3. Members shall not subject a member who has made a complaint under this rule to adverse treatment.

4. The complaint must be raised in writing to the National Secretary. The complaint must clearly identify the member or members the subject of the complaint and the relevant action or actions that gave rise to the complaint. If the complaint is about the conduct of the National Secretary then the complaint may be raised with another National Officer.

5. The National Secretary (or if another National Officer receives the complaint, that National Officer) and at least one of the National Assistant Secretary, National President or International President may refuse to accept a complaint if he or she considers the complaint to be trivial.

6. The National Secretary must refer the complaint to the National Executive Committee for the purpose of appointing an Investigator.

7. The National Executive Committee shall appoint an Investigator. The Investigator must be a member of the National Executive. The Investigator must not be an officer from the same Division as the member or members the subject of the complaint.

8. The Investigator shall investigate the complaint and provide a report to the National Executive Committee.

9. During the course of the investigation the Investigator may:

a. interview members or officers for the purpose of the investigation, and

b. require members or officers to provide documents relevant to the investigation.

10. Members will cooperate with the Investigator by attending interviews and providing all documents requested.

11. No one is entitled to legal representation during the investigation.

12. In the report the Investigator shall include his or her findings on the matters the subject of the complaint and include recommendations for action to be taken by the National Executive Committee. The Investigator may conclude that no action is necessary.

13. A copy of the Investigator's report shall be provided to the member who raised the complaint and to the member or members the subject of the complaint. Where the report recommends action against any member or members the member or members shall be given the opportunity to respond to the Report before the National Executive Committee considers any action.

14. Upon receipt of the Investigators report the National Executive Committee may take action in accordance with the recommendations of the Investigator's or take other action, as it considers appropriate.

15. Any decision of the National Executive Committee to take action against a member or members may be appealed to the National Executive.

16. The procedure in this rule shall apply in addition to any other procedure in the rules dealing with complaints about the conduct of members

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the Rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

Provided that upon the amalgamation of The Maritime Union of Australia and the Textile, Footwear and Clothing Union of Australia with the Union there shall be four (4) Divisions of the Union as follows:

(a) the Construction and General Division;
(b) the Manufacturing Division;
(c) the Mining and Energy Division; and
(d) The Maritime Union of Australia Division.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another Division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each Division shall have autonomy in relation to its funds and property.

(iv) Each Division shall have rules and have power to make, alter or rescind such rules, to be called Divisional Rules. Without limiting the generality of the foregoing paragraph, each Division shall have power to determine policy for that Division, not inconsistent with the rules and policy of the Union as decided by National Conference or National Executive.

(v) If there is any environmental matter that directly affects the employment of members of one Division only, then that Division whose members are so affected shall have the power to determine the policy of the Union on that matter.

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(vi) Divisions, other than the Manufacturing Division, shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland (including the Northern Territory), New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Provided that it shall be open to the National Conference or the National Executive to abolish any Branch.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.151 of the RO Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of State Unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

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30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary, International President or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or National Assistant Secretary or International President or any person authorised by a National Secretary or National President or National Assistant Secretary or International President so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) or any person authorised by a Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, International President, Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary), or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests issued by a Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

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(e) The National Secretary, National Assistant Secretary, National President, International President, Divisional Secretary and/or Divisional Assistant Secretary (including the TCF National Secretary) shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.

(g) The taking of industrial action (within the meaning of the Act) or picketing or unlawful industrial action or unlawful picketing within the meaning of the BCI(IP) Act by members is not authorised by the Union without the consent of a committee of management of the Union (including any committee of management of a Division, Branch, Divisional or District Branch thereof).

Provided however that the preceding paragraph shall not restrict the right of a person or body duly authorised by such a committee of management to authorise industrial action in accordance with the Act.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 500 Swanston Street, Carlton in the State of Victoria, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the Union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

Where a Division ceases to exist and the Union continues, the property of that defunct Division shall be vested in the Division to which the members of the defunct Division are allocated.

Where the Union is dissolved the property of the Union shall be vested in the trustees of each existing Division at the time of dissolution for the benefit of the members thereof on the basis that each such Division will continue to hold its own property and funds and any property or funds not vested at the time of dissolution in a Division shall be divided between the existing Divisions on a basis proportionate to the membership of each such Division.

35 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members may be sued for in the name of the Union by the National Secretary or by the Divisional Secretary, or Divisional Branch Secretary to which the member is attached, or by any other person or body authorised by the rules of the Union including the rules of any Divisional Branch or the Rules of any Division.

36 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy shall be decided by a majority of the National Conference or National Executive and shall not exceed $50.00 and when so decided shall be binding on all members or sections of members as National Conference or National Executive may decide.

(iii) A Division or Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

(a) If the National Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a rule, to a vote of National Conference or National Executive at any time when it is inconvenient to call National Executive or National Conference together, the National Secretary may submit a resolution dealing with the matter to the delegates or members, by letter, facsimile, telephone, email, in writing, by computer link and/or by any other means of communication.

(b) A copy of such resolution shall, as soon as practicable thereafter, be sent to each Branch Secretary and each Divisional Secretary. The votes on such resolution shall be returnable to the National Secretary at such time as the National Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.

(c) Provided that where no record can be kept of the vote and/or decision, such a record shall be created and a copy of that record sent to each person entitled to vote or, in the case of computer linkages, the record is such that it can be viewed and/or copied by the person entitled to vote.

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National Executive and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

1. All motions shall be of an affirmative character and must be moved and seconded by delegates or members. Such motions become the property of Conference or Executive and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates or members present agree to an extension of time.

2. Unless a delegate or member rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

3. A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

4. A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

5. Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

6. All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chairperson's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

   If the votes are equal the question is resolved in the negative.

7. A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates or members present agree to an extension of time.

8. Right of Speaker: Any delegate desiring to speak shall rise and address the chairperson. If two or more delegates or members rise at the same time the chairperson shall call upon the one who, in the Chairperson's opinion, first rose. Provided that no delegates or members can speak more than once upon any question (which shall include the original motion and all amendments thereto) before Conference or Executive, except -

   (a) In reply as the mover of the original motion.
   (b) In explanation or correction of some matter during the debate.
   (c) Upon a point of order raised during the debate.
   (d) Upon a resolution being carried "that the delegate now be heard".

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9. A delegate or member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by that delegate or member.

10. No more than two delegates or members shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

11. Any delegate or member speaking shall at once resume their seat -

    (a) If the chairperson rises to speak; or
    (b) If a point of order is raised.

    and shall not resume their speech until the point of order is decided.

12. No delegate or member may speak to any question after it has been put by the chairman or during the taking of the vote.

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of Conference.

CHAIRPERSON'S RULINGS

The chairperson's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by Conference or Executive. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the delegates or members present for Conference or Executive to suspend the order of business.

SITTING AS A COMMITTEE

Conference or Executive may at any time, by a resolution agreed to by a majority of delegates or members present, resolve itself into a committee of the whole. The rules governing the business of Conference or Executive shall be observed when in Committee.

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39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the Union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

The National Executive, the State Executive, a Divisional Executive or a Divisional Branch Management/Executive Committee may, in their absolute discretion, summon meetings of members over which they have authority and/or responsibility from time to time.

If such meeting is called notice shall be given in a union journal circulating in the area covering the members to which the meeting relates or in a mass circulation daily newspaper circulating in the area in which the meeting is to be held and such publication shall be issued at least fourteen days before the date of the meeting. The notice of such meeting shall specify the day, the date, the time and the place of such meeting.

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the RO Act, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS – ORIGINAL AMALGAMATION

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

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While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

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(vi) deleted

(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) deleted

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - DELETED

42B - Merger with ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DELETED

42E - TRANSITIONAL RULE – MUA AND TCFUA

(i) The provisions of this Rule shall apply notwithstanding anything elsewhere contained in the Rules of the Union.

(ii) This Rule is intended to enable the amalgamation of the Union with The Maritime Union of Australia (“MUA”) and the Textile, Clothing and Footwear Union of Australia (“TCFUA”).

(iii) For the purposes of this Rule, “amalgamation date” shall mean the date fixed in accordance with section 73 of the RO Act as the day on which the amalgamation of the Union, the MUA and the TCFUA takes effect.

(iv) This Rule shall take effect on the amalgamation date.

(v) On and from the amalgamation date, the Forestry, Furnishing, Building Products and Manufacturing Division shall be known as the Manufacturing Division.

(vi) This Rule shall be read in conjunction with Rule 68 of the Rules of The Maritime Union of Australia Division and Rule 44 of the Rules of the Manufacturing Division.

(vii) (a) On the amalgamation date, the National Officers of the Union shall be those National Officers holding office on the date preceding the amalgamation date together with one (1) International President the office of which shall be held by the Divisional National Secretary of The Maritime Union of Australia Division and two (2) additional National Vice Presidents. The office of one (1) additional National Vice President shall be held by the Divisional National Presiding Officer of The Maritime Union of Australia Division and the office of the other additional National Vice President shall be held by the TCF National Secretary.

(b) Provided that (other than the office of National Vice President referred to in paragraph (a) above held by the Divisional National Presiding Officer of The Maritime Union of Australia Division and the additional office of National Vice President referred to in paragraph (a) above held by the TCF National Secretary), the National Officers shall, unless they resign or are removed from office in accordance with the Rules of the Union, continue to hold office until 31 December 2018.

(c) The National Officers (other than the office of National Vice President referred to in paragraph (a) above held by the Divisional National Presiding Officer of The Maritime Union of Australia Division and the office of the additional National Vice President referred to in paragraph (a) above held by the TCF National Secretary) elected in 2018 shall commence office on 1 January 2019.

(viii) On the amalgamation date, the National Executive Committee shall consist of the National Officers referred to in sub-rule (vii)(a) above, those members of the National Executive Committee who were members of the National Executive Committee on the day preceding the amalgamation date and four (4) additional National Executive Committee members of The Maritime Union of Australia Division being the Divisional Deputy National Secretary, the two (2) Divisional Assistant National Secretaries and the Divisional Deputy National Presiding Officer.

(ix) On the amalgamation date, the National Executive shall consist of the National Officers referred to in sub-rule (vii)(a) above; the other members of the National Executive Committee referred to in sub-rule (viii) above, the other members of the National Executive who were members of the National Executive on the day preceding the amalgamation date together with the principal officers of each Divisional Branch of The Maritime Union of Australia Division that is not otherwise a member of the National Executive Committee and, in the case of Manufacturing Division, the Senior Vice President (TCF) and the additional Divisional Assistant Secretary established pursuant to Rule 44 the Rules of the Manufacturing Division.

(x) Casual vacancy

Any casual vacancy arising in respect of any office referred to in sub-rules (vii), (viii) and (ix) above shall be dealt with in accordance with Rule 16 (vii).

(xi) MUA Membership

On the amalgamation date, any period of membership and/or financial membership in the MUA in accordance with that Union's Rules prior to the amalgamation date, shall be deemed to be for all purposes a period of membership and/or financial membership of the Union. Any period of unfinancial membership in the MUA in accordance with that Union's Rules prior to the amalgamation date shall be deemed to be for all purposes a period of unfinancial membership of the Union.

(xii) TCFUA Membership

On the amalgamation date, any period of membership and/or financial membership in the TCFUA in accordance with that Union's Rules prior to the amalgamation date, shall be deemed to be for all purposes a period of membership and/or financial membership of the Union. Any period of unfinancial membership in the TCFUA in accordance with that Union's Rules prior to the amalgamation date shall be deemed to be for all purposes a period of unfinancial membership of the Union.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry, Maritime, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Maritime, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

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(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such

State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS – OTHER THAN NSW STATE BRANCH

(i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

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(iv) This rule does not apply to the NSW Branch upon commencement of rule 48A.

48A – ELECTION OF STATE OFFICERS NSW STATE BRANCH

(i) From the time of the commencement of this rule, the State Officers in the New South Wales Branch will be as contained in the table below and will be filled on an ex officio basis by the holders of the corresponding Divisional Office.

STATE OFFICER	**DIVISIONAL OFFICE**
State Secretary	Divisional Branch Secretary – Construction & General Division (NSW)
State Assistant Secretary (MNF)	*NSW District Secretary Manufacturing Division*
State Assistant Secretary (MUA)	*Sydney Divisional Branch Secretary (Sydney Divisional Branch - MUA)*
State President	*District President of the Northern Mining & NSW Energy District Branch, Mining & Energy Division*
State Senior Vice President	*Divisional Branch President – Construction & General Division (NSW)*
State Joint Vice President (*M&E*)	*District President of the South West District Branch, Mining & Energy Division*
State Joint Vice President (*C&G*)	*Divisional Branch Assistant Secretary – Construction & General Division (NSW)*
State Joint Vice President (*MNF*)	*NSW District President Manufacturing Division*
State Joint Vice President (*MUA*)	*Newcastle Divisional Branch Secretary (MUA)*
State Assistant Joint Vice President (*MUA*)	*Southern New South Wales Divisional Branch Secretary (MUA)*

(ii) As the above offices for State Officer are held on an ex-officio basis, where a person commences or ceases to hold the Divisional Office position referred to in the second column, they also commence or cease, as the case may be, to hold office as a State Officer in the State Branch.

(iii) For the avoidance of doubt, the terms of office for the above State Branch Offices are determined by the term of office of the Divisional Office referred to in the second column, however, such terms of office may be for no longer four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and

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either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

Nothing in this Rule prevents the Branch from entering into an agreement with a Trade or Industrial Union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or on a basis on which the funds are held in common or jointly so long as the funds are treated, for all purposes, insofar as they relate to members of the Branch, as funds of the Branch.

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

The Auditor shall, in the aforesaid report, draw attention of the State Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Branch.

For the purpose of this Rule a competent person shall have the same meaning as in the RO Act and the Regulations made pursuant thereto.

Upon receipt by the State Branch Secretary of a petition, signed by not less than 5% of the members of the State Branch, requesting that a general meeting of members of the State Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the State Branch, the State Branch Secretary shall convene such meeting as soon as is practicable.

50A - POLICIES AND PROCEDURES - EXPENDITURE

(a) Each Branch shall develop and implement internal control policies and procedures relating to the expenditure of the Branch, to ensure that the Branch is conducted in accordance with the principles of good governance and to ensure accountability to members of the Branch.

(b) Such policies and procedures shall be adopted by the State Executive and once adopted, shall be binding on all officers and members of the Branch. Such policies and procedures must be identified in the resolutions of the State Executive as Rule 50A policies and procedures.

(c) Rule 50A policies and procedures must be published on the website of the Branch with fourteen (14) days of their adoption.

(d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Division and Divisional/District Branch of the Union.

50B - DISCLOSURE BY BRANCH OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

(a) Each person holding office in a Branch shall disclose to the Branch any remuneration paid of the officer:

(i) because the officer is a member of a board if:

(A) the officer is a member of the board only because the officer is an officer of the Branch; or

(B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or

(ii) by a related party of the Branch, in connection with the performance of the officer's duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Branch shall disclose to the members of the Branch:

(i) the identity of each officer of the Branch who, when all officers of the Branch are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second;

(ii) for each of those officers

(A) the actual amount of the officer's relevant remuneration for the disclosure period; and

(B) the form of the officer's relevant non-cash benefits for the disclosure period.

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(d) For the purposes of sub-rules (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50C - DISCLOSURE BY BRANCH OFFICERS OF MATERIAL PERSONAL INTEREST

(a) Each person holding an office in the Branch shall disclose to the Branch any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Union or Branch.

(b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The State Executive shall disclose to the members of the Branch the interests disclosed to the Branch pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year:

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50D - DISCLOSURE BY BRANCH OF PAYMENTS

(a) The Branch shall disclose to the members of the Branch either of the following

(i) each payment made by the Branch, during the disclosure period:

(A) to a related party of the Branch; or

(B) to a declared person or body of the Branch; or

(ii) the total of the payments made by the Branch during the disclosure period:

(A) to each related party of the Branch; or

(B) to each declared person or body of the Branch.

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(b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Branch from remuneration payable to officers or employees of the Branch.

(c) Sub-rule (a) does not apply to a payment made to a related party if:

(i) the related party is an officer of the Branch; and

(ii) the payment:

(A) consists of remuneration paid to the officer by the Branch; or

(B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(d) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

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(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

END OF RULES

[105N-FED: Incorporates alterations of 17 March 2022] [R2021/98]
(replaces rulebook dated 24 July 2019 [R2019/89])

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 110 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Maritime, Mining and Energy Union.

DELEGATE OF GENERAL MANAGER
FAIR WORK COMMISSION

Rules of the Construction, Forestry, Maritime, Mining and Energy Union
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1 - NAME

The name of the Union shall be the "Construction, Forestry, Maritime, Mining and Energy Union".

2 - CONSTITUTION

(A)(A) The following unlimited number of persons, whether male or female, are eligible to be members of the Union

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

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(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;

(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, shall be eligible to be members of the Union including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

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(l) persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connexion with the production or preparation of manufactured goods, plant, machinery, equipment, packages or containers for sale or purposes of distribution.

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

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(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:

(i) All persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) An unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board, strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) Such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members are eligible to be members of the Union.

(E) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:-

(a) An unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river, and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Union or a branch of the Union or whilst financial members of the Union are elected as representatives of any working-class organisation to which the Union or a branch thereof is affiliated, or as a working-class member of Parliament.

Provided that mobile crane drivers, operators of fork lifts and/or tow motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

(b) Further, provided that, without limiting the generality of the foregoing the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building are eligible to be members of the Union. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other sub-rule or paragraph or being limited thereby an unlimited number of persons who are employed in, or competent to be employed in or in connection with the following industries or trades are eligible to be members of the Union:

Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland are eligible to be members of the Union.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

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(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include –

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

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1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the following are eligible to be members of the Union: an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

(O) **Additional Eligibility for Admission to Membership in the State of Queensland**

This rule 2(O) does not apply outside the State of Queensland.

Without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provide for additional eligibility for admission to membership of the Union in the State of Queensland:-

(i)

SECTION A

(a) The Union shall consist of an unlimited number of persons, employed or usually employed as carpenters or joiners, including ship carpenters or joiners, or as stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions; also those employed in or usually employed in the following callings:- Bricklaying, tuckpointing, coke slab wall erection, gas retort repairers, fire clay block layers, floor tilers, roof tilers, slaters and shinglers, Terracotta fixer; majolica fixers, earthenware pipe drain layers in or about a building, cutters of brickwork for doorways, windows etc. plasterers; fibrous plasterers; tilers; floor specialists; lathers; together with such other persons, whether employees in the industry or not, as have been appointed Officers of the Association and admitted as members hereof.

(b) This Union shall also consist of an unlimited number of persons employed in or usually employed in the painting and decorating industry in connection with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(i) On ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational Offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind.

(ii) The painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind.

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(iii) The painting of or in connection with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise). The painting of or in connection with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts or prefabricated building and structures as aforementioned.

(iv) The painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensors, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or seas, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases.

(v) Glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars.

(vi) Paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering.

(vii) Signwriting, designing and/or lettering of price tickets and show cards.

(viii) Pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering.

(ix) Leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections.

(x) Employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, putty stopping, caulking mixtures, compositions or compounds, oils, varnishes, watercolours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings will not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 1.2.2, Constitution hereof (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, watercolour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, or caulking mixtures,

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compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water solvents, electrical, mechanical, air powered or hand tools or by grit, shot, or other abrasives or by any other means.

(xi) The Union shall also consist of an unlimited number of persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade together with such other persons whether engaged in any industrial pursuit or not who have been appointed Officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connection with the production or preparation of manufactured goods, plant, machinery, equipment, packages, or containers for sale or purposes of distribution.

(c) Nothing in this Section A rule will make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time. Provided further that, notwithstanding the foregoing provisions of this rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

(d) Notwithstanding any other provision in these Section A rules, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the union under this sub-rule.

(e) The Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connection with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accommodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattressmakers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet,

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drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(f) Provided further that, notwithstanding the foregoing provisions of this Section A rule, the union does not have the right to enrol as members under this sub-rule persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.

(g) Without limiting the generality of the foregoing Sub-Rules of this Section A Rule, or being limited thereby, independent contractors who, if they were employees performing work of the kind that they usually perform as independent contractors, would be employees eligible for membership of the Union, will be eligible for membership of the Union, and the Union will consist of an unlimited number of such persons.

SECTION B

(a) The Association shall consist of an unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow-motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Association or a Branch of the Association or whilst financial members of the Association are elected as representatives of any working class organisation to which the Association or a Branch thereof is affiliated or as a working class member of parliament. Provided that mobile crane drivers, operators of fork lifts and/or towmotors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership. Provided further that, notwithstanding the foregoing provisions of this Section B rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

(b) Nothing in sub-rule (O)(i) shall make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time.

(c) Notwithstanding any other provision in this Section B rule, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the association under this sub-rule.

(d) Notwithstanding any other provision in this Section B rule, the persons employed by Dalrymple Bay Coal Terminal Pty Ltd at the Dalrymple Bay Coal Terminal site shall not be eligible for membership under this sub-rule.

SECTION C

(a) The Union shall be formed of persons not under the age of fourteen years employed or formerly employed in or about any coal, shale, metal, coke, and smelting works in Queensland, and who are approved by the Committee of Management.

(b) Provided further that, notwithstanding the foregoing provisions of this rule, the Union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

Without limiting any other rule, sub-rule (O)(i) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(ii) The Union shall consist of an unlimited number of persons employed or usually employed as Builders' Labourers throughout Queensland on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any tradesperson engaged in building operations, or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings, or as scaffolder, rigger, gear hand, gantry hand or crane hand or as dogperson, or as a drainer on all building contracts, any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete work, tarpaving or asphalt work, or mortar or concrete mixing in connection with, or incidental to the foregoing operations, together with such other persons whether employees in the industry or not, as have been appointed officers of the Association and admitted as members thereof. Provided that, notwithstanding the foregoing provision of this rule, the union does not have any right to enrol as members under this sub-rule persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.

Without limiting any other rule, sub-rule (O)(ii) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

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(P) Additional Eligibility for Admission to Membership in the State of New South Wales

This Rule 2(P) does not apply outside the State of New South Wales.

Without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provided for additional eligibility for admission to membership of the Union in the State of New South Wales:-

(A) The Union shall consist of an unlimited number of persons, whether male or female

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and bridge carpenters, wharf carpenters and carpenters and joiners (including foremen and sub-foremen) employed on bridges, wharves, jetties, piers or dams, or as carpenter-divers, ships carpenters or joiners (including foremen and sub-foremen) or as tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like, not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or as bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro, fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental hereto or in place thereof, stonemasons, letter cutters, carvers, machinists, sawyers, polishers, assistant quarrymen and quarry workers in and about dimension stone quarries other dimension stone quarries other than dimension stonework in other quarries and workers in terrazzo and similar materials or as apprentices or journeymen and other labour engaged in the plate, sheet and ornamental glass trade or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof.

(4) Further provided that without limiting the generality of the foregoing, the Union shall also consist of:

(1) workers (other than tradesperson) on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors
whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work

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Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine operator, except in the mining or exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (4) shall render eligible to join the Union any person employed:

(3) as a drainer or person employed as a plumber's labourer,

(4) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site:

(B) Without limiting the generality of the foregoing, or being limited thereby the union shall also consist of an unlimited number of persons:

who are employed together with such persons who are deemed to be employees by virtue of sub-paragraph (b) of Regulation 91A Industrial Arbitration Regulations under the *Industrial Arbitration Act 1940*, as amended in the process of trade or business as a plasterer, fixer, shophand and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, finishing all kinds of plaster and plastic acoustic work, waterproofing work in cement, plaster or patent materials by manual or mechanical means, excepting employees engaged in manufacture of cement and/or concrete and/or fibrolite articles including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixed and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, ie floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, terrazzo and similar work including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground-work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets, the laying or fixing to floors or walls of tablets of sheeting made of plastic substance or other materials in substitution thereof, excepting metal, terra-cotta or potteryware, and all persons covered by the constitution of The Federated Rubber and Allied Workers' Union of Australia, New South Wales Branch, whether employed in the process, trade or business of plastering of any description or not, together with all persons who have been appointed Officers of the Federation and admitted members thereof, registered for the industries of building operations and of plastering.

All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any branch of the plastering trade.

(C) (1) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of an unlimited number of persons employed in or usually employed in the painting and decorating industry in connection with buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind.

(b) the painting of launches and boats of every kind.

(c) the painting of or in connection with all buildings and structures, (commercial, residential, industrial or otherwise), the painting of or in connection with prefabricated buildings and structures, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) glazing, glass cutting, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars

(e) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(f) signwriting, designing and/or lettering of price tickets and showcards, (excluding workers in retail shops carrying out the lettering of price tickets and showcards for their employers own use, but not for resale.)

(g) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto.

(h) employees who mix and/or apply and/or fix paint or like matter or substitutes or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wall papers, wall hangings or coverings, coatings, or other materials used in any of the callings specified in Rule 2(P), Constitution hereof (other than mixing of paint, protective coatings and/or plastic coatings and/or finishes, putty stopping, caulking compositions or compounds, oils, varnishes, water colours, lacquers, stains, and removers, in paint and chemical factories) and/or other materials used in the painting and decorating trade with brush, spray, roller or other tool or remove paint or like matter or substitute or compositions or compounds for texture (other than employees engaged on plasterers' texture work) or plastic coatings and finishes or other decorative coatings and/or finishes, or putty, stopping or caulking compositions or compounds, oils varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings or other materials used in the painting and decorating trade, by heat, flame, water solvent, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means.

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(i) the Union shall also consist of an unlimited number of persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and/or sub-Branches and admitted as members thereof but shall not include persons employed in connection with production of manufactured goods, or the preparation of any goods, packages or containers for sale or purpose of distribution.

(2) A person who is a member of or who is eligible for membership of The Printing Industry Employees Union of Australia, New South Wales Branch, the Amalgamated Printing Trades Employees Union of Australia New South Wales Branch, or the New South Wales Branch of the Vehicle Builders Employees Federation of Australia, shall not, by reason of anything contained in sub-rule (c) only of this rule, be eligible for membership of the Union.

(D) Without limiting the generality of the foregoing and without being limited thereby:

The union shall consist of all persons who are employed or are usually employed in any position on or in or in connection with (a) Saws and Woodworking machines; (b) Handling and treating timber and articles manufactured therefrom; (c) Sawmills, timber yards, box and case factories, sawmakers shops, joiners workshops, car and waggon shops, coachbuilders shops; (d) preparing woodwork for joiners, carpenters, implement makers, coachbuilders, car and waggon builders; (e) Hewing, splitting and felling timber and such other persons who may from time to time be appointed to any office.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners shall not be eligible for membership; and

Provided further than any employee covered by an award by the New South Wales Industrial Relations Commission, or its predecessors, existing at the time of the registration of rule 2(D) of the Construction, Forestry, Mining and Energy Union (New South Wales Branch) shall not be eligible for membership under this sub-rule 2(P)(D), in the event of such award being in respect of members of an existing Industrial Union registered under the Industrial Relations Act 1996 (NSW) or its predecessors.

In this rule, the words “wood and/or timber” without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence, from whatever material made or manufactured or constructed, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and by similar methods and with similar machines and/or tools as in the case of wood or timber.

(E) (a) Without limiting the generality of the foregoing and without being limited thereby, the union shall also consist of an unlimited number of persons engaged in, or in connection with the Coal, Shale or Coke Industries in the Western District and in the Metalliferous Mining Industry and any person who is a duly registered unemployed member in compliance with these rules, together with and including other persons temporarily or permanently taken from the Industry and who are employed by the members or representatives of the members appointed by them, who shall be aggregated in Lodges already established or which may be established by the authority of the Western District branch of the Australian Coal and Shale Employees Federation.

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(b) Without limiting the generality of the foregoing and without being limited thereby, the union shall also consist of an unlimited number of persons engaged in any capacity in connection with coal and shale mining; in connection with the coke industry, but excepting persons employed in the iron, steel and metal industries; and excepting also persons who are now members, or in the future may be eligible for membership of the United Collieries Staff Association of New South Wales; but as regards the last mentioned union, so as not to exclude lampmen and grooms.

(c) Without limiting the generality of the foregoing and without being limited thereby, the union shall also be composed of an unlimited number of persons employed in and around the coal mines, shale mines and coke works in the Northern District of New South Wales

(F) Without limiting the generality of the foregoing and without being limited thereby the Union shall also consist of:-

(a) An unlimited number of all classes of engine drivers, (including operators of rear side and/or bottom dumpers on construction work), firemen, crane drivers dynamo attendants, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery and all operators and trainees howsoever called employed by Shell Refining (Australia) Pty Limited at its Clyde Refinery and Gore Bay terminal or any other site where these installations may be relocated in the future.

Provided that persons engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

Provided further, that persons employed in the steel wire netting and wire rope industries shall not be admitted to membership or retained as members. Provided further, that the union shall not admit to membership or retain as members, any manager, foreman or members of the salaried staff of any employer, excepting salaried staff employed by the Electricity Commission of New South Wales on operational duties as power plant operator, ie one engaged in the operation and control of generating plant (turbine boiler and generator) by instrumentation and assistant power plant operator, ie one engaged in assisting in the operation and control of generating plant (turbine boiler and generator) by instrumentation.

(b) Further, provided that, without limiting the generality of the foregoing the Union shall also consist of the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this proviso building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand

Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger, assisting a rigger specified in the immediately preceding classification
Drilling Machine Operator

Provided that, nothing in this sub-rule shall render eligible to join the Union any person employed:

(i) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(ii) in the mining or exploration or hydrocarbons industries.

Further provided that the union shall also consist of Elected officers and position holders of the union whether or not employed in an industry in respect of which the union is registered, and

Any person who whilst a financial member of the union is elected as a representative of a working class organisation to which the union is affiliated, or as a working class Member of Parliament and who have been admitted as members of the union.

(G) Without limiting the generality of any other sub-rule or paragraph or being limited thereby, the union also shall consist of an unlimited number of persons, whether male or female:

a) employed in, or deemed to be employed in, usually employed in or qualified to be in desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or callings, and/or vocations, and/or industrial pursuits of; and/or

b) who are employed in an occupation, in or in connection with the furnishing industry (as hereinafter defined) whether on salary or wages or piece-work rates, or as members of a butty-gang; and/or

c) who, pursuant to the Industrial Arbitration Act 1940, or any Act, amending, repealing or replacing the said Act, are deemed to be employees for the purpose of the cited Act, and are engaged in the industrial pursuit or pursuits of the following industries, occupations, callings, and vocations; viz:

* cabinetmaking including cabinetmakers employed in retail shops;

* cabinetmakers and joiners manufacturing kitchen cabinets;

* patternmaking;

* chair, couch and/or seating accommodation manufacture in any material whatsoever;

* chair, couch and/or seating accommodation assembling, fitting up and repairing in any material whatsoever;

* journeymen, tradesmen and persons wholly or partially engaged in the installation of chair, couch and/or seating accommodation;

* wood carvers;

* wood finishers, lacquerers, sprayers, varnishers and journeymen tradesmen and persons engaged in applying any other form of coating including, but without limiting the generality of the foregoing, powder coating and coatings applied by mechanical, electrostatic or other means;

* wood turners, other than those engaged in saw mills, timber yards and the coachbuilding industry;

* wood machinists other than those engaged in the saw mill departments of furniture factories;

* wood polishers and french polishers including wood polishers and french polishers employed in retail shops and/or by contract polishers;

* journeymen, tradesmen and persons wholly or partially engaged in the manufacture, assembly, fitting up and/or installation of new furniture or furnishings such new furniture or furnishings being manufactured of any material whatsoever;

* journeymen, tradesmen and persons wholly or partially engaged in the repair, renovation, refurbishment and/or restoration of damaged, used or second-hand furniture or furnishings such furniture or furnishings being constructed of any material whatsoever;

* journeymen, tradesmen and persons wholly or partially engaged in the manufacture, installation, repair, renovation, refurbishment and/or restoration of wooden mantelpieces and/or overmantels;

* billiards, table tennis, snooker and pool table makers, repairers, restorers, fitters and installers;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in, or in connection, with the design, manufacture, alteration, repair and installation of amusement machines, poker machines, card machines, juke boxes and suchlike, roulette wheels, baccarat tables, blackjack card shoe boxes and any other form of amusement, recreational and or gaming machine, furniture or furnishings now in existence, or hereafter coming into existence, which pursuant to the principles of ejusdem generis would be classified as furniture, furnishings, decoration or ornamental background work;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or procedure incidental to, or in, or in connection with the manufacture or repair of spring units, couches, divans, lounges, sofas or similar articles whether constructed or weaved wire or of spiral springs attached to wire and/or metal framework excepting persons engaged in the metallic bedstead-making industry;

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* journeymen, tradesmen and persons wholly or partially engaged in the manufacture of bedding, baldachins, bed valances and bedding materials such bedding and bedding materials being manufactured of any material or combination of materials whatsoever;

* journeymen, tradesmen and persons wholly or partially engaged in the manufacture, case cutting, sewing and/or repair of all forms and types of mattresses (inclusive of spring filled, wire, machine made and/or filled mattresses and water filled mattresses);

* persons wholly or partially engaged in any operation or process, including feather processing, incidental to or in, or in connection with mattress case and bed covering filling said mattress and bed coverings including but, not limiting the generality of the foregoing, quilts, doonas, sleeping bags and bedspreads;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process in or in connection with or incidental to the design, manufacture, alteration, repair and installation of display materials and devices, exhibition stands and show cases including but, not limiting the generality of the foregoing, point of sale materials, merchandising devices, panelling and show room stock fixtures;

* journeymen, tradesmen and persons wholly or partially engaged in cutting, jigsaw cutting, fitting up and/or assembling, laying of carpet, carpet tiles, seagrass, linoleum, hessian, imitation grass, or any other form of floor covering in any material whatsoever, laminating and/or painting, covering, staining, spraying, polishing, rolling, moulding, vacuum forming, wire bending, machining and die cutting performed incidental to, or in or in connection with display work and exhibition work;

* journeymen, tradesmen and persons wholly or partially engaged in the design, manufacture, alteration, repair and installation of any composition of wood, metal or other construction, in any material whatsoever, and in

  any other process performed incidental to or, in or in connection with display work, exhibition work and ornamental background work;

* persons wholly or partially engaged in teasing upholstery or bedding material;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to or in or in connection with the following industries and callings;

  * the manufacture, finishing, repair, alteration and restoration of frames of manilla type furniture;

  * the manufacture, weaving, finishing, repair, alteration and restoration of perambulators or pithcane bassinets; and

  * mottling, lacing, preparing material, lapping and fixing pre-woven sheets of reedtex, hytex or like material or machine woven pithcane to frames;

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* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to or in connection with the manufacture of basketware said basketware being manufactured of any material whatsoever;

* wicker workers and makers of articles of whatsoever description made of bamboo, cane, pithcane, willow, rush grasses, seagrass, reedtex, hytex or any similar or like material or any material introduced in substitution for the aforesaid materials;

* upholsterers including upholsterers employed in retail shops;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with carpet planning, measuring, cutting, laying, repairing, fixing, sewing and/or machining including all preparatory work performed incidental to, or in connection with the foregoing and also including, but without limiting the generality of the aforesaid the installation of protection, floor patching and/or levelling, removal and replacement of furniture, drilling, plugging and adhering, taking up and or disposal of carpet, underlay, smoothedge and such like, naplocking and the installation of smoothedge;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with tilelaying - excepting journeymen, tradesmen and persons wholly or partly engaged in any operation or process in or in connection with the laying or fixing of encaustic, ceramic and vitreous tiles, faience, mosaic and opalite not exceeding in measurement .093 square metres where the said tiles, faience, mosaic and opalite is fixed with cement composition but including journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the laying of vinyl tiles and sheeting, rubber tiles or sheeting, cork tiles or sheeting, parquetry, floor sanding, synthetic grass laying, linoleum and any other form of floor covering material introduced in substitution for, or in addition to, the aforesaid floor covering materials;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to or in, or in or in connection with the laying or installation of any form of floor covering material not elsewhere specified in this Rule.

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in or in connection with the manufacture or repair of soft furnishings, loose coverings, stuffed quilts, pillows, bolsters, cushions, blinds (other than venetian blinds), vertical drapes, curtains, tapestry and furnishing drapery, said operations or processes, including but without limiting the generality thereof, planning, designing, cutting, measuring, fixing, sewing, measuring-up on site and installation on site;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacturing or repair of window blinds including venetian blinds, wood weave blinds, blinds manufactured from holland or ticking, wire blinds, gauze blinds, gauze screens or blinds and screens manufactured from other textile material or other material introduced in substitution for, or in addition to, the aforesaid materials, said operations or processes including, but without limiting the generality thereof, planning, designing, cutting, measuring, assembling, painting fixing and installation on site;

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* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacture or repair of cornice boxes, cornice rods and rails, pelmets and pelmet boxes, facias and the like used in or in connection with all forms of window blinds heretofore described, said operations or processes including, but without limiting the generality thereof, planning, designing, measuring, measuring on site, cutting, assembling including assembling on site, painting, fixing and installation on site;

* cabinetmakers engaged in piano and organ manufacture or repair;

* polishers and french polishers engaged in piano and organ manufacture or repair;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacture or repair of pianos, pianofortes, organs and general musical instruments and wood winds, said operations or processes including, but without limiting the generality thereof, planning, designing, assembling including assembly on site, iron frame fitting, key making, sound board making, action fitting, stringing, bass stringing making, chipping up, bass string fitting, tuning and regulation including tuning and regulation on site;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with, the manufacture and repair of mount and ticket boards, picture frames, photograph frames and lobby frame stands and any other manufacture of wood, metal or other construction in any material whatsoever of a like nature to the aforesaid manufactures, said operations and processes including, but without limiting the generality thereof, cutting, jigsaw cutting, fitting up, mount cutting, cardboard frame cutting, covering, shooting, coating, squeezing, applying and/or making compo, joining or finishing the said manufactures by bronzing, gilding burnishing, staining, spraying, polishing or waxing or covering the said manufactures with silk, or tapestry or other material or textiles;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacture, in any material whatsoever, or repair, of clock cases, printer cases, ice chests, camp furniture, wireless, radio, stereo-phonic and quadrophinic equipment, television equipment, video recorders, video monitors and the like, sound reproduction equipment, refrigerators, incubators, talking machines, sewing machines, lampshades and all forms of church, office, shop, commercial, domestic and residential furniture, furnishings and ornaments not specified elsewhere in the Rule 2(P);

* journeymen, tradesmen and persons who cannot now conveniently belong to an existing registered industrial union who are performing work incidental to, or in or in connection with the industry or industries, and/or occupations, and/or callings and/or vocations and/or industrial pursuits previously specified in this Rule in factories, retail shops or other establishments manufacturing furniture, pianos, organs, table tennis, billiards, snooker and pool tables, mantelpieces, overmantels, beds, bedding, quilts, mattresses, venetian and other window blinds, picture frames and any other form of furniture, furnishings, ornaments or ornamentation not elsewhere specified in this Rule;

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* apprentices in any of the tradesmen callings previously specified in this Rule;

* juniors engaged in any of the industries, callings, vocations and industrial pursuits previously specified in this Rule;

* all persons appointed as foremen, sub-foremen and leading hands in any establishment in any of the industries, occupations, callings, vocations and industrial pursuits previously specified in this Rule;

* all persons, whether engaged in or in connection with the industry or industries, and/or occupations and/or callings and/or vocations and/or industrial pursuits previously specified in this Rule or not, who have been appointed as Officers of the Society.

d) Persons who are eligible for membership of the Public Service Association of New South Wales shall not, by reason of anything contained in sub-rule (G) only of this rule, be eligible for membership of the Union.

i) In this Rule the words "wood, timber, metal and plastic" without in any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever material made or manufactured or constructed, which is or can or may be used in the place of wood, timber, metal or plastic, and which can be handled and/or treated and/or machined and/or worked in a similar way and by similar methods and with similar machines and/or tools as in the case of wood, timber, metal or plastic.

ii) In this Rule the word "furniture", in addition to its etymological, dictionary, statutory and judicial meanings shall mean and include all manner, forms and types of accoutrements, chattels, goods, items and articles now in existence, or hereafter coming into existence, which are used in the interior or exterior decoration, adornment, fitting-out, beautification, making habitable and ornamentation of any form of church, office, shop, commercial, domestic, residential or recreational premises or location and, without limiting the generality of the foregoing, shall include all manufactures and items commonly described as outdoor and/or garden furniture; and the word "furnishings" shall have a like meaning.

Further the fact that a given item, article or furniture manufacturing must, as a result of its particular construction, be wrought into or attached to any building, structure or other fixture, shall not be construed so as to eliminate the said item, article or furniture manufacture from the foregoing definition;

iii) In this Rule the word "ornament", in addition to its etymological, dictionary, statutory and judicial meanings shall mean and include all manner, forms and types of accoutrements, chattels, goods, items and articles now in existence, or hereafter coming into existence, which are used to decorate, adorn or beautify any form of church, office, shop, commercial domestic or residential premises and, without limiting the generality of the foregoing, shall include all forms of manufacture in ceramic, glass, porcelain, acrylic, metal or any other material whatsoever, such as figurines, flower vases, pottery, statues, statuettes, wall ornaments and any other form of ornament or ornamentation which pursuant to the principles of ejusden generis, would be classified as an ornament or ornamentation.

iv) In this Rule the word "employee" shall have the meaning ascribed to it within the meaning of section for the *Industrial Arbitration Act 1940*, which section, inter-alia, defines employees in terms which include deemed employees; said definition being cited as follows:

"Employee" means persons employed in any industry, whether on salary or wages or piece-work rates or as members of a butty-gang, and includes any person who is, pursuant to any provisions of this Act, deemed to be an employee for the purpose of this Act, but shall not include a member of a family in the employment of a parent, and the fact that a person is working under a contract for labour only, or substantially for labour only, or as lessee of any tools or other implements of production or an outworker, or is working as a salesman, canvasser, collector, commercial traveller, insurance agent or in any other capacity in which he is paid wholly or partly by commission, shall not in itself prevent such person being held to be an employee.

(H) Provided that nothing in this Rule 2(P) shall make any person eligible to be a member of the Union who is of a class of employees for whom, as of the date of this Rule being approved, was subject to a representation order, a State demarcation order, a demarcation order, a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(Q) Additional Eligibility for Admission to Membership in the State of Western Australia

The provisions of this rule 2(Q) enabling workers, categories and classes of workers to be eligible for membership of the Union have no application whatsoever beyond the State of Western Australia. This proviso applies regardless of any term or provision of this rule 2(Q).

The provisions of this rule 2(Q) do not extend and are not intended to operate as extending the eligibility rules of the Union beyond those that of The Construction, Forestry, Mining and Energy Union of Workers. This proviso applies regardless of any term or other provision of this rule 2(Q).

Without limiting any other rule, this rule does not make any person eligible to be a member of the Union who is in a class of employees for whom, at the time when this rule was approved by the General Manager, was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to a class of employees of which that person is a member, in favour of another organisation or association.

Further, without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provide for additional eligibility for admission to membership of the Union in the State of Western Australia:-

(1) The Union shall in the State of Western Australia consist of an unlimited number of persons who are:

(a) over the age of 16 years and who are employed or usually employed as builders' labourers on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any trades person engaged in building operations or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel or combination of those or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings or as scaffolder, rigger, gear hand, gantry hand or crane hand, or as dogman, or as drainer on all building contracts, and any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete work, tar paving or asphalt work, or mortar or concrete mixing in connection with or incidental to the foregoing operations;

(b) provided that no person employed in any of the vocations or callings mentioned in subrule (1)(a) of this Rule shall be eligible for membership if he or she is eligible to be a member of the Australasian Society of Engineers, Industrial Union of Workers, Western Australian Branch, the Electrical Trades Union of Workers of Australia Western Australian Branch Perth, the Amalgamated Engineering Union Workers, Perth Branch, or the Amalgamated Engineering Union of Workers, Kalgoorlie Branch.

(2) In addition to the foregoing, the Union in the State of Western Australia shall consist of an unlimited number of persons who are employed, or who are usually employed in the painting and decorating industry applying paint or its substitutes, or any preparation, by any means, the purpose of which is of a decorative or protective character for residential, commercial or industrial purposes (excluding the application of bitumen or like substance to roads and like surfaces), which industry shall be deemed to include the painting of buildings and structures (residential, commercial and industrial), aircraft, machinery, ships and small vessels of every description (including prefabricated work on any of the aforementioned, wholly or in part) and general painting, together with plastic relief workers, paper hangers, wall coverers, decorators, grainers, marblers, varnishers, enamellers, gilders, lacquerers, spray workers, sign, profile, scenic, mural and pictorial artists, or persons engaged in the removing of paints and/or their substitutes and the preparation of all work and materials used in the painting trade and branches thereof, including paint mixers together with glaziers, vitrolite cutters and fixers, ticket writers, cycle enamellers, liners, writers, and sprayers, and shall include foremen and sub-foremen in the industry.

(3) And in addition to the foregoing the Union in the State of Western Australia shall consist of an unlimited number of persons who are employed, or who are usually employed as:

(a) Plasterers - the work of a plasterer shall mean and be deemed to be, all internal and external plastering, and cementing, including rendering with all forms of plaster, asbestos fibre, finishing all kinds of plaster and plastic acoustic work, water proofing work in cement, plaster or patent materials, by manual or mechanical means, including wood lathing and metal lathing, or any similar substitute that may be used as a ground for plaster work, such as sackett board; the affixing of plain and ornamental tiles on walls and floors, the fixing of fibrous plaster or any other kind of plaster required to be finished off with plastered joints; the top dressing of all concrete work finished in cement also cement floors, walls and ceilings, rough cast; and fixing plaster, cement, or patent plaster ornaments; and in the use of materials appertaining to the trade or calling of plasterers;

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(b) Wall and Floor Tilers;

(c) Wall and Ceiling Fixers;

(d) Fibrous Plaster Workers - Persons engaged in:

(i) Architectural modelling;

(ii) The manufacture of architectural ornaments of plaster and fibrous plaster;

(iii) The manufacture of fibrous plaster goods;

(iv) The fixing of manufactured plaster goods and fibrous plaster columns and acoustic tiles and the fixing of fibrous plaster on the walls and/or ceilings of buildings;

(v) The preparation of designs and ground work and the making of models and/or moulds whether of gelatine, plaster, wax, rubber or cement, subject to the making of such models and/or moulds being incidental to the fibrous plaster industry;

(vi) Any phase or phases of item (i) to (v) inclusive;

(e) Manufactured Cement Goods Workers - Persons engaged in-

(i) Architectural modelling;

(ii) the manufacture of architectural ornaments of cement;

(iii) except as provided for in subrule (8) of this Rule, the manufacture of portable articles of reinforced cement or concrete, cement pressed work, baths, washtubs, troughs, sinks, pillars, ornaments and other miscellaneous goods, including floor beams, partition blocks, lintels, cornices and balusters, subject to and without limiting the generality of subrule (1) and (2) of this Rule, excluding the manufacture of cement bricks, pipes and/or building blocks, except where such work is performed in the establishment of manufacturers of fibrous plaster, plaster and/or cement goods, and excluding workers employed by the Fremantle Harbour Trust and the Minister controlling Harbours and Rivers.

(iv) the manufacture of cast stone and terrazzo where such work is performed in the establishments of manufacturers of fibrous plaster, plaster/or cement goods.

(v) any phase or phases of items (i) to (iv) inclusive;

(vi) plaster mill workers - persons engaged in the manufacture of plaster of paris.

(4) The Union shall also consist of an unlimited number of persons employed, or usually employed in the State of Western Australia as carpenters and/or joiners (including ships' carpenters and joiners, carpenters employed on jetties, and wharves, dams and bridges) and joinery assemblers and roof tile fixers and bricklayers, stoneworkers, stonemasons, marble masons, stone, marble or slate polishers, stone marble or slate machinists and stone, marble or slate sawyers and labourers in the industry of monumental masonry and foreman, subforemen, or apprentices to or in any of the foregoing trades provided that no foreman tradesman or subforeman tradesman (except acting foremen tradesmen or acting sub-foremen tradesmen) who is eligible for membership of The Foremen (Government) Industrial Union of Workers, WA as at the 11th Day of December 1986 shall be eligible for membership of the Union.

(5) The Union shall also admit to membership any person who is employed, or usually employed in the State of Western Australia including all islands bounding the whole coastline of the State in any of the following capacities:

Engine drivers, steam boiler and gas producer firemen, trimmers or fuelmen or tour guides in power houses, engine cleaners, greasers, boiler cleaners, crane drivers, dynamo attendants in power houses, stationary motor drivers, electric power sub-station attendants, power house switchboard attendants, electric locomotive drivers, railway shunters, locomotive observers, railway car and wagon examiners (not being tradesmen) and railway messengers. Provided that, in respect of the vocations referred to in this subrule 4.6, employees of the Western Australian Government Railways Commission and persons eligible for membership of the Coal Miners Industrial Union of Workers of Western Australia employed in the coal mining industry within the State of Western Australia shall not be eligible for membership of the Union.

(6) The Union may admit to membership all other persons in the State of Western Australia whether employees in the foregoing callings or vocations or not as have been appointed or elected officers of the Union, provided that no person shall be a member who is not an employee within the meaning of the Industrial Relations Act (WA) 1979 as amended.

(7) The Union may admit to membership employees who are engaged in the State of Western Australia the manufacture of:

(a) bricks and who are employed by:

(i) Boral Bricks Western Australia Pty Ltd trading as Midland Brick;

(ii) BGC (Australia) Pty Ltd trading as Brikmakers;

(iii) Austral Bricks (WA) Pty Ltd trading as Austral Bricks; and

(iv) Geraldton Brickworks Pty Ltd trading as Geraldton Brick Co;

(b) cement roof tiles and who are employed by:

(i) Austral Bricks (WA) Pty Ltd trading as Bristile Roofing; and

(ii) Monier Prime Pty Ltd trading as Monier Prime Roofing.

(8) This rule 2(Q) does not allow the union to cover in the State of Western Australia or elsewhere any person who, as of the date of this rule 2(Q) being approved, is of a class of employees in respect to which the Construction, Forestry, Mining and Energy Union of Workers was subject to a representation order, a State demarcation order, a demarcation order, or a demarcation undertaking or agreement (however described) in regards to that class of employees in favour of another organisation or association.

(R) Without limiting the generality of Sub Rules (A) to (Q) and (S) herein or being limited thereby:

The Union shall consist of:

(a) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the following industries, mills, factories, places of work, products or processes in Australia:-

textile, woollen (other than wool scouring), worsted, wool tops, spinning, weaving, dyeing, finishing, waste-breaking, flock, wadding, felt and feltex, flax, cotton, carpets, silk and artificial silk, rayon and/or any vegetable or synthetic fibre or non woven substance, technical textile, textile backing, textile coating, textile services, hosiery, half-hose, knitting, textile printing, textile furnishings, tapestry, braids and tassels;

(b) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the designing, preparing, patternmaking, manufacturing, making including the treatment or conversion of any vegetable or synthetic fibre or non-woven substance, processing, repairing, altering, trimming, blocking, pressing, finishing or selling from factory outlets of:

(i) infants' nappies;

(ii) table and sanitary napkins;

(iii) facial and toilet tissue;

(iv) tampons;

(v) mats, towels and absorbent cloths, pads and wipers;

(vi) substitutes for the products of any of the industries, mills, factories, places of work, products or processes listed in paragraph (a) above;

(c) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the Felt Hatting Industry, and the designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets the whole or any part of all articles of headwear and/or millinery including but not limited to hats, caps, berets, hoods and helmets.

(d) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets the whole or any part of footwear of every description including but not limited to boots, shoes, slippers and wood lasts.

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(e) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets the whole or any part of:

(i) any male or female garment;

(ii) any article of wearing apparel whatsoever, made from material of any description;

(iii) any article of neckwear;

(iv) handkerchiefs;

(v) any fashion accessory whatsoever.

(f) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets of the whole or any part of any description of textile furnishings including but not limited to any description of serviettes, pillowslips, pillowshams, sheets, blankets, bedspreads, tablecloths, towels, quilts, aprons, mosquito nets, bed valances, cot covers, blinds, carpets, cushions, curtains or bed curtains and automotive textile furnishings including but not limited to motor vehicle and other seat covers, mats and dash covers.

(g) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the laundry industry, or the dyeing and/or cleaning and/or repairing and/or pressing and/or ironing any garment or any article of any description whatsoever.

(h) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with designing, preparing, patternmaking, manufacturing, making, processing repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets of the whole or any part of any description of umbrella;

(i) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the embroidering and/or ornamenting of:

(i) any of the articles referred to in any other part of this rule;

(ii) artificial flowers.

(j) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the industry of a furrier.

(k) Without limiting the generality of any other subrule of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the making of chenille and the designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets of articles of all descriptions made of chenille;

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(l) Without limiting the generality of any other part of this rule, all persons other than electrical workers, and fitters (including persons performing the job of fitters where these persons are described as mechanical and fabrication tradespersons, and including howsoever 'fitters' are termed in the future), wholly or partly engaged or usually engaged in or in connection with:

(i) the maintenance or repair of machinery used at any premises referred to in any other part of this rule, or at any premises where any of the processes or activities referred to in any other part of this rule occurs, or in relation to a product referred to in any other part of this rule, including but not limited to mechanics engaged in the maintenance or repair of machinery used in the production of boots, shoes and slippers.

(ii) cleaning at any premises referred to in any other part of this rule, or at any premises where any of the processes or activities referred to in any other part of this rule occurs, or in relation to a product referred to in any other part of this rule.

(iii) receiving, dispatching, packing, unpacking, storing and/or otherwise handling goods at any premises referred to in any other part of this rule, or at any premises where any of the processes or activities referred to in any other part of this rule occurs.

(m) such other persons as have been elected or appointed officers or organisers or employees (other than clerical employees) of the Union or a Branch and who have been continuously employed in any one or more of the industries of the Union for at least three years.

(n) Such other persons who are independent contractors who, if they were employees performing the work of the kind that they usually perform as independent contractors, would be eligible for membership of the union.

(S) Without limiting the generality of Sub-Rules (A) to (R) herein or being limited thereby:

1. PART S

(a) The Union shall be composed of any number of:

(i) bosuns, bosuns' mates, quartermasters, storekeepers, able seamen, chief integrated ratings, bosun integrated ratings, integrated ratings, provisional integrated ratings, trainee integrated ratings, general purpose ratings, sailors, deckhands, ordinary seamen, deck boys, pumpmen, donkeymen, water tenders, engineroom attendants, oilers, greasers, motormen, boiler attendants, firemen, wipers, trimmers, crew attendants, catering attendants and trainee catering attendants, employees engaged on working on dredges, lighters, hulks, barges, punts, employees working on river and harbour vessels, including ferries, employees working on tugboats and tenders, employees working in the pilot services; and

(ii) Marine Cooks, Bakers and Butchers, trainee cooks and other employees employed, or competent to be employed in the galley of Australasian vessels; and

(iii) seafaring stewards, pantrymen and stewardesses, catering attendants and trainee catering attendants; and

(iv) persons temporarily, permanently or usually employed within the Commonwealth of Australia, or in any place in which the Industrial Relations Act, 1988 applies on a full time or part time basis in the Industry defined in Rule 2(b) of the Rules;

(v) all employees who are employed in or in connection with the recreational diving industry throughout the Commonwealth of Australia, including those employees who are in command and control of small vessels which are operated in or in connection with a port or adjacent to an offshore facility and who are required to possess and use a Coxswain's Certificate or equivalent in such operation; other than those employees who are:-

(1) in command, control or who supervise or operate vessels including employees described as masters, mates, deck officers and skippers;

(2) marine engineers, however described;

(3) employed in the State of Queensland in or in connection with the sale or supply of recreational diving equipment or facilities the provision of recreational diving services or related underwater services by an employer whose sole or predominant business activity consists of the operation of one or more tourist resorts or hospitality facilities of a similar nature, and where such sale, supply or services are provided in association with the operation of that tourist facility;

(4) solely or predominantly engaged in the sale, reception or delivery of merchandise in a retail outlet operating separately and distinct from the provision of recreational diving services;

(5) solely or predominantly engaged in clerical duties in a retail outlet operating separately and distinct from the provision of recreational diving services;

together with officers of the Union.

For the purposes of (v) herein an employee shall be regarded as employed in or in connection with the recreational diving industry only if the employee is employed by an employer whose sole or predominant business activity consists of either the sale or supply fo recreational diving equipment or facilities, the provision of recreational diving services or related underwater services.

(b) Without limiting in any way whatsoever the operation of the provisions of Sub-Rule (a) of this Part S, in the State of Western Australia, the Union shall, in the State of Western Australia, consist of an unlimited number of members in addition to those referred to in Sub-Rule (a) of this Part S who follow in that State the occupation of:-

(i) Painting (excepting those provided for in Part 1 of Reference No. 32 of 1945 Demarcation Board Decision if the word "enamelling" in sub-paragraph (ii) and the words "done in enamel" in sub-paragraph (ix) of paragraph 5 of part 1 of that Decision were deleted therefrom), chipping, sandblasting, shotblasting (subject to the abovementioned Decision), scraping, scrubbing, cleaning, limewashing, cementing and cement washing, on any vessel or sectional part thereof, or on any vessel during construction; boiler scalers, shipwrights' assistant, carpenters' assistant, and joiners' assistant in the shipping trade; workers employed cleaning ships' holds and dunnaging, excepting such cleaning and dunnaging as is normally performed by waterside workers or shipwrights; riggers, wire splicers,

sailmakers, sailor gangs or general labourers (other than those engaged in structural maintenance) working about docks, dockyards, slips, vessels (including any sectional part of a vessel or on any vessel during construction) and shipyards; painters of ironwork, machinery, sheds, sheerlegs, cranes and smokestacks in established dockyards and shipyards in which members of the Union have from time to time been employed for work on ships; workers engaged in the making, repairing and/or maintaining of rope, wire, chain or canvas gear used in connection with cargo handling, insulation and lagging workers; workers engaged in the mooring and unmooring of vessels; deckhands of floating cranes and such like vessels.

Provided that a worker who, pursuant to the foregoing provisions of this Sub-Rule (b), is eligible for membership of the Union shall remain eligible for such membership when in the course of employment in any of the occupations referred to in the said provisions and included in the Constitution of the Union, such worker is required to paint ironwork, machinery, sheds, sheerlegs, cranes and smokestacks in established dockyards and shipyards.

(ii) Mates and engineers of whaling vessels, lamp trimmers, boatswains, boatswains' mates, sailors, quartermasters, donkeymen, storekeepers, greasers, oilers, firemen, trimmers, watertenders, wipers, deckhands, ordinary seamen, deck boys, deckhands and sailors' attendants, stokehold staff attendants, laddermen, pipe-winchmen, winchmen, hoppermen, and boatmen engaged working on ships and vessels including dredges, lighters, hulks, barges, ferries, tugboats, tenders and pilot vessels;

(iii) Boatbuilder or shipwright in the maintenance, manufacture, construction or repair of iron, steel, wooden, fibre glass, plastic or concrete ships and vessels of any description and (without limiting the generality of the term) of boats, punts, pontoons, floating stages, targets, preventors, torpedo netting booms, rafts, dock gates, caisson and coffer dam gates, aircraft or seaplanes (where work on such aircraft or seaplanes is done in an establishment, the principal business of which is work of the other class hereinbefore mentioned) or on any other floating structure;

(iv) Cargo, jetty, ship, or wharf (including wharf entrance gates) watchmen;

(v) The secretary for the time being of the Seamen's Union of Australia, West Australian Branch and persons whether included or not included in the occupations referred to in paragraphs (i) (ii) and (iii) hereof as have been appointed officers of the organisation, and admitted as members thereof.

Provided that a person (other than a crewman of a self-propelled dredge, hopper barge or tender) who is employed under an agreement (whether registered or not) to which the Australian Workers' Union, West Australian Branch, Industrial Union of Workers was a party and in force on the eighth day of December, 1967 or under an Award to which that Union is a party at any time shall not be eligible to be a member of this Union.

Provided further that a person who is eligible for membership of the Australasian Society of Engineers Industrial Union of Workers, Western Australian Branch shall not be eligible to be a member of this Union.

Provided further that no person employed in connection with river improvements or employed or serving in any naval, military or police force in Western Australia or is under fourteen years of age shall be eligible to become a member of this Union. Provided further that no person shall be eligible to become a member except in the capacity of an honorary member who or whose personal representative is entitled to some financial benefit or financial assistance under the rules of the Union while not being a worker within the meaning of the Industrial Arbitration Act, 1912.

(c) Without limiting in any way whatsoever the operation of the provisions of Sub-Rule (a) of this Part S in the State of New South Wales, the Union shall, in the State of New South Wales, consist of an unlimited number of members in addition to those referred in Sub-Rule (a) of this Part S and shall be composed of:

(i) Any number of sailors, lamp-trimmers, boatswains, boatswain's mates, quarter masters, donkeymen, storekeepers, greasers, oilers, firemen, trimmers, watertenders, wipers, deckhands, ordinary seamen, deckboys, employees engaged working on dredges, lighters, hulks, barges, punts, employees working on river and harbour vessels, including ferries, deckhands and sailors' attendants and stokehold staff attendants, employees working on tugboats and tenders, and employees working in the pilot services;

(ii) persons employed in the Dredge Service of the Department of Public Works of New South Wales and the Maritime Services Board of New South Wales, including Signal Masters, Assistant Signal Masters, Signalmen, Tide Signalmen, Light Keepers, Motor Drivers, Coxswains, Firemen, Greasers, Seamen, Watchmen, Diesel Engine Drivers, Cooks and Stewards, Wharfingers, Officers in Charge of Out Stations (not Pilots) Patrolmen and Communication Attendants and others employed in lighters, and Rockchoppers in the service of the Maritime Services Board of New South Wales;

(iii) any person or persons who may be elected an Officer of the Union;

(d) Without limiting in any way whatsoever the operation of the provisions of Sub-Rule (a) of this Part S in the State of New South Wales, the Union shall, in the State of New South Wales, consist of an unlimited number of members in addition to those referred in Sub-Rule (a) of this Part S and shall be composed of:

(i) an unlimited number of employees in the manipulation and navigation of motor boats in the State of New South Wales;

(ii) all persons engaged in the mooring and unmooring of interstate, intrastate and overseas vessels;

with the exception of

(a) colliers,
(b) members of ships' crews,
(c) any vessel berthing at Cockatoo Dock, Woolwich Dock, and Garden Island;

(iii) competent deckhands, engine room attendants, fishermen, shipkeepers, wharfhands, passage hands, turnstile hands, change hands, collectors, steersmen, motor hands and all persons employed on or usually employed in connection with ferry boats, tug boats, lighters, punts, hoppers, barges, launches, motor boats, trawlers and harbour and river craft.

Provided that nothing in this Sub-Rule (d) shall apply to persons employed in or in connection with private or pleasure craft as watchmen, caretakers or cleaners or employees of the Maritime Services Board of the Department of Public Works Dredge Service.

2. PART W

Without limiting the generality of Part S, or being limited thereby, the Union shall also consist of:

(a) Any person who intends to follow the occupation of a waterside worker, including without limiting the foregoing any employee referred to in Sub-Rule (b) of this Part W.

(b) (i) For the purpose of this Sub-Rules (b) (c) and (d) the following definitions shall apply:

(1) "Administrative clerk" means any clerk employed in budgeting, costing, accounting and allied functions, preparation of payrolls, clerical work associated with purchasing, banking of monies, typing or secretarial work, stenography, and in the performance of those functions shall include the operation of telex, facsimile, accounting or calculating machines, computers, and other equipment used in connection with electronic data processing and operators of switchboards, and persons employed in a clerical capacity for the keeping and maintenance of general administrative records.

(2) "Container depot" means an area and building authorised by Customs Authorities for the examination of goods on landing at which containers, pallets and flats are unpacked, the contents sorted and prepared for delivery or stored, and for the receipt, delivery and storage of containers, and at which loose goods or packages are received and stored into containers or onto pallets and flats, or otherwise handled or stored.

(3) "Employees" means that class or group of employees being:

(I) employees engaged or assisting in the work of handling, storing, preparing, packing or dispatching goods or merchandise, or work on or in connection with the loading or unloading, stacking, moving or sorting of such goods and merchandise in or about container depots, including the operation of equipment necessary to move containers or goods and any equipment required to clean the premises or containers, and including clerical work, but excluding the work of an administrative clerk and work of a supervisory nature;

(II) employees engaged in watching, guarding or protection duties in or about container depots;

(III) employees performing the work of a qualified trades person;

or any combination of work specified in sub-paragraphs (I), (II) and (III).

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(ii) For the purpose of this Sub-Rule (b) the employers and the specified container depots operated by the employers are as follows:

EMPLOYER	CONTAINER DEPOT
National Terminals Aust. Ltd	East Swanston Dock Victoria Port Botany NSW
Conaust Limited	McKenzie Road West Swanston Dock, Vic Rozelle NSW Gillman SA
F.G. Strang Pty Ltd trading as Strangtainers	Footscray Vic
Western Packing Pty Ltd trading as Cargo Distributors	Footscray Vic
Port Botany Container Depot Pty Ltd	Banksmeadow NSW
Seatons Container Freight Station Pty Ltd	Camellia NSW
Brisbane Cargo Services Pty Ltd operating as Brisbane Amalgamated Terminals Limited	Fishermans Island
Macpak Pty Ltd	Hemmant Qld
Rivers Trading Company Cargo Pty Ltd trading as Rivers Trading Company	Nudgee Qld
Interport (Brisbane) Pty Ltd	Hamilton Qld
Charlick Operators Pty Ltd trading as Austainer Services	Gillman SA
Terminal Properties of Australia Pty Ltd trading as Freight Bases	Gillman SA

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Fremantle Port Authority	North Quay Fremantle WA
Fremantle Terminals Limited	North Quay Fremantle WA

(iii) For the purpose of this Rule the employees, as defined in sub-paragraph (b)(i)(3) above, of each of the employers specified in paragraph (b)(ii), where those employees are employed at the specified container depots in respect of each employer, shall be eligible for membership of the Union.

(c) All employees employed by "TT Line Company Pty Limited" as administrative clerks, as defined in sub-paragraph (b)(i)(1) above, but not including employees performing work of a supervisory nature, provided that such employees are employed or usually employed in or in connection with stevedoring operations and/or passenger and/or cargo booking where such passenger and/or cargo booking is related to intrastate and/or interstate travel where those persons are employed in performing those duties solely on or immediately adjacent to a wharf, a wharf office or on a ship.

(d) The following named persons, whilst those persons remain employed as administrative clerks, as defined in sub-paragraph (b)(i)(1) above, but not including employees performing work of a supervisory nature, and are employed or usually employed in or in connection with stevedoring operations and/or passenger and/or cargo booking where such passenger and/or cargo booking is related to intrastate and/or interstate travel where those persons are employed in performing those duties solely on or immediately adjacent to a wharf, a wharf office or an a ship.

(i) For the purpose of this sub-rule (d), the employees are those listed in Schedule I to these rules.

3. (a) Without limiting the generality of 1. PART S and 2. PART W, or being limited thereby, the Union shall also consist of:

All employees as defined in subrule (b) other than those employees who are employed in supervisory duties of any nature (excepting employees performing duties of forepersons or leading hands or otherwise who exercise similar and direct supervisory powers over other employees), and other than employees who possess a Maritime Certificate of Competency where the possession of the certificate is part of the requirements of a classification, and other than those employees who are employed as harbourmasters, port managers, marine pilots, marine surveyors, maintenance technicians, masters and deck officers of vessels, officers of pilot cutters, port control officers, signal station officers, radio officers, superintendents, stevedoring supervisors or who are employed in managerial or professional occupations;

provided that employees who perform clerical and administrative, supervisory or technical duties shall not be eligible to be members of the Union by virtue of this subrule until:

(i) 1 December 1995 if employed by the Port of Brisbane Corporation or Fremantle Port Authority;

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(ii) 1 January 1996 if employed by the Townsville Port Authority;

(iii) 1 June 1996 if employed by the Sydney Ports Corporation, the Newcastle Port Corporation, the Port Kembla Port Corporation, the Waterways Authority in NSW, or the Port of Melbourne Authority.

(b) For the purposes of subrule (a) "employees" means all those persons employed by the employers identified in subrule (c) other than those persons who are employed in the office of public servant in accordance with relevant State Government legislation in the States of South Australia and Western Australia.

(c) For the purposes of subrule 3 of this rule the employers are:

Albany Port Authority
Bunbury Port Authority
Bundaberg Port Authority
Burnie Port Authority
Dampier Port Authority
Darwin Port Authority
Department of Transport, Marine & Harbours Agency (in the State of South Australia)
Department of Transport (in the State of Western Australia in relation to the Department of Marine and Harbours)
Esperance Port Authority
Fremantle Port Authority
Geraldton Port Authority
Kimberley Port Authority
Marine Board of Circular Head
Marine Board of Flinders
Marine Board of Hobart
Marine Board of King Island
Newcastle Port Corporation
Port Hedland Port Authority
Port of Brisbane Corporation
Port of Devonport Authority
Port of Geelong Authority
Port Kembla Port Corporation
Port of Launceston Authority
Port of Melbourne Authority
Port of Portland Authority
Rockhampton Port Authority
Sydney Ports Corporation
Townsville Port Authority
Waterways Authority

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

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(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler, generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

(K) Without limiting the generality of Sub Rules (A) to (J) and (L) herein or being limited thereby:

The industries in or in connection with which the Union is registered are the textile, clothing and footwear industries, including but not limited to those parts of the industries referred to in Rule 2(R).

(L) Without limiting the generality of Sub-Rules (A) to (K) herein or being limited thereby, the Union is registered in or in connection with:-

(a) The shipping industry; and
(b) The industry of diving in the provision of underwater services.

4 - OBJECTS

(a) To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial and social legislation.

(b) To regulate and protect the wages and conditions under which all members or other persons entitled to become members of the Union may be employed, to achieve compulsory unionism and control the supply of labour, to take such steps as may be necessary for the efficient operation of the industries in or in connection with which the organisation is registered, to regulate relations between the members and their employers and between the members and other employees in or in connection with the Industries of the Union and to foster the best interests of the members of the Union.

(c) To improve industrial relations in the industries in or in connection with which the Union is registered and undertakings where members are employed, and to exercise all the powers, privileges and advantages of employees under the Act and any legislation replacing that Act and under any Commonwealth or State legislation, or any other legislation in any way relating to the Industries of the Union either directly or indirectly affecting the members.

(d) To do all things conducive to the welfare and organisation of the working class.

(e) To provide legal assistance to the Union and its members to protect the interests of the Union in all its Divisions and Divisional Branches, and to assist other trade unions by any legal method.

(f) To secure preference in employment, retrenchment, promotion, demotion and transfer of employment for members.

(g) To protect members from any infringement of their rights.

(h) To organise the education of members.

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(i) To secure or assist in securing legislation for safety in or in connection with the Industries of the Union and for the general and material well being of members.

(j) To establish funeral, sick, accident, unemployment or other funds, including insurance or assurance funds, for the assistance, support and benefit of members, or other trade unionists, and to establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Branches, Divisions or Divisional Branches.

(k) To establish Branches, Divisions, Divisional Branches, Sub – Branches, Districts, Sectors, Sections, Associations or Committees of the Union, including but not limited to Port, Ship and Area Committees, throughout Australia and its Territories.

(l) To effect unity between the Branches, Divisions, Divisional Branches and other bodies of a similar character.

(m) To work as far as is lawful in harmony with other labour unions.

(n) To establish and maintain a Union journal or journals for the publication of matters directly or indirectly relating to the affairs of the Union or its members, and to assist to establish or maintain labour and trade union journals, radio and television broadcasting stations and other means of mass communication, information or education, and to invest in such ventures.

(o) To promote the interchange of membership between the Union and other unions throughout the world.

(p) To assist members by loan or otherwise.

(q) To constitute, conduct, carry on and manage clubs for the benefits of members.

(r) To co – operate or otherwise combine with, affiliate to or amalgamate with, pay affiliation fees to and assist financially or otherwise, or join or absorb, any organisation, union or association which has objects similar to the objects of the Union, and to be represented on other bodies and trade union organisations.

(s) To render financial assistance to Branches, Divisions, Divisional Branches or other union or labor organisations for any charitable purpose.

(t) To take part in any or all questions of matters affecting or involving the wages and conditions of labour.

(u) To grant assistance to members who are shipwrecked.

(v) To establish and/or support co-operative ventures generally and to do such other things which may be deemed necessary in connection therewith.

(w) To hold, purchase, lease, transfer, rent, sell, mortgage or otherwise deal in property and to enter into contracts and agreements in connection with same and to do all such other things as may be deemed necessary in connection therewith for the purpose of furthering directly or indirectly any one or more objects, provided that where such property is in the care, custody and control of a Division, it shall be subject to governance in accordance with the Divisional Rules and the National Rules.

(x) To raise funds by levies and/or other means for the furtherance of any one or more objects.

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(y) To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

(z) To obtain such other objects as the National Conference or National Executive shall from time to time determine or as may be lawfully adopted by any Division of the Union.

(aa) To do all such other acts and things as are incidental or in any way related to the carrying out of any one or more of the above objects.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

“ACT” means the Fair Work Act 2009 (Cth) or any Act replacing that Act.

“BCI(IP) ACT” means the Building and Construction Industry (Improving Productivity) Act 2016.

"BOARD" means a group of persons who supervise a corporation, organisation, association or other like body including a Board of Directors.

"DECLARED PERSON OR BODY" - a person or body is a declared person or body of the Union or a Branch of the Union for the purpose of rule 24D (and 50D) if:

(i) an officer of the Union or the Branch (as the case may be) has disclosed a material personal interest under rule 24C/50C; and

(ii) the interest relates to, or is in, the person or body; and

(iii) the officer has not notified the Union or the Branch (as the case may be) that the officer no longer has the interest.

"DISCLOSURE PERIOD" means the financial year of the Union as referred to in Rule 24.

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

“DIVISIONAL EXECUTIVE” shall mean, in the case of The Maritime Union of Australia Division, the Divisional National Council of that Division.

“DIVISIONAL CONFERENCE” shall mean, in the case of The Maritime Union of Australia Division, the Divisional National Council of that Division.

"FINANCIAL DUTIES" includes duties that relate to the financial management of the Union or a Branch of the Union.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"FINANCIAL YEAR" means the financial year of the Union as referred to in Rule 24.

"GENERAL MANAGER" means the General Manager of the Fair Work Commission.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"NON-CASH BENEFIT" means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.

"OFFICE" has the same meaning as defined by Section 9 of the RO Act.

"PEAK COUNCIL" means a national or State council or federation that is effectively representative of a significant number of organisations (within the ordinary meaning of the term) representing employers or employees in a range of industries.

"PROPORTIONAL REPRESENTATION" shall mean a system of representation at Committees, Conferences, Executives or the like which, as far as practicable, will provide for voting on a basis which reflects the number or percentage of financial members, as calculated in accordance with these rules, that each person on such Committee, Conference, Executive or the like, represents.

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union and in the case of the Manufacturing Division, of the Division.

"RELATED PARTY" has the same meaning as defined by section 9B of the RO Act.

"RELATIVE" in relation to a person means:

(i) parent, step-parent, child, step-child, grandparent, grandchild, brother or sister or the person; or

(ii) the spouse of the first mentioned person.

"RELEVANT NON-CASH BENEFITS" in relation to an officer of the Union/Branch for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer's duties as an officer, by the Union/Branch or by a related party of the Union/Branch.

"RELEVANT REMUNERATION" in relation to an officer of the Union/Branch for a disclosure period is the sum of the following:

(i) any remuneration disclosed to the Union/Branch by the officer under Rules 24B/50B during the disclosure period;

(ii) any remuneration paid during the disclosure period, to the officer by the Union/Branch.

"RO ACT" means the Fair Work (Registered Organisations) Act 2009 (Cth) or any Act replacing that Act.

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“RO REGULATIONS” mean the Fair Work (Registered Organisations) Regulations 2009 or any regulations replacing those Regulations.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast then that candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then that candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the vote preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

“UNION” shall mean the Construction, Forestry, Maritime, Mining and Energy Union.

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6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Maritime, Mining and Energy Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

(ii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Rules of the Union may require, and shall, when requested, fill in and sign such application form as may be provided.

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

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(v) (a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

(vii) A member shall, when applying for membership be informed of the financial obligations arising from membership and the circumstances, and the manner, in which a member may resign from the organisation and shall be informed of such in writing.

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

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(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

(ii) Any member who has failed to pay the entrance fees, or contributions, levies and fines imposed in accordance with the rules of the union on or before the date specified in such rules, shall be deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant for admission or exercise any authority or any membership rights, provided that the rules may provide that some members or some class or classes of members may vote in a ballot and/or may differentiate between classes of members as to the amount of any contribution and/or entrance fee.

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

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(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.151 of the RO Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

(i) A member desiring to transfer to any other union covering their calling shall make application to the Divisional Branch Secretary, or where the rules of the union so provide, Divisional Sub-Branch, in writing, and shall pay all dues owing to the union, and the transfer will be forwarded to the Secretary of the union to which the member desires to transfer. Such member shall cease to be a member of this Union as from the date on which the transfer is forwarded to the Secretary of such other union.

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

(iii) A clearance shall not be granted to any member unless all moneys owing have first been paid.

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10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

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(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

A register of members and any other records of the Union required to be kept by the RO Act and the Regulations made thereunder shall be kept at the registered office of the Union and so far as such records relate to a Division or Divisional Branch at the registered office of that Division or Divisional Branch.

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) (a) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(b) The National Conference shall also consist of the two National Women's Committee members elected by each Division in accordance with Rule 17, regardless of whether those women are otherwise members of their Divisional Executive.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

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(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.

Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

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* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

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(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telephone, email, in writing, by computer link and/or by any other means of communication.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, facsimile, telephonic, email, in writing, by computer link and/or by any other means of communication (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

13A - NATIONAL WOMEN'S CONFERENCE

(a) There shall be a National Women's Conference at least once every two years. The role of the National Women's Conference shall be to provide advice and recommendations to the Union on matters affecting women members of the Union.

(b) The National Women's Conference shall include the elected National Women's Committee members from each Division. The number of participants shall be no more than 15 members per division.

(c) Delegates to the National Women's Conference shall be nominated by the Divisional Executive of each Division.

(d) Notwithstanding the number of observers nominated by any Division to attend the National Women's Conference, only the nominated delegates from each Division shall have voting rights at the National Women's Conference.

(e) Resolutions of the National Women's Conference shall be referred to the National Conference for consideration by that Conference.

13B - NATIONAL WOMEN'S COMMITTEE

(a) There shall be a National Women's Committee.

(b) The National Women's Committee shall be made up of two female members from each Division. Only one National Women's Committee member from each Division may be a Full Time Paid officer of that Division.

(c) The members of the National Women's Committee are to be elected by each Division in accordance with Rule 17, or otherwise in accordance with the rules for general quadrennial elections applicable to each Division.

(d) Members of the National Women's Committee shall be, ex officio, members of the National Women's Conference and members of the National Conference.

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(e) The National Women's Committee will operate in accordance with a set of rules that have been adopted by either the National Conference or Executive after consultation with the Committee.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) The National Executive Committee shall consist of the National Officers, being the National Secretary, National President, National Assistant Secretary, International President, National Senior Vice President and four (4) National Vice Presidents of the Union together with such of the following elected officers of each Division at a National level namely:-

- in the case of the Construction and General Division, eleven (11) additional National Executive Committee members elected by and from the Construction and General Division Divisional Conference.

- in the case of the Manufacturing Division, the Divisional Secretary, the Divisional Senior Assistant Secretary, the Divisional President and the Divisional Assistant Secretary who is also the District Secretary of the PPW District of the Division and the TCF National Secretary.

- in the case of the Mining and Energy Division, four (4) additional National Executive Committee members elected by and from the Mining and Energy Divisional Conference.

  in the case of The Maritime Union of Australia Division, the Divisional Deputy National Secretary, the two (2) Divisional Assistant National Secretaries and the Divisional Deputy National Presiding Officer.

  Provided that in the year preceding the quadrennial elections, it shall be open to the National Conference or the National Executive, upon review, to abolish the National Executive Committee.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary. A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a telephonic, email, written and/or postal vote of members of the National Executive Committee at any time. Members of the National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or email or by telephone or verbally, provided that in the latter two instances the notice is confirmed by email.

(vi) All decisions of the National Executive Committee shall be made by a majority of the votes cast at the meeting unless otherwise provided by these Rules. The votes cast by members of the National Executive Committee shall be on a card system and the value of the vote cast by any member of the National Executive Committee, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive Committee herein, no member of the National Executive Committee who is not entitled to attend and/or vote at the National Executive Committee meeting shall be included as a member for the purposes of the aforesaid calculations.

15 - NATIONAL EXECUTIVE

(i) (a) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

(b) Provided that in the case of the Manufacturing Division for purposes of this sub-rule a reference to the Principal Officer of a Divisional Branch shall be a reference to the District Secretary of a District of that Division, the Senior Vice President (TCF) and the additional Divisional Assistant Secretary established pursuant to Rule 44 of the Manufacturing Divisional Rules.

(c) Where a Division has at least one woman who is a Full Time Elected Officer who is not otherwise entitled, under these Rules, to be a member of the National Executive, that Division is entitled to one National Executive (Female Affirmative Action) position on the National Executive.

(i) The National Executive (Female Affirmative Action) position for each Division may only be filled by a woman from that Division who is a Full Time Elected Officer who is not otherwise entitled to be a member of the National Executive;

(ii) Where there is more than one woman from a Division who is a Full Time Elected Officer who is not otherwise entitled under these Rules to be a member of the National Executive, and who is therefore eligible to fill the National Executive (Female Affirmative Action) position, the Divisional Executive of that Division shall determine which eligible officer shall fill the position.

(iii) Provided that, once nominated by the Divisional Executive, the Branch or District Executive (if the woman is a Branch or District Officer) must endorse the nomination of that Officer to the National Executive.

(ii) The National Officers (other than the office of National Vice President held by the Divisional National Presiding Officer of The Maritime Union of Australia Division) shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

(iv) The National Executive shall, unless its actions are overturned by the National Conference, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds and property of the Union and shall have and may exercise no more and no less than all of the powers of the National Conference and, without limiting the generality of the foregoing may:

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

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Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Act or the RO Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

* in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

15A – MEETING OF NATIONAL EXECUTIVE

(i) A meeting of the National Executive is to be called:

(a) when the National Executive or National Secretary determine; or

(b) at the written request of:

(i) the National President; or

(ii) six (6) members of the National Executive,

(ii) A meeting under sub-rule (i) will be held at the time and place as the National Executive or National Secretary determine, and the National Secretary will give notice of the meeting as is practicable, provided that not less than 24 hours' notice is given.

(iii) Where a request is made under paragraph (i)(b), the National Secretary must:

(a) ensure the meeting of the National Executive is held no more than seven (7) days following the receipt of the request;

(b) give notice to the members of the National Executive within three (3) days following the receipt of the request of the time and place the meeting, provided that not less than 24 hours' notice is given; and

(c) provide the notice under paragraph (b) by:

(i) email;

(ii) telephone; and/or

(iii) verbally,

provided that a notice given under sub-paragraph (i) or (ii) must be promptly confirmed by email.

(iv) The quorum for a meeting of the National Executive is six (6) members of the National Executive.

(v) A meeting of the National Executive is to be conducted by a method by which the members of the National Executive can communicate with each other, provided that the National Secretary must take all reasonable steps to ensure that the meeting is secure to the members of the National Executive.

(vi) An out of session ballot of the National Executive may be conducted where the National Secretary considers that a matter needs to be dealt with expeditiously by a ballot of the National Executive.

(vii) Without limitation to sub-rule (vi), the:

(a) the National President; or

(b) six (6) members of the National Executive,

may, in writing, direct the National Secretary to conduct an out of session ballot of the National Executive, where the National President or the six (6) members of the National Executive (as the case may be) consider a matter needs to be dealt with expeditiously by a ballot of the National Executive.

(viii) An out of session ballot, under this rule, is to be conducted by means of:

(a) e-mail;

(b) computer link;

(c) text message;

(d) other electronic communication; and/or

(e) a mixture of those means.

(ix) Where an out of session ballot of the National Executive is directed under sub-rule (vii):

(a) the National Secretary must put the matter for determination to a ballot within three (3) days following the receipt of a direction under sub-rule (vii);

(b) the ballot under paragraph (a) must close seven (7) days following the receipt of the direction under sub-rule (vii);

(c) six (6) members of the National Executive casting a ballot in the time limited under paragraph (b), constitute a quorum; and

(e) determination of the ballot will, unless these rules otherwise require, be in accordance with rule 15(l).

16 - ELECTION OF NATIONAL OFFICERS AND NATIONAL EXECUTIVE COMMITTEE MEMBERS

(i) The National Officers (other than the office of National Vice President held by the Divisional National Presiding Officer of The Maritime Union of Australia Division) shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union (howsoever described in the Divisional Rules) and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Manufacturing Division, the General President of the Mining and Energy Division and the Divisional National Secretary of The Maritime Union of Australia Division shall between them hold the positions of National Assistant Secretary, National President, National Senior Vice President and International President or if the position of International President is abolished, the additional position of National Assistant Secretary.

Should the office of International President become vacant at any time due to death, resignation from office or removal from office in accordance with the Rules of the Union, it shall be open to the National Executive to abolish the office of International President. If at any time, the National Executive abolishes the office of International President, it shall forthwith create an additional office of National Assistant Secretary.

Further provided that, there shall be one National Vice President from each Division who shall be nominated by and from their own Divisional Conference except in the case of The Maritime Union of Australia Division, where the National Vice President from that Division shall be the Divisional National Presiding Officer.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vA) (a) If the National Secretary was, on the day prior to being declared elected as National Secretary, a member of the National Executive Committee, then the Division from which the National Secretary derived is immediately entitled to elect, or appoint, in accordance with these rules a replacement member on the National Executive Committee.

(b) Provided that the National Secretary will, if holding the office of National Secretary on the day on which nominations for the election for the office of National Secretary open, have the right to re-nominate for the office of National Secretary.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office. Further provided that in the case of a vacancy in one or more of the National Officer positions, the National Executive may fill such office by appointment from those members of the National Executive Committee who are otherwise eligible to hold the vacant office.

Provided however that any such appointment/s shall ensure that each Division maintains its representation of two (2) officers amongst the National Officers excluding the office of National Secretary.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by email, post, letter, telephone, facsimile, verbally or by any other electronic means as soon as the count is completed.

(ix) In any ballot of the National Collegiate for the election of National Officers, the representatives of each of the Divisions shall cast votes proportionate to the membership of their respective Divisions determined in the same way, the necessary changes being made, as votes cast by delegates to the National Conference in accordance with Rule 13(iii) and (iv) herein.

(x) In conjunction with the conduct of the election of the National Officers, the Returning Officer shall also conduct an election in the Divisional Conferences of the Union, where necessary, for the National Executive Committee members to be elected by and from the relevant Divisional Conference having regard to Rule 14(i).

(xi) The elections held in accordance with sub-rule (x) shall be conducted in accordance with sub-rules (ii) to (v) and (viii) with the necessary changes.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) This Rule shall not apply to The Maritime Union of Australia Division.

(ii) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(iii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iv) Except in the case of the Mining & Energy Division and the Manufacturing Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) That nominations are called in accordance with the rules of the Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) That the nominations process, closure and receiving of, are in accordance with the rules of the Division.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) (deleted)

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall, in accordance with the Rules of the Division, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only:-

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the RO Regulations.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) The candidate's statement provided for in accordance with sub-rule (h) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail all ballot papers, in accordance with the Rules of the Division.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed closed in accordance with the rules of the Division.

(r) That the opening and closing of the ballot shall be in accordance with the rules of the Division.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

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(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

"Preferential Voting" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter gives as their first preference, and shall place the number 2, 3, 4 (and so on as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the preference for them. In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate. If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference. If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preference shall be the same as is above prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except Mining and Energy Division and Manufacturing Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) This Rule shall not apply to The Maritime Union of Australia Division and the Manufacturing Division.

(ii) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(iii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iv) The Divisional Officers at a national level shall be members of that Divisional Executive.

(v) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

Any Officer may be removed from office by majority decision of the National Executive, provided that such officer shall not be dismissed from office unless found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

Any officer so removed from office shall have the right of appeal to the National Conference. In the event of the appeal being upheld the National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

   National Executive shall:

   Determine the question to be submitted to the members and the form of the ballot paper.

   Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

   Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

   No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

   In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy. Provided further if the office of National Secretary becomes vacant the National Executive shall appoint a person, eligible under the rules to be elected to the office, to perform the functions and obligations of the office of National Secretary until such time as the National Secretary's office can be filled in accordance with the rules governing casual vacancy.

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22 - DUTIES OF OFFICERS/MEMBERS

1. The following sets out the duties of the National Officers outlined herein.

2. National President:

The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

The National President shall have a deliberative vote only.

The National President shall perform all duties assigned to him/her by the National Conference or National Executive and shall be responsible with the National Secretary for the allocation of duties and responsibilities arising from decisions of the National Conference or the National Executive.

3. National Secretary:

The office of the National Secretary is a full-time position.

The National Secretary cannot, whilst holding the office of National Secretary, hold another office in the Union.

The immediately preceding paragraph shall not operate until the completion of the first quadrennial election after the certification of the amendments to r. 22(3) passed by the National Executive on 17 June 2021**.** Prior to the completion of the first quadrennial election after the certification of those amendments, nothing in these rules shall constitute, or be taken to constitute, an express or implied prohibition on a person holding both the office of National Secretary and another office within the Union.

The National Secretary is entitled to attend and vote at the National Conference and has all the rights of a conference delegate.

The National Secretary, whilst not a representative of a Division, will remain a member of the Division from which they derive and will for the purposes of:

(a) rule 13(iii) be treated as if they were a member of the Divisional Executive of the Division from which the National Secretary derived; and

(b) rules 14(vi) and 15 (l) be included when voting in the Division from which they derive.

The wages and costs related to the office will be borne by the Union.

The National Secretary shall be responsible for the general correspondence of the Union, National finance, filing of documents, industrial returns and the carrying out of decisions made by National Conference or National Executive.

The National Secretary shall have the power, subject to decisions of the National Executive and/or National Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the National Office and allocate duties and responsibilities within the National Office.

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The National Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the National Office, together with a statement of the assets and liabilities of the National Office for the year ending 31st December in each year.

Such financial statement shall be presented to the National Executive for its approval and be published within the journal of the National Union.

The National Secretary shall carry out such other functions as shall be determined from time to time by the National Conference or National Executive.

The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretaries:

National Assistant Secretaries shall perform all duties assigned to them by National Conference and National Executive. They shall attend all meetings of National Conference and National Executive.

5. International President

The International President shall assist the National Secretary especially in relation to international matters. The International President shall otherwise perform all duties assigned to him/her by the National Conference or the National Executive.

5A. National Senior Vice-President:

The National Senior Vice-President may assist the National President in the conduct of meetings and in the absence of the National President, may act as President.

The National Senior Vice-President shall perform all duties assigned to the National Senior Vice-President by National Conference and National Executive.

6. National Vice-Presidents:

The National Vice-Presidents may assist the National President in the conduct of meetings and in the absence of the National Senior Vice President, one of their number as determined by the National Executive may act as President.

A National Vice-President shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

7. Members of National Executive and Delegates to National Conference:

Members of National Executive and delegates to National Conference shall attend meetings of those bodies when summoned so to do.

8. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

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9. No officers, employees, delegates or members shall be required to do, or required to omit to do, any act in breach of legislation applicable to the Union.

10. Except as provided for by resolution of a committee of management of the Union (including any committee of management of a Division, Branch, Divisional or District Branch thereof), it shall not be part of the duties of any delegate/steward, officer or employee, including organisers, whether temporary or not, to threaten, initiate, counsel, procure, induce, be involved in, engage in or be party to industrial action as defined by the Act or the BCI(IP) Act or unlawful picketing within the meaning of the BCI(IP) Act.

22A - TRAINING OF OFFICERS

(a) Each person holding an office in the Union, including its Branches, Divisions and Divisional/District Branches whose duties include duties that relate to the financial management of the Union, including its Branches, Divisions and Divisional/District Branches shall undertake training:

(i) approved by the General Manager under the provisions of the RO Act or an Act replacing that Act; and

(ii) that covers each of the officer's financial duties.

(b) An officer shall complete the training required by sub-rule (a) within six (6) months after the person begins to hold office.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

Provided that each Division/Divisional Branch is responsible to meet all costs associated with the operation of its Division/Divisional Branch, including all costs associated with the attendance and participation by their representatives at meetings, including National Conference, National Executive Committee unless decided otherwise by the National Executive Committee.

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. All cheques shall be signed by two (2) persons who are a National Secretary, National Assistant Secretary, National President, International President or two (2) National Executive members as nominated by National Executive resolution. All authorisations for the transfer and/or disbursement of funds shall be approved by two (2) persons who are a National Secretary, National Assistant Secretary, National President, International President or two (2) National Executive members as nominated by National Executive resolution.

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(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President, National Assistant Secretary or International President. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

(viii) Any fines, penalties, damages, costs or other sum(s) ordered by a court against the Union is, if the conduct of a Division's officers, employees, agents or members made the Union liable for such amount(s), to be funded by that Division.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

The Auditor shall, in the report, draw attention of the National Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Union.

For the purpose of this Rule a competent person shall have the same meaning as in the RO Act and the RO Regulations made thereunder.

Upon receipt by the National Secretary of a petition, signed by not less than 5% of the members of the Union, requesting that a general meeting of members of the Union be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the National Office, the National Secretary shall convene such meeting as soon as is practicable.

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24A - POLICIES AND PROCEDURES - EXPENDITURE

(a) The Union shall develop and implement internal control policies and procedures relating to the expenditure of the Union, to ensure that the Union is conducted in accordance with the principles of good governance and to ensure accountability to members of the Union.

(b) Such policies and procedures shall be adopted by the National Executive and once adopted, shall be binding on all officers and members of the Union. Such policies and procedures must be identified in the resolutions of the National Executive as Rule 24A policies and procedures.

(c) Rule 24A policies and procedures must be published on the website of the Union with fourteen (14) days of their adoption.

(d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Branch, Division and Divisional/District Branch of the Union.

24B - DISCLOSURE BY OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

(a) Each person holding office in the Union shall disclose to the Union any remuneration paid to the officer:

(i) because the officer is a member of a board if:

(A) the officer is a member of the board only because the officer is an officer of the Union; or

(B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or

(ii) by a related party of the Union, in connection with the performance of the officer's duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Union shall disclose to the members of the Union:

(i) the identity of each officer of the Union who, when all officers of the Union are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than fifth;

(ii) the identity of each officer of each Division and Divisional/District Branch who, when all officers of the Division and Divisional/District Branches are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second; and

(iii) for each of those officers

(A) the actual amount of the officer's relevant remuneration for the disclosure period; and

(B) the form of the officer's relevant non-cash benefits for the disclosure period.

(d) For the purposes of sub-rules (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

24C - DISCLOSURE BY OFFICERS OF MATERIAL PERSONAL INTEREST

(a) Each person holding an office in the Union shall disclose to the Union any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Union including any Branch, Division or Divisional/District Branch thereof.

(b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The National Executive shall disclose to the members of the Union the interests disclosed to the Union pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year:

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

24D - DISCLOSURE BY UNION OF PAYMENTS

(a) The Union shall disclose to the members of the Union including its Branches, Divisions and Divisional/District Branches either of the following

(i) each payment made by the Union, during the disclosure period:

(A) to a related party of the Union or Branch; or

(B) to a declared person or body of the Union including its Branches, Divisions and Divisional/District Branches; or

(ii) the total of the payments made by the Union including its Branches, Divisions and Divisional/District Branches, during the disclosure period:

(A) to each related party of the Union or Branch; or

(B) to each declared person or body of the Union including its Branches, Divisions and Divisional/District Branches.

(b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Union including its Branches, Divisions and Divisional/District Branches from remuneration payable to officers or employees of the Union including its Branches, Divisions and Divisional/District Branches.

(c) Sub-rule (a) does not apply to a payment made to a related party if:

(i) the related party is an officer of the union; and

(ii) the payment:

(A) consists of remuneration paid to the officer by the union; or

(B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(d) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

25 - ALTERATION OF RULES

(a) The rules of the Union, or any of them, may be altered, rescinded, varied or made by the National Conference and/or National Executive. Proposals for alterations of rules may be forwarded by Divisions, Branches or any member of the National Executive or delegate to the National Conference and shall be forwarded to members and/or delegates with the notice calling the National Conference or National Executive, as the case may be, or so soon thereafter as is practicable. Provided that National Conference or National Executive may, in session, alter rules of which previous notice has not been given.

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the Union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Act , the RO Act or the Regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the RO Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

These National Rules and all the rules of the Union, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisions, Branches, and Divisional Branches and all sections of the Union and on all members who now, or who may hereafter, belong to the Union until they are made or become null and void according to the law.

26A - COMPLAINTS BY MEMBERS

1. Any financial member of the Union may raise a complaint over the actions of another member or members (including officers).

2. The complaint may be about a member or members:

   a. refusing to obey the rules of the Union;

   b. refusing to obey a policy of the Union;

   c. refusing to abide by a resolution carried at a properly constituted meeting of a management committee which has relevant control or management over the member;

   d. obstructing any properly constituted meeting of a management committee;

e. obstructing any officer or employee of the union in the course of his/her duties;

f. Misappropriation of the funds of the Union;

g. engaging in gross misbehaviour;

h. engaging in gross neglect of duty;

i. wrongfully and unreasonably holding out that he or she holds an office or position in the Union;

j. making a false charge or complaint against a fellow member, including a complaint under this rule; or

k. aiding or encouraging any other member or members in any of the matters referred to above.

3. Members shall not subject a member who has made a complaint under this rule to adverse treatment.

4. The complaint must be raised in writing to the National Secretary. The complaint must clearly identify the member or members the subject of the complaint and the relevant action or actions that gave rise to the complaint. If the complaint is about the conduct of the National Secretary then the complaint may be raised with another National Officer.

5. The National Secretary (or if another National Officer receives the complaint, that National Officer) and at least one of the National Assistant Secretary, National President or International President may refuse to accept a complaint if he or she considers the complaint to be trivial.

6. The National Secretary must refer the complaint to the National Executive Committee for the purpose of appointing an Investigator.

7. The National Executive Committee shall appoint an Investigator. The Investigator must be a member of the National Executive. The Investigator must not be an officer from the same Division as the member or members the subject of the complaint.

8. The Investigator shall investigate the complaint and provide a report to the National Executive Committee.

9. During the course of the investigation the Investigator may:

a. interview members or officers for the purpose of the investigation, and

b. require members or officers to provide documents relevant to the investigation.

10. Members will cooperate with the Investigator by attending interviews and providing all documents requested.

11. No one is entitled to legal representation during the investigation.

12. In the report the Investigator shall include his or her findings on the matters the subject of the complaint and include recommendations for action to be taken by the National Executive Committee. The Investigator may conclude that no action is necessary.

13. A copy of the Investigator's report shall be provided to the member who raised the complaint and to the member or members the subject of the complaint. Where the report recommends action against any member or members the member or members shall be given the opportunity to respond to the Report before the National Executive Committee considers any action.

14. Upon receipt of the Investigators report the National Executive Committee may take action in accordance with the recommendations of the Investigator's or take other action, as it considers appropriate.

15. Any decision of the National Executive Committee to take action against a member or members may be appealed to the National Executive.

16. The procedure in this rule shall apply in addition to any other procedure in the rules dealing with complaints about the conduct of members

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the Rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

Provided that upon the amalgamation of The Maritime Union of Australia and the Textile, Footwear and Clothing Union of Australia with the Union there shall be four (4) Divisions of the Union as follows:

(a) the Construction and General Division;
(b) the Manufacturing Division;
(c) the Mining and Energy Division; and
(d) The Maritime Union of Australia Division.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another Division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each Division shall have autonomy in relation to its funds and property.

(iv) Each Division shall have rules and have power to make, alter or rescind such rules, to be called Divisional Rules. Without limiting the generality of the foregoing paragraph, each Division shall have power to determine policy for that Division, not inconsistent with the rules and policy of the Union as decided by National Conference or National Executive.

(v) If there is any environmental matter that directly affects the employment of members of one Division only, then that Division whose members are so affected shall have the power to determine the policy of the Union on that matter.

(vi) Divisions, other than the Manufacturing Division, shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland (including the Northern Territory), New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Provided that it shall be open to the National Conference or the National Executive to abolish any Branch.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.151 of the RO Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of State Unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

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30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary, International President or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or National Assistant Secretary or International President or any person authorised by a National Secretary or National President or National Assistant Secretary or International President so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) or any person authorised by a Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, International President, Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary), or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests issued by a Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National Assistant Secretary, National President, International President, Divisional Secretary and/or Divisional Assistant Secretary (including the TCF National Secretary) shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.

(g) The taking of industrial action (within the meaning of the Act) or picketing or unlawful industrial action or unlawful picketing within the meaning of the BCI(IP) Act by members is not authorised by the Union without the consent of a committee of management of the Union (including any committee of management of a Division, Branch, Divisional or District Branch thereof).

Provided however that the preceding paragraph shall not restrict the right of a person or body duly authorised by such a committee of management to authorise industrial action in accordance with the Act.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 500 Swanston Street, Carlton in the State of Victoria, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the Union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

Where a Division ceases to exist and the Union continues, the property of that defunct Division shall be vested in the Division to which the members of the defunct Division are allocated.

Where the Union is dissolved the property of the Union shall be vested in the trustees of each existing Division at the time of dissolution for the benefit of the members thereof on the basis that each such Division will continue to hold its own property and funds and any property or funds not vested at the time of dissolution in a Division shall be divided between the existing Divisions on a basis proportionate to the membership of each such Division.

35 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members may be sued for in the name of the Union by the National Secretary or by the Divisional Secretary, or Divisional Branch Secretary to which the member is attached, or by any other person or body authorised by the rules of the Union including the rules of any Divisional Branch or the Rules of any Division.

36 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy shall be decided by a majority of the National Conference or National Executive and shall not exceed $50.00 and when so decided shall be binding on all members or sections of members as National Conference or National Executive may decide.

(iii) A Division or Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

37 - VOTING OF NATIONAL CONFERENCE OTHERWISE THAN AT MEETINGS ASSEMBLED

(a) If the National Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a rule, to a vote of National Conference at any time when it is inconvenient to call National Conference together, the National Secretary may submit a resolution dealing with the matter to the delegates or members, by letter, telephone, email, in writing, by computer link and/or by any other means of communication or a mixture of these means.

(b) For ballots of the National Conference, a copy of such resolution shall, as soon as practicable thereafter, be sent to each Branch Secretary and each Divisional Secretary. The votes on such resolution shall be returnable to the National Secretary at such time as the National Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.

(c) Provided that where no record can be kept of the vote and/or decision, such a record shall be created and a copy of that record sent to each person entitled to vote or, in the case of computer linkages, the record is such that it can be viewed and/or copied by the person entitled to vote.

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National Executive and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

1. All motions shall be of an affirmative character and must be moved and seconded by delegates or members. Such motions become the property of Conference or Executive and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates or members present agree to an extension of time.

2. Unless a delegate or member rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

3. A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

4. A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

5. Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

6. All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chairperson's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

   If the votes are equal the question is resolved in the negative.

7. A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates or members present agree to an extension of time.

8. Right of Speaker: Any delegate desiring to speak shall rise and address the chairperson. If two or more delegates or members rise at the same time the chairperson shall call upon the one who, in the Chairperson's opinion, first rose. Provided that no delegates or members can speak more than once upon any question (which shall include the original motion and all amendments thereto) before Conference or Executive, except -

    (a) In reply as the mover of the original motion.
    (b) In explanation or correction of some matter during the debate.
    (c) Upon a point of order raised during the debate.
    (d) Upon a resolution being carried "that the delegate now be heard".

9. A delegate or member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by that delegate or member.

10. No more than two delegates or members shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

11. Any delegate or member speaking shall at once resume their seat -

    (a) If the chairperson rises to speak; or
    (b) If a point of order is raised.

    and shall not resume their speech until the point of order is decided.

12. No delegate or member may speak to any question after it has been put by the chairman or during the taking of the vote.

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of Conference.

CHAIRPERSON'S RULINGS

The chairperson's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by Conference or Executive. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the delegates or members present for Conference or Executive to suspend the order of business.

SITTING AS A COMMITTEE

Conference or Executive may at any time, by a resolution agreed to by a majority of delegates or members present, resolve itself into a committee of the whole. The rules governing the business of Conference or Executive shall be observed when in Committee.

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the Union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

The National Executive, the State Executive, a Divisional Executive or a Divisional Branch Management/Executive Committee may, in their absolute discretion, summon meetings of members over which they have authority and/or responsibility from time to time.

If such meeting is called notice shall be given in a union journal circulating in the area covering the members to which the meeting relates or in a mass circulation daily newspaper circulating in the area in which the meeting is to be held and such publication shall be issued at least fourteen days before the date of the meeting. The notice of such meeting shall specify the day, the date, the time and the place of such meeting.

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the RO Act, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS – ORIGINAL AMALGAMATION

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted

(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) deleted

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - DELETED

42B - Merger with ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DELETED

42E - TRANSITIONAL RULE – MUA AND TCFUA

(i) The provisions of this Rule shall apply notwithstanding anything elsewhere contained in the Rules of the Union.

(ii) This Rule is intended to enable the amalgamation of the Union with The Maritime Union of Australia ("MUA") and the Textile, Clothing and Footwear Union of Australia ("TCFUA").

(iii) For the purposes of this Rule, "amalgamation date" shall mean the date fixed in accordance with section 73 of the RO Act as the day on which the amalgamation of the Union, the MUA and the TCFUA takes effect.

(iv) This Rule shall take effect on the amalgamation date.

(v) On and from the amalgamation date, the Forestry, Furnishing, Building Products and Manufacturing Division shall be known as the Manufacturing Division.

(vi) This Rule shall be read in conjunction with Rule 68 of the Rules of The Maritime Union of Australia Division and Rule 44 of the Rules of the Manufacturing Division.

(vii) (a) On the amalgamation date, the National Officers of the Union shall be those National Officers holding office on the date preceding the amalgamation date together with one (1) International President the office of which shall be held by the Divisional National Secretary of The Maritime Union of Australia Division and two (2) additional National Vice Presidents. The office of one (1) additional National Vice President shall be held by the Divisional National Presiding Officer of The Maritime Union of Australia Division and the office of the other additional National Vice President shall be held by the TCF National Secretary.

(b) Provided that (other than the office of National Vice President referred to in paragraph (a) above held by the Divisional National Presiding Officer of The Maritime Union of Australia Division and the additional office of National Vice President referred to in paragraph (a) above held by the TCF National Secretary), the National Officers shall, unless they resign or are removed from office in accordance with the Rules of the Union, continue to hold office until 31 December 2018.

(c) The National Officers (other than the office of National Vice President referred to in paragraph (a) above held by the Divisional National Presiding Officer of The Maritime Union of Australia Division and the office of the additional National Vice President referred to in paragraph (a) above held by the TCF National Secretary) elected in 2018 shall commence office on 1 January 2019.

(viii) On the amalgamation date, the National Executive Committee shall consist of the National Officers referred to in sub-rule (vii)(a) above, those members of the National Executive Committee who were members of the National Executive Committee on the day preceding the amalgamation date and four (4) additional National Executive Committee members of The Maritime Union of Australia Division being the Divisional Deputy National Secretary, the two (2) Divisional Assistant National Secretaries and the Divisional Deputy National Presiding Officer.

(ix) On the amalgamation date, the National Executive shall consist of the National Officers referred to in sub-rule (vii)(a) above; the other members of the National Executive Committee referred to in sub-rule (viii) above, the other members of the National Executive who were members of the National Executive on the day preceding the amalgamation date together with the principal officers of each Divisional Branch of The Maritime Union of Australia Division that is not otherwise a member of the National Executive Committee and, in the case of Manufacturing Division, the Senior Vice President (TCF) and the additional Divisional Assistant Secretary established pursuant to Rule 44 the Rules of the Manufacturing Division.

(x) Casual vacancy

Any casual vacancy arising in respect of any office referred to in sub-rules (vii), (viii) and (ix) above shall be dealt with in accordance with Rule 16 (vii).

(xi) MUA Membership

On the amalgamation date, any period of membership and/or financial membership in the MUA in accordance with that Union's Rules prior to the amalgamation date, shall be deemed to be for all purposes a period of membership and/or financial membership of the Union. Any period of unfinancial membership in the MUA in accordance with that Union's Rules prior to the amalgamation date shall be deemed to be for all purposes a period of unfinancial membership of the Union.

(xii) TCFUA Membership

On the amalgamation date, any period of membership and/or financial membership in the TCFUA in accordance with that Union's Rules prior to the amalgamation date, shall be deemed to be for all purposes a period of membership and/or financial membership of the Union. Any period of unfinancial membership in the TCFUA in accordance with that Union's Rules prior to the amalgamation date shall be deemed to be for all purposes a period of unfinancial membership of the Union.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry, Maritime, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Maritime, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

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(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such

State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS – OTHER THAN NSW STATE BRANCH

(i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

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Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

(iv) This rule does not apply to the NSW Branch upon commencement of rule 48A.

48A – ELECTION OF STATE OFFICERS NSW STATE BRANCH

(i) From the time of the commencement of this rule, the State Officers in the New South Wales Branch will be as contained in the table below and will be filled on an ex officio basis by the holders of the corresponding Divisional Office.

STATE OFFICER	**DIVISIONAL OFFICE**
State Secretary	Divisional Branch Secretary – Construction & General Division (NSW)
State Assistant Secretary (MNF)	*NSW District Secretary Manufacturing Division*
State Assistant Secretary (MUA)	*Sydney Divisional Branch Secretary (Sydney Divisional Branch - MUA)*
State President	*District President of the Northern Mining & NSW Energy District Branch, Mining & Energy Division*
State Senior Vice President	*Divisional Branch President – Construction & General Division (NSW)*
State Joint Vice President (*M&E*)	*District President of the South West District Branch, Mining & Energy Division*
State Joint Vice President (*C&G*)	*Divisional Branch Assistant Secretary – Construction & General Division (NSW)*
State Joint Vice President (*MNF*)	*NSW District President Manufacturing Division*
State Joint Vice President (*MUA*)	*Newcastle Divisional Branch Secretary (MUA)*
State Assistant Joint Vice President (*MUA*)	*Southern New South Wales Divisional Branch Secretary (MUA)*

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(ii) As the above offices for State Officer are held on an ex-officio basis, where a person commences or ceases to hold the Divisional Office position referred to in the second column, they also commence or cease, as the case may be, to hold office as a State Officer in the State Branch.

(iii) For the avoidance of doubt, the terms of office for the above State Branch Offices are determined by the term of office of the Divisional Office referred to in the second column, however, such terms of office may be for no longer four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

Nothing in this Rule prevents the Branch from entering into an agreement with a Trade or Industrial Union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or on a basis on which the funds are held in common or jointly so long as the funds are treated, for all purposes, insofar as they relate to members of the Branch, as funds of the Branch.

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

The Auditor shall, in the aforesaid report, draw attention of the State Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Branch.

For the purpose of this Rule a competent person shall have the same meaning as in the RO Act and the Regulations made pursuant thereto.

Upon receipt by the State Branch Secretary of a petition, signed by not less than 5% of the members of the State Branch, requesting that a general meeting of members of the State Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the State Branch, the State Branch Secretary shall convene such meeting as soon as is practicable.

50A - POLICIES AND PROCEDURES - EXPENDITURE

(a) Each Branch shall develop and implement internal control policies and procedures relating to the expenditure of the Branch, to ensure that the Branch is conducted in accordance with the principles of good governance and to ensure accountability to members of the Branch.

(b) Such policies and procedures shall be adopted by the State Executive and once adopted, shall be binding on all officers and members of the Branch. Such policies and procedures must be identified in the resolutions of the State Executive as Rule 50A policies and procedures.

(c) Rule 50A policies and procedures must be published on the website of the Branch with fourteen (14) days of their adoption.

(d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Division and Divisional/District Branch of the Union.

50B - DISCLOSURE BY BRANCH OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

(a) Each person holding office in a Branch shall disclose to the Branch any remuneration paid of the officer:

(i) because the officer is a member of a board if:

(A) the officer is a member of the board only because the officer is an officer of the Branch; or

(B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or

(ii) by a related party of the Branch, in connection with the performance of the officer's duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

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(c) The Branch shall disclose to the members of the Branch:

(i) the identity of each officer of the Branch who, when all officers of the Branch are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second;

(ii) for each of those officers

(A) the actual amount of the officer's relevant remuneration for the disclosure period; and

(B) the form of the officer's relevant non-cash benefits for the disclosure period.

(d) For the purposes of sub-rules (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50C - DISCLOSURE BY BRANCH OFFICERS OF MATERIAL PERSONAL INTEREST

(a) Each person holding an office in the Branch shall disclose to the Branch any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Union or Branch.

(b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The State Executive shall disclose to the members of the Branch the interests disclosed to the Branch pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year:

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50D - DISCLOSURE BY BRANCH OF PAYMENTS

(a) The Branch shall disclose to the members of the Branch either of the following

(i) each payment made by the Branch, during the disclosure period:

(A) to a related party of the Branch; or

(B) to a declared person or body of the Branch; or

(ii) the total of the payments made by the Branch during the disclosure period:

(A) to each related party of the Branch; or

(B) to each declared person or body of the Branch.

(b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Branch from remuneration payable to officers or employees of the Branch.

(c) Sub-rule (a) does not apply to a payment made to a related party if:

(i) the related party is an officer of the Branch; and

(ii) the payment:

(A) consists of remuneration paid to the officer by the Branch; or

(B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(d) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

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52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

END OF RULES

07427

[105N-FED: Incorporates alterations of 07 September 2022] [R2022/76]
(replaces rulebook dated 17 March 2022 [R2021/98])

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 112 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Maritime, Mining and Energy Union.

DELEGATE OF GENERAL MANAGER
FAIR WORK COMMISSION

Rules of the Construction, Forestry, Maritime, Mining and Energy Union
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1 - NAME

The name of the Union shall be the "Construction, Forestry, Maritime, Mining and Energy Union".

2 - CONSTITUTION

(A)(A) The following unlimited number of persons, whether male or female, are eligible to be members of the Union

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;

(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, shall be eligible to be members of the Union including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

(l) persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connexion with the production or preparation of manufactured goods, plant, machinery, equipment, packages or containers for sale or purposes of distribution.

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:

(i) All persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) An unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board, strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) Such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members are eligible to be members of the Union.

(E) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:-

(a) An unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river, and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Union or a branch of the Union or whilst financial members of the Union are elected as representatives of any working-class organisation to which the Union or a branch thereof is affiliated, or as a working-class member of Parliament.

Provided that mobile crane drivers, operators of fork lifts and/or tow motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

(b) Further, provided that, without limiting the generality of the foregoing the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building are eligible to be members of the Union. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other sub-rule or paragraph or being limited thereby an unlimited number of persons who are employed in, or competent to be employed in or in connection with the following industries or trades are eligible to be members of the Union:

Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland are eligible to be members of the Union.

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include –

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the following are eligible to be members of the Union: an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

(O) **Additional Eligibility for Admission to Membership in the State of Queensland**

This rule 2(O) does not apply outside the State of Queensland.

Without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provide for additional eligibility for admission to membership of the Union in the State of Queensland:-

(i)

SECTION A

(a) The Union shall consist of an unlimited number of persons, employed or usually employed as carpenters or joiners, including ship carpenters or joiners, or as stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions; also those employed in or usually employed in the following callings:- Bricklaying, tuckpointing, coke slab wall erection, gas retort repairers, fire clay block layers, floor tilers, roof tilers, slaters and shinglers, Terracotta fixer; majolica fixers, earthenware pipe drain layers in or about a building, cutters of brickwork for doorways, windows etc. plasterers; fibrous plasterers; tilers; floor specialists; lathers; together with such other persons, whether employees in the industry or not, as have been appointed Officers of the Association and admitted as members hereof.

(b) This Union shall also consist of an unlimited number of persons employed in or usually employed in the painting and decorating industry in connection with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(i) On ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational Offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind.

(ii) The painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind.

(iii) The painting of or in connection with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise). The painting of or in connection with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts or prefabricated building and structures as aforementioned.

(iv) The painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensors, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or seas, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases.

(v) Glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars.

(vi) Paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering.

(vii) Signwriting, designing and/or lettering of price tickets and show cards.

(viii) Pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering.

(ix) Leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections.

(x) Employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, putty stopping, caulking mixtures, compositions or compounds, oils, varnishes, watercolours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings will not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 1.2.2, Constitution hereof (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, watercolour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, or caulking mixtures,

compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water solvents, electrical, mechanical, air powered or hand tools or by grit, shot, or other abrasives or by any other means.

(xi) The Union shall also consist of an unlimited number of persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade together with such other persons whether engaged in any industrial pursuit or not who have been appointed Officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connection with the production or preparation of manufactured goods, plant, machinery, equipment, packages, or containers for sale or purposes of distribution.

(c) Nothing in this Section A rule will make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time. Provided further that, notwithstanding the foregoing provisions of this rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

(d) Notwithstanding any other provision in these Section A rules, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the union under this sub-rule.

(e) The Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connection with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accommodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattressmakers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet,

drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(f) Provided further that, notwithstanding the foregoing provisions of this Section A rule, the union does not have the right to enrol as members under this sub-rule persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.

(g) Without limiting the generality of the foregoing Sub-Rules of this Section A Rule, or being limited thereby, independent contractors who, if they were employees performing work of the kind that they usually perform as independent contractors, would be employees eligible for membership of the Union, will be eligible for membership of the Union, and the Union will consist of an unlimited number of such persons.

SECTION B

(a) The Association shall consist of an unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow-motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Association or a Branch of the Association or whilst financial members of the Association are elected as representatives of any working class organisation to which the Association or a Branch thereof is affiliated or as a working class member of parliament. Provided that mobile crane drivers, operators of fork lifts and/or towmotors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership. Provided further that, notwithstanding the foregoing provisions of this Section B rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

(b) Nothing in sub-rule (O)(i) shall make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time.

(c) Notwithstanding any other provision in this Section B rule, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the association under this sub-rule.

(d) Notwithstanding any other provision in this Section B rule, the persons employed by Dalrymple Bay Coal Terminal Pty Ltd at the Dalrymple Bay Coal Terminal site shall not be eligible for membership under this sub-rule.

SECTION C

(a) The Union shall be formed of persons not under the age of fourteen years employed or formerly employed in or about any coal, shale, metal, coke, and smelting works in Queensland, and who are approved by the Committee of Management.

(b) Provided further that, notwithstanding the foregoing provisions of this rule, the Union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

Without limiting any other rule, sub-rule (O)(i) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(ii) The Union shall consist of an unlimited number of persons employed or usually employed as Builders' Labourers throughout Queensland on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any tradesperson engaged in building operations, or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings, or as scaffolder, rigger, gear hand, gantry hand or crane hand or as dogperson, or as a drainer on all building contracts, any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete work, tarpaving or asphalt work, or mortar or concrete mixing in connection with, or incidental to the foregoing operations, together with such other persons whether employees in the industry or not, as have been appointed officers of the Association and admitted as members thereof. Provided that, notwithstanding the foregoing provision of this rule, the union does not have any right to enrol as members under this sub-rule persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.

Without limiting any other rule, sub-rule (O)(ii) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(P) Additional Eligibility for Admission to Membership in the State of New South Wales

This Rule 2(P) does not apply outside the State of New South Wales.

Without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provided for additional eligibility for admission to membership of the Union in the State of New South Wales:-

(A) The Union shall consist of an unlimited number of persons, whether male or female

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and bridge carpenters, wharf carpenters and carpenters and joiners (including foremen and sub-foremen) employed on bridges, wharves, jetties, piers or dams, or as carpenter-divers, ships carpenters or joiners (including foremen and sub-foremen) or as tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like, not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or as bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro, fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental hereto or in place thereof, stonemasons, letter cutters, carvers, machinists, sawyers, polishers, assistant quarrymen and quarry workers in and about dimension stone quarries other dimension stone quarries other than dimension stonework in other quarries and workers in terrazzo and similar materials or as apprentices or journeymen and other labour engaged in the plate, sheet and ornamental glass trade or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof.

(4) Further provided that without limiting the generality of the foregoing, the Union shall also consist of:

(1) workers (other than tradesperson) on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors
whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work

Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine operator, except in the mining or exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (4) shall render eligible to join the Union any person employed:

(3) as a drainer or person employed as a plumber's labourer,

(4) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site:

(B) Without limiting the generality of the foregoing, or being limited thereby the union shall also consist of an unlimited number of persons:

who are employed together with such persons who are deemed to be employees by virtue of sub-paragraph (b) of Regulation 91A Industrial Arbitration Regulations under the *Industrial Arbitration Act 1940*, as amended in the process of trade or business as a plasterer, fixer, shophand and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, finishing all kinds of plaster and plastic acoustic work, waterproofing work in cement, plaster or patent materials by manual or mechanical means, excepting employees engaged in manufacture of cement and/or concrete and/or fibrolite articles including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixed and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, ie floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, terrazzo and similar work including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground-work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets, the laying or fixing to floors or walls of tablets of sheeting made of plastic substance or other materials in substitution thereof, excepting metal, terra-cotta or potteryware, and all persons covered by the constitution of The Federated Rubber and Allied Workers' Union of Australia, New South Wales Branch, whether employed in the process, trade or business of plastering of any description or not, together with all persons who have been appointed Officers of the Federation and admitted members thereof, registered for the industries of building operations and of plastering.

All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any branch of the plastering trade.

(C) (1) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of an unlimited number of persons employed in or usually employed in the painting and decorating industry in connection with buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind.

(b) the painting of launches and boats of every kind.

(c) the painting of or in connection with all buildings and structures, (commercial, residential, industrial or otherwise), the painting of or in connection with prefabricated buildings and structures, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) glazing, glass cutting, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars

(e) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(f) signwriting, designing and/or lettering of price tickets and showcards, (excluding workers in retail shops carrying out the lettering of price tickets and showcards for their employers own use, but not for resale.)

(g) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto.

(h) employees who mix and/or apply and/or fix paint or like matter or substitutes or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wall papers, wall hangings or coverings, coatings, or other materials used in any of the callings specified in Rule 2(P), Constitution hereof (other than mixing of paint, protective coatings and/or plastic coatings and/or finishes, putty stopping, caulking compositions or compounds, oils, varnishes, water colours, lacquers, stains, and removers, in paint and chemical factories) and/or other materials used in the painting and decorating trade with brush, spray, roller or other tool or remove paint or like matter or substitute or compositions or compounds for texture (other than employees engaged on plasterers' texture work) or plastic coatings and finishes or other decorative coatings and/or finishes, or putty, stopping or caulking compositions or compounds, oils varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings or other materials used in the painting and decorating trade, by heat, flame, water solvent, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means.

(i) the Union shall also consist of an unlimited number of persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and/or sub-Branches and admitted as members thereof but shall not include persons employed in connection with production of manufactured goods, or the preparation of any goods, packages or containers for sale or purpose of distribution.

(2) A person who is a member of or who is eligible for membership of The Printing Industry Employees Union of Australia, New South Wales Branch, the Amalgamated Printing Trades Employees Union of Australia New South Wales Branch, or the New South Wales Branch of the Vehicle Builders Employees Federation of Australia, shall not, by reason of anything contained in sub-rule (c) only of this rule, be eligible for membership of the Union.

(D) Without limiting the generality of the foregoing and without being limited thereby:

The union shall consist of all persons who are employed or are usually employed in any position on or in or in connection with (a) Saws and Woodworking machines; (b) Handling and treating timber and articles manufactured therefrom; (c) Sawmills, timber yards, box and case factories, sawmakers shops, joiners workshops, car and waggon shops, coachbuilders shops; (d) preparing woodwork for joiners, carpenters, implement makers, coachbuilders, car and waggon builders; (e) Hewing, splitting and felling timber and such other persons who may from time to time be appointed to any office.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners shall not be eligible for membership; and

Provided further than any employee covered by an award by the New South Wales Industrial Relations Commission, or its predecessors, existing at the time of the registration of rule 2(D) of the Construction, Forestry, Mining and Energy Union (New South Wales Branch) shall not be eligible for membership under this sub-rule 2(P)(D), in the event of such award being in respect of members of an existing Industrial Union registered under the Industrial Relations Act 1996 (NSW) or its predecessors.

In this rule, the words “wood and/or timber” without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence, from whatever material made or manufactured or constructed, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and by similar methods and with similar machines and/or tools as in the case of wood or timber.

(E) (a) Without limiting the generality of the foregoing and without being limited thereby, the union shall also consist of an unlimited number of persons engaged in, or in connection with the Coal, Shale or Coke Industries in the Western District and in the Metalliferous Mining Industry and any person who is a duly registered unemployed member in compliance with these rules, together with and including other persons temporarily or permanently taken from the Industry and who are employed by the members or representatives of the members appointed by them, who shall be aggregated in Lodges already established or which may be established by the authority of the Western District branch of the Australian Coal and Shale Employees Federation.

(b) Without limiting the generality of the foregoing and without being limited thereby, the union shall also consist of an unlimited number of persons engaged in any capacity in connection with coal and shale mining; in connection with the coke industry, but excepting persons employed in the iron, steel and metal industries; and excepting also persons who are now members, or in the future may be eligible for membership of the United Collieries Staff Association of New South Wales; but as regards the last mentioned union, so as not to exclude lampmen and grooms.

(c) Without limiting the generality of the foregoing and without being limited thereby, the union shall also be composed of an unlimited number of persons employed in and around the coal mines, shale mines and coke works in the Northern District of New South Wales

(F) Without limiting the generality of the foregoing and without being limited thereby the Union shall also consist of:-

(a) An unlimited number of all classes of engine drivers, (including operators of rear side and/or bottom dumpers on construction work), firemen, crane drivers dynamo attendants, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery and all operators and trainees howsoever called employed by Shell Refining (Australia) Pty Limited at its Clyde Refinery and Gore Bay terminal or any other site where these installations may be relocated in the future.

Provided that persons engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

Provided further, that persons employed in the steel wire netting and wire rope industries shall not be admitted to membership or retained as members. Provided further, that the union shall not admit to membership or retain as members, any manager, foreman or members of the salaried staff of any employer, excepting salaried staff employed by the Electricity Commission of New South Wales on operational duties as power plant operator, ie one engaged in the operation and control of generating plant (turbine boiler and generator) by instrumentation and assistant power plant operator, ie one engaged in assisting in the operation and control of generating plant (turbine boiler and generator) by instrumentation.

(b) Further, provided that, without limiting the generality of the foregoing the Union shall also consist of the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this proviso building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand

Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger, assisting a rigger specified in the immediately preceding classification
Drilling Machine Operator

Provided that, nothing in this sub-rule shall render eligible to join the Union any person employed:

(i) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(ii) in the mining or exploration or hydrocarbons industries.

Further provided that the union shall also consist of Elected officers and position holders of the union whether or not employed in an industry in respect of which the union is registered, and

Any person who whilst a financial member of the union is elected as a representative of a working class organisation to which the union is affiliated, or as a working class Member of Parliament and who have been admitted as members of the union.

(G) Without limiting the generality of any other sub-rule or paragraph or being limited thereby, the union also shall consist of an unlimited number of persons, whether male or female:

a) employed in, or deemed to be employed in, usually employed in or qualified to be in desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or callings, and/or vocations, and/or industrial pursuits of; and/or

b) who are employed in an occupation, in or in connection with the furnishing industry (as hereinafter defined) whether on salary or wages or piece-work rates, or as members of a butty-gang; and/or

c) who, pursuant to the Industrial Arbitration Act 1940, or any Act, amending, repealing or replacing the said Act, are deemed to be employees for the purpose of the cited Act, and are engaged in the industrial pursuit or pursuits of the following industries, occupations, callings, and vocations; viz:

* cabinetmaking including cabinetmakers employed in retail shops;

* cabinetmakers and joiners manufacturing kitchen cabinets;

* patternmaking;

* chair, couch and/or seating accommodation manufacture in any material whatsoever;

* chair, couch and/or seating accommodation assembling, fitting up and repairing in any material whatsoever;

* journeymen, tradesmen and persons wholly or partially engaged in the installation of chair, couch and/or seating accommodation;

* wood carvers;

* wood finishers, lacquerers, sprayers, varnishers and journeymen tradesmen and persons engaged in applying any other form of coating including, but without limiting the generality of the foregoing, powder coating and coatings applied by mechanical, electrostatic or other means;

* wood turners, other than those engaged in saw mills, timber yards and the coachbuilding industry;

* wood machinists other than those engaged in the saw mill departments of furniture factories;

* wood polishers and french polishers including wood polishers and french polishers employed in retail shops and/or by contract polishers;

* journeymen, tradesmen and persons wholly or partially engaged in the manufacture, assembly, fitting up and/or installation of new furniture or furnishings such new furniture or furnishings being manufactured of any material whatsoever;

* journeymen, tradesmen and persons wholly or partially engaged in the repair, renovation, refurbishment and/or restoration of damaged, used or second-hand furniture or furnishings such furniture or furnishings being constructed of any material whatsoever;

* journeymen, tradesmen and persons wholly or partially engaged in the manufacture, installation, repair, renovation, refurbishment and/or restoration of wooden mantelpieces and/or overmantels;

* billiards, table tennis, snooker and pool table makers, repairers, restorers, fitters and installers;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in, or in connection, with the design, manufacture, alteration, repair and installation of amusement machines, poker machines, card machines, juke boxes and suchlike, roulette wheels, baccarat tables, blackjack card shoe boxes and any other form of amusement, recreational and or gaming machine, furniture or furnishings now in existence, or hereafter coming into existence, which pursuant to the principles of ejusdem generis would be classified as furniture, furnishings, decoration or ornamental background work;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or procedure incidental to, or in, or in connection with the manufacture or repair of spring units, couches, divans, lounges, sofas or similar articles whether constructed or weaved wire or of spiral springs attached to wire and/or metal framework excepting persons engaged in the metallic bedstead-making industry;

* journeymen, tradesmen and persons wholly or partially engaged in the manufacture of bedding, baldachins, bed valances and bedding materials such bedding and bedding materials being manufactured of any material or combination of materials whatsoever;

* journeymen, tradesmen and persons wholly or partially engaged in the manufacture, case cutting, sewing and/or repair of all forms and types of mattresses (inclusive of spring filled, wire, machine made and/or filled mattresses and water filled mattresses);

* persons wholly or partially engaged in any operation or process, including feather processing, incidental to or in, or in connection with mattress case and bed covering filling said mattress and bed coverings including but, not limiting the generality of the foregoing, quilts, doonas, sleeping bags and bedspreads;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process in or in connection with or incidental to the design, manufacture, alteration, repair and installation of display materials and devices, exhibition stands and show cases including but, not limiting the generality of the foregoing, point of sale materials, merchandising devices, panelling and show room stock fixtures;

* journeymen, tradesmen and persons wholly or partially engaged in cutting, jigsaw cutting, fitting up and/or assembling, laying of carpet, carpet tiles, seagrass, linoleum, hessian, imitation grass, or any other form of floor covering in any material whatsoever, laminating and/or painting, covering, staining, spraying, polishing, rolling, moulding, vacuum forming, wire bending, machining and die cutting performed incidental to, or in or in connection with display work and exhibition work;

* journeymen, tradesmen and persons wholly or partially engaged in the design, manufacture, alteration, repair and installation of any composition of wood, metal or other construction, in any material whatsoever, and in

  any other process performed incidental to or, in or in connection with display work, exhibition work and ornamental background work;

* persons wholly or partially engaged in teasing upholstery or bedding material;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to or in or in connection with the following industries and callings;

  * the manufacture, finishing, repair, alteration and restoration of frames of manilla type furniture;

  * the manufacture, weaving, finishing, repair, alteration and restoration of perambulators or pithcane bassinets; and

  * mottling, lacing, preparing material, lapping and fixing pre-woven sheets of reedtex, hytex or like material or machine woven pithcane to frames;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to or in connection with the manufacture of basketware said basketware being manufactured of any material whatsoever;

* wicker workers and makers of articles of whatsoever description made of bamboo, cane, pithcane, willow, rush grasses, seagrass, reedtex, hytex or any similar or like material or any material introduced in substitution for the aforesaid materials;

* upholsterers including upholsterers employed in retail shops;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with carpet planning, measuring, cutting, laying, repairing, fixing, sewing and/or machining including all preparatory work performed incidental to, or in connection with the foregoing and also including, but without limiting the generality of the aforesaid the installation of protection, floor patching and/or levelling, removal and replacement of furniture, drilling, plugging and adhering, taking up and or disposal of carpet, underlay, smoothedge and such like, naplocking and the installation of smoothedge;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with tilelaying - excepting journeymen, tradesmen and persons wholly or partly engaged in any operation or process in or in connection with the laying or fixing of encaustic, ceramic and vitreous tiles, faience, mosaic and opalite not exceeding in measurement .093 square metres where the said tiles, faience, mosaic and opalite is fixed with cement composition but including journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the laying of vinyl tiles and sheeting, rubber tiles or sheeting, cork tiles or sheeting, parquetry, floor sanding, synthetic grass laying, linoleum and any other form of floor covering material introduced in substitution for, or in addition to, the aforesaid floor covering materials;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to or in, or in or in connection with the laying or installation of any form of floor covering material not elsewhere specified in this Rule.

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in or in connection with the manufacture or repair of soft furnishings, loose coverings, stuffed quilts, pillows, bolsters, cushions, blinds (other than venetian blinds), vertical drapes, curtains, tapestry and furnishing drapery, said operations or processes, including but without limiting the generality thereof, planning, designing, cutting, measuring, fixing, sewing, measuring-up on site and installation on site;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacturing or repair of window blinds including venetian blinds, wood weave blinds, blinds manufactured from holland or ticking, wire blinds, gauze blinds, gauze screens or blinds and screens manufactured from other textile material or other material introduced in substitution for, or in addition to, the aforesaid materials, said operations or processes including, but without limiting the generality thereof, planning, designing, cutting, measuring, assembling, painting fixing and installation on site;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacture or repair of cornice boxes, cornice rods and rails, pelmets and pelmet boxes, facias and the like used in or in connection with all forms of window blinds heretofore described, said operations or processes including, but without limiting the generality thereof, planning, designing, measuring, measuring on site, cutting, assembling including assembling on site, painting, fixing and installation on site;

* cabinetmakers engaged in piano and organ manufacture or repair;

* polishers and french polishers engaged in piano and organ manufacture or repair;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacture or repair of pianos, pianofortes, organs and general musical instruments and wood winds, said operations or processes including, but without limiting the generality thereof, planning, designing, assembling including assembly on site, iron frame fitting, key making, sound board making, action fitting, stringing, bass stringing making, chipping up, bass string fitting, tuning and regulation including tuning and regulation on site;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with, the manufacture and repair of mount and ticket boards, picture frames, photograph frames and lobby frame stands and any other manufacture of wood, metal or other construction in any material whatsoever of a like nature to the aforesaid manufactures, said operations and processes including, but without limiting the generality thereof, cutting, jigsaw cutting, fitting up, mount cutting, cardboard frame cutting, covering, shooting, coating, squeezing, applying and/or making compo, joining or finishing the said manufactures by bronzing, gilding burnishing, staining, spraying, polishing or waxing or covering the said manufactures with silk, or tapestry or other material or textiles;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacture, in any material whatsoever, or repair, of clock cases, printer cases, ice chests, camp furniture, wireless, radio, stereo-phonic and quadrophinic equipment, television equipment, video recorders, video monitors and the like, sound reproduction equipment, refrigerators, incubators, talking machines, sewing machines, lampshades and all forms of church, office, shop, commercial, domestic and residential furniture, furnishings and ornaments not specified elsewhere in the Rule 2(P);

* journeymen, tradesmen and persons who cannot now conveniently belong to an existing registered industrial union who are performing work incidental to, or in or in connection with the industry or industries, and/or occupations, and/or callings and/or vocations and/or industrial pursuits previously specified in this Rule in factories, retail shops or other establishments manufacturing furniture, pianos, organs, table tennis, billiards, snooker and pool tables, mantelpieces, overmantels, beds, bedding, quilts, mattresses, venetian and other window blinds, picture frames and any other form of furniture, furnishings, ornaments or ornamentation not elsewhere specified in this Rule;

* apprentices in any of the tradesmen callings previously specified in this Rule;

* juniors engaged in any of the industries, callings, vocations and industrial pursuits previously specified in this Rule;

* all persons appointed as foremen, sub-foremen and leading hands in any establishment in any of the industries, occupations, callings, vocations and industrial pursuits previously specified in this Rule;

* all persons, whether engaged in or in connection with the industry or industries, and/or occupations and/or callings and/or vocations and/or industrial pursuits previously specified in this Rule or not, who have been appointed as Officers of the Society.

d) Persons who are eligible for membership of the Public Service Association of New South Wales shall not, by reason of anything contained in sub-rule (G) only of this rule, be eligible for membership of the Union.

i) In this Rule the words "wood, timber, metal and plastic" without in any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever material made or manufactured or constructed, which is or can or may be used in the place of wood, timber, metal or plastic, and which can be handled and/or treated and/or machined and/or worked in a similar way and by similar methods and with similar machines and/or tools as in the case of wood, timber, metal or plastic.

ii) In this Rule the word "furniture", in addition to its etymological, dictionary, statutory and judicial meanings shall mean and include all manner, forms and types of accoutrements, chattels, goods, items and articles now in existence, or hereafter coming into existence, which are used in the interior or exterior decoration, adornment, fitting-out, beautification, making habitable and ornamentation of any form of church, office, shop, commercial, domestic, residential or recreational premises or location and, without limiting the generality of the foregoing, shall include all manufactures and items commonly described as outdoor and/or garden furniture; and the word "furnishings" shall have a like meaning.

Further the fact that a given item, article or furniture manufacturing must, as a result of its particular construction, be wrought into or attached to any building, structure or other fixture, shall not be construed so as to eliminate the said item, article or furniture manufacture from the foregoing definition;

iii) In this Rule the word "ornament", in addition to its etymological, dictionary, statutory and judicial meanings shall mean and include all manner, forms and types of accoutrements, chattels, goods, items and articles now in existence, or hereafter coming into existence, which are used to decorate, adorn or beautify any form of church, office, shop, commercial domestic or residential premises and, without limiting the generality of the foregoing, shall include all forms of manufacture in ceramic, glass, porcelain, acrylic, metal or any other material whatsoever, such as figurines, flower vases, pottery, statues, statuettes, wall ornaments and any other form of ornament or ornamentation which pursuant to the principles of ejusden generis, would be classified as an ornament or ornamentation.

iv) In this Rule the word "employee" shall have the meaning ascribed to it within the meaning of section for the *Industrial Arbitration Act 1940*, which section, inter-alia, defines employees in terms which include deemed employees; said definition being cited as follows:

"Employee" means persons employed in any industry, whether on salary or wages or piece-work rates or as members of a butty-gang, and includes any person who is, pursuant to any provisions of this Act, deemed to be an employee for the purpose of this Act, but shall not include a member of a family in the employment of a parent, and the fact that a person is working under a contract for labour only, or substantially for labour only, or as lessee of any tools or other implements of production or an outworker, or is working as a salesman, canvasser, collector, commercial traveller, insurance agent or in any other capacity in which he is paid wholly or partly by commission, shall not in itself prevent such person being held to be an employee.

(H) Provided that nothing in this Rule 2(P) shall make any person eligible to be a member of the Union who is of a class of employees for whom, as of the date of this Rule being approved, was subject to a representation order, a State demarcation order, a demarcation order, a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(Q) Additional Eligibility for Admission to Membership in the State of Western Australia

The provisions of this rule 2(Q) enabling workers, categories and classes of workers to be eligible for membership of the Union have no application whatsoever beyond the State of Western Australia. This proviso applies regardless of any term or provision of this rule 2(Q).

The provisions of this rule 2(Q) do not extend and are not intended to operate as extending the eligibility rules of the Union beyond those that of The Construction, Forestry, Mining and Energy Union of Workers. This proviso applies regardless of any term or other provision of this rule 2(Q).

Without limiting any other rule, this rule does not make any person eligible to be a member of the Union who is in a class of employees for whom, at the time when this rule was approved by the General Manager, was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to a class of employees of which that person is a member, in favour of another organisation or association.

Further, without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provide for additional eligibility for admission to membership of the Union in the State of Western Australia:-

(1) The Union shall in the State of Western Australia consist of an unlimited number of persons who are:

(a) over the age of 16 years and who are employed or usually employed as builders' labourers on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any trades person engaged in building operations or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel or combination of those or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings or as scaffolder, rigger, gear hand, gantry hand or crane hand, or as dogman, or as drainer on all building contracts, and any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete work, tar paving or asphalt work, or mortar or concrete mixing in connection with or incidental to the foregoing operations;

(b) provided that no person employed in any of the vocations or callings mentioned in subrule (1)(a) of this Rule shall be eligible for membership if he or she is eligible to be a member of the Australasian Society of Engineers, Industrial Union of Workers, Western Australian Branch, the Electrical Trades Union of Workers of Australia Western Australian Branch Perth, the Amalgamated Engineering Union Workers, Perth Branch, or the Amalgamated Engineering Union of Workers, Kalgoorlie Branch.

(2) In addition to the foregoing, the Union in the State of Western Australia shall consist of an unlimited number of persons who are employed, or who are usually employed in the painting and decorating industry applying paint or its substitutes, or any preparation, by any means, the purpose of which is of a decorative or protective character for residential, commercial or industrial purposes (excluding the application of bitumen or like substance to roads and like surfaces), which industry shall be deemed to include the painting of buildings and structures (residential, commercial and industrial), aircraft, machinery, ships and small vessels of every description (including prefabricated work on any of the aforementioned, wholly or in part) and general painting, together with plastic relief workers, paper hangers, wall coverers, decorators, grainers, marblers, varnishers, enamellers, gilders, lacquerers, spray workers, sign, profile, scenic, mural and pictorial artists, or persons engaged in the removing of paints and/or their substitutes and the preparation of all work and materials used in the painting trade and branches thereof, including paint mixers together with glaziers, vitrolite cutters and fixers, ticket writers, cycle enamellers, liners, writers, and sprayers, and shall include foremen and sub-foremen in the industry.

(3) And in addition to the foregoing the Union in the State of Western Australia shall consist of an unlimited number of persons who are employed, or who are usually employed as:

(a) Plasterers - the work of a plasterer shall mean and be deemed to be, all internal and external plastering, and cementing, including rendering with all forms of plaster, asbestos fibre, finishing all kinds of plaster and plastic acoustic work, water proofing work in cement, plaster or patent materials, by manual or mechanical means, including wood lathing and metal lathing, or any similar substitute that may be used as a ground for plaster work, such as sackett board; the affixing of plain and ornamental tiles on walls and floors, the fixing of fibrous plaster or any other kind of plaster required to be finished off with plastered joints; the top dressing of all concrete work finished in cement also cement floors, walls and ceilings, rough cast; and fixing plaster, cement, or patent plaster ornaments; and in the use of materials appertaining to the trade or calling of plasterers;

(b) Wall and Floor Tilers;

(c) Wall and Ceiling Fixers;

(d) Fibrous Plaster Workers - Persons engaged in:

(i) Architectural modelling;

(ii) The manufacture of architectural ornaments of plaster and fibrous plaster;

(iii) The manufacture of fibrous plaster goods;

(iv) The fixing of manufactured plaster goods and fibrous plaster columns and acoustic tiles and the fixing of fibrous plaster on the walls and/or ceilings of buildings;

(v) The preparation of designs and ground work and the making of models and/or moulds whether of gelatine, plaster, wax, rubber or cement, subject to the making of such models and/or moulds being incidental to the fibrous plaster industry;

(vi) Any phase or phases of item (i) to (v) inclusive;

(e) Manufactured Cement Goods Workers - Persons engaged in-

(i) Architectural modelling;

(ii) the manufacture of architectural ornaments of cement;

(iii) except as provided for in subrule (8) of this Rule, the manufacture of portable articles of reinforced cement or concrete, cement pressed work, baths, washtubs, troughs, sinks, pillars, ornaments and other miscellaneous goods, including floor beams, partition blocks, lintels, cornices and balusters, subject to and without limiting the generality of subrule (1) and (2) of this Rule, excluding the manufacture of cement bricks, pipes and/or building blocks, except where such work is performed in the establishment of manufacturers of fibrous plaster, plaster and/or cement goods, and excluding workers employed by the Fremantle Harbour Trust and the Minister controlling Harbours and Rivers.

(iv) the manufacture of cast stone and terrazzo where such work is performed in the establishments of manufacturers of fibrous plaster, plaster/or cement goods.

(v) any phase or phases of items (i) to (iv) inclusive;

(vi) plaster mill workers - persons engaged in the manufacture of plaster of paris.

(4) The Union shall also consist of an unlimited number of persons employed, or usually employed in the State of Western Australia as carpenters and/or joiners (including ships' carpenters and joiners, carpenters employed on jetties, and wharves, dams and bridges) and joinery assemblers and roof tile fixers and bricklayers, stoneworkers, stonemasons, marble masons, stone, marble or slate polishers, stone marble or slate machinists and stone, marble or slate sawyers and labourers in the industry of monumental masonry and foreman, subforemen, or apprentices to or in any of the foregoing trades provided that no foreman tradesman or subforeman tradesman (except acting foremen tradesmen or acting sub-foremen tradesmen) who is eligible for membership of The Foremen (Government) Industrial Union of Workers, WA as at the 11th Day of December 1986 shall be eligible for membership of the Union.

(5) The Union shall also admit to membership any person who is employed, or usually employed in the State of Western Australia including all islands bounding the whole coastline of the State in any of the following capacities:

Engine drivers, steam boiler and gas producer firemen, trimmers or fuelmen or tour guides in power houses, engine cleaners, greasers, boiler cleaners, crane drivers, dynamo attendants in power houses, stationary motor drivers, electric power sub-station attendants, power house switchboard attendants, electric locomotive drivers, railway shunters, locomotive observers, railway car and wagon examiners (not being tradesmen) and railway messengers. Provided that, in respect of the vocations referred to in this subrule 4.6, employees of the Western Australian Government Railways Commission and persons eligible for membership of the Coal Miners Industrial Union of Workers of Western Australia employed in the coal mining industry within the State of Western Australia shall not be eligible for membership of the Union.

(6) The Union may admit to membership all other persons in the State of Western Australia whether employees in the foregoing callings or vocations or not as have been appointed or elected officers of the Union, provided that no person shall be a member who is not an employee within the meaning of the Industrial Relations Act (WA) 1979 as amended.

(7) The Union may admit to membership employees who are engaged in the State of Western Australia the manufacture of:

(a) bricks and who are employed by:

(i) Boral Bricks Western Australia Pty Ltd trading as Midland Brick;

(ii) BGC (Australia) Pty Ltd trading as Brikmakers;

(iii) Austral Bricks (WA) Pty Ltd trading as Austral Bricks; and

(iv) Geraldton Brickworks Pty Ltd trading as Geraldton Brick Co;

(b) cement roof tiles and who are employed by:

(i) Austral Bricks (WA) Pty Ltd trading as Bristile Roofing; and

(ii) Monier Prime Pty Ltd trading as Monier Prime Roofing.

(8) This rule 2(Q) does not allow the union to cover in the State of Western Australia or elsewhere any person who, as of the date of this rule 2(Q) being approved, is of a class of employees in respect to which the Construction, Forestry, Mining and Energy Union of Workers was subject to a representation order, a State demarcation order, a demarcation order, or a demarcation undertaking or agreement (however described) in regards to that class of employees in favour of another organisation or association.

(R) Without limiting the generality of Sub Rules (A) to (Q) and (S) herein or being limited thereby:

The Union shall consist of:

(a) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the following industries, mills, factories, places of work, products or processes in Australia:-

textile, woollen (other than wool scouring), worsted, wool tops, spinning, weaving, dyeing, finishing, waste-breaking, flock, wadding, felt and feltex, flax, cotton, carpets, silk and artificial silk, rayon and/or any vegetable or synthetic fibre or non woven substance, technical textile, textile backing, textile coating, textile services, hosiery, half-hose, knitting, textile printing, textile furnishings, tapestry, braids and tassels;

(b) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the designing, preparing, patternmaking, manufacturing, making including the treatment or conversion of any vegetable or synthetic fibre or non-woven substance, processing, repairing, altering, trimming, blocking, pressing, finishing or selling from factory outlets of:

(i) infants' nappies;

(ii) table and sanitary napkins;

(iii) facial and toilet tissue;

(iv) tampons;

(v) mats, towels and absorbent cloths, pads and wipers;

(vi) substitutes for the products of any of the industries, mills, factories, places of work, products or processes listed in paragraph (a) above;

(c) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the Felt Hatting Industry, and the designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets the whole or any part of all articles of headwear and/or millinery including but not limited to hats, caps, berets, hoods and helmets.

(d) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets the whole or any part of footwear of every description including but not limited to boots, shoes, slippers and wood lasts.

(e) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets the whole or any part of:

(i) any male or female garment;

(ii) any article of wearing apparel whatsoever, made from material of any description;

(iii) any article of neckwear;

(iv) handkerchiefs;

(v) any fashion accessory whatsoever.

(f) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets of the whole or any part of any description of textile furnishings including but not limited to any description of serviettes, pillowslips, pillowshams, sheets, blankets, bedspreads, tablecloths, towels, quilts, aprons, mosquito nets, bed valances, cot covers, blinds, carpets, cushions, curtains or bed curtains and automotive textile furnishings including but not limited to motor vehicle and other seat covers, mats and dash covers.

(g) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the laundry industry, or the dyeing and/or cleaning and/or repairing and/or pressing and/or ironing any garment or any article of any description whatsoever.

(h) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with designing, preparing, patternmaking, manufacturing, making, processing repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets of the whole or any part of any description of umbrella;

(i) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the embroidering and/or ornamenting of:

(i) any of the articles referred to in any other part of this rule;

(ii) artificial flowers.

(j) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the industry of a furrier.

(k) Without limiting the generality of any other subrule of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the making of chenille and the designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets of articles of all descriptions made of chenille;

(l) Without limiting the generality of any other part of this rule, all persons other than electrical workers, and fitters (including persons performing the job of fitters where these persons are described as mechanical and fabrication tradespersons, and including howsoever 'fitters' are termed in the future), wholly or partly engaged or usually engaged in or in connection with:

(i) the maintenance or repair of machinery used at any premises referred to in any other part of this rule, or at any premises where any of the processes or activities referred to in any other part of this rule occurs, or in relation to a product referred to in any other part of this rule, including but not limited to mechanics engaged in the maintenance or repair of machinery used in the production of boots, shoes and slippers.

(ii) cleaning at any premises referred to in any other part of this rule, or at any premises where any of the processes or activities referred to in any other part of this rule occurs, or in relation to a product referred to in any other part of this rule.

(iii) receiving, dispatching, packing, unpacking, storing and/or otherwise handling goods at any premises referred to in any other part of this rule, or at any premises where any of the processes or activities referred to in any other part of this rule occurs.

(m) such other persons as have been elected or appointed officers or organisers or employees (other than clerical employees) of the Union or a Branch and who have been continuously employed in any one or more of the industries of the Union for at least three years.

(n) Such other persons who are independent contractors who, if they were employees performing the work of the kind that they usually perform as independent contractors, would be eligible for membership of the union.

(S) Without limiting the generality of Sub-Rules (A) to (R) herein or being limited thereby:

1. PART S

(a) The Union shall be composed of any number of:

(i) bosuns, bosuns' mates, quartermasters, storekeepers, able seamen, chief integrated ratings, bosun integrated ratings, integrated ratings, provisional integrated ratings, trainee integrated ratings, general purpose ratings, sailors, deckhands, ordinary seamen, deck boys, pumpmen, donkeymen, water tenders, engineroom attendants, oilers, greasers, motormen, boiler attendants, firemen, wipers, trimmers, crew attendants, catering attendants and trainee catering attendants, employees engaged on working on dredges, lighters, hulks, barges, punts, employees working on river and harbour vessels, including ferries, employees working on tugboats and tenders, employees working in the pilot services; and

(ii) Marine Cooks, Bakers and Butchers, trainee cooks and other employees employed, or competent to be employed in the galley of Australasian vessels; and

(iii) seafaring stewards, pantrymen and stewardesses, catering attendants and trainee catering attendants; and

(iv) persons temporarily, permanently or usually employed within the Commonwealth of Australia, or in any place in which the Industrial Relations Act, 1988 applies on a full time or part time basis in the Industry defined in Rule 2(b) of the Rules;

(v) all employees who are employed in or in connection with the recreational diving industry throughout the Commonwealth of Australia, including those employees who are in command and control of small vessels which are operated in or in connection with a port or adjacent to an offshore facility and who are required to possess and use a Coxswain's Certificate or equivalent in such operation; other than those employees who are:-

(1) in command, control or who supervise or operate vessels including employees described as masters, mates, deck officers and skippers;

(2) marine engineers, however described;

(3) employed in the State of Queensland in or in connection with the sale or supply of recreational diving equipment or facilities the provision of recreational diving services or related underwater services by an employer whose sole or predominant business activity consists of the operation of one or more tourist resorts or hospitality facilities of a similar nature, and where such sale, supply or services are provided in association with the operation of that tourist facility;

(4) solely or predominantly engaged in the sale, reception or delivery of merchandise in a retail outlet operating separately and distinct from the provision of recreational diving services;

(5) solely or predominantly engaged in clerical duties in a retail outlet operating separately and distinct from the provision of recreational diving services;

together with officers of the Union.

For the purposes of (v) herein an employee shall be regarded as employed in or in connection with the recreational diving industry only if the employee is employed by an employer whose sole or predominant business activity consists of either the sale or supply fo recreational diving equipment or facilities, the provision of recreational diving services or related underwater services.

(b) Without limiting in any way whatsoever the operation of the provisions of Sub-Rule (a) of this Part S, in the State of Western Australia, the Union shall, in the State of Western Australia, consist of an unlimited number of members in addition to those referred to in Sub-Rule (a) of this Part S who follow in that State the occupation of:-

(i) Painting (excepting those provided for in Part 1 of Reference No. 32 of 1945 Demarcation Board Decision if the word "enamelling" in sub-paragraph (ii) and the words "done in enamel" in sub-paragraph (ix) of paragraph 5 of part 1 of that Decision were deleted therefrom), chipping, sandblasting, shotblasting (subject to the abovementioned Decision), scraping, scrubbing, cleaning, limewashing, cementing and cement washing, on any vessel or sectional part thereof, or on any vessel during construction; boiler scalers, shipwrights' assistant, carpenters' assistant, and joiners' assistant in the shipping trade; workers employed cleaning ships' holds and dunnaging, excepting such cleaning and dunnaging as is normally performed by waterside workers or shipwrights; riggers, wire splicers,

sailmakers, sailor gangs or general labourers (other than those engaged in structural maintenance) working about docks, dockyards, slips, vessels (including any sectional part of a vessel or on any vessel during construction) and shipyards; painters of ironwork, machinery, sheds, sheerlegs, cranes and smokestacks in established dockyards and shipyards in which members of the Union have from time to time been employed for work on ships; workers engaged in the making, repairing and/or maintaining of rope, wire, chain or canvas gear used in connection with cargo handling, insulation and lagging workers; workers engaged in the mooring and unmooring of vessels; deckhands of floating cranes and such like vessels.

Provided that a worker who, pursuant to the foregoing provisions of this Sub-Rule (b), is eligible for membership of the Union shall remain eligible for such membership when in the course of employment in any of the occupations referred to in the said provisions and included in the Constitution of the Union, such worker is required to paint ironwork, machinery, sheds, sheerlegs, cranes and smokestacks in established dockyards and shipyards.

(ii) Mates and engineers of whaling vessels, lamp trimmers, boatswains, boatswains' mates, sailors, quartermasters, donkeymen, storekeepers, greasers, oilers, firemen, trimmers, watertenders, wipers, deckhands, ordinary seamen, deck boys, deckhands and sailors' attendants, stokehold staff attendants, laddermen, pipe-winchmen, winchmen, hoppermen, and boatmen engaged working on ships and vessels including dredges, lighters, hulks, barges, ferries, tugboats, tenders and pilot vessels;

(iii) Boatbuilder or shipwright in the maintenance, manufacture, construction or repair of iron, steel, wooden, fibre glass, plastic or concrete ships and vessels of any description and (without limiting the generality of the term) of boats, punts, pontoons, floating stages, targets, preventors, torpedo netting booms, rafts, dock gates, caisson and coffer dam gates, aircraft or seaplanes (where work on such aircraft or seaplanes is done in an establishment, the principal business of which is work of the other class hereinbefore mentioned) or on any other floating structure;

(iv) Cargo, jetty, ship, or wharf (including wharf entrance gates) watchmen;

(v) The secretary for the time being of the Seamen's Union of Australia, West Australian Branch and persons whether included or not included in the occupations referred to in paragraphs (i) (ii) and (iii) hereof as have been appointed officers of the organisation, and admitted as members thereof.

Provided that a person (other than a crewman of a self-propelled dredge, hopper barge or tender) who is employed under an agreement (whether registered or not) to which the Australian Workers' Union, West Australian Branch, Industrial Union of Workers was a party and in force on the eighth day of December, 1967 or under an Award to which that Union is a party at any time shall not be eligible to be a member of this Union.

Provided further that a person who is eligible for membership of the Australasian Society of Engineers Industrial Union of Workers, Western Australian Branch shall not be eligible to be a member of this Union.

Provided further that no person employed in connection with river improvements or employed or serving in any naval, military or police force in Western Australia or is under fourteen years of age shall be eligible to become a member of this Union. Provided further that no person shall be eligible to become a member except in the capacity of an honorary member who or whose personal representative is entitled to some financial benefit or financial assistance under the rules of the Union while not being a worker within the meaning of the Industrial Arbitration Act, 1912.

(c) Without limiting in any way whatsoever the operation of the provisions of Sub-Rule (a) of this Part S in the State of New South Wales, the Union shall, in the State of New South Wales, consist of an unlimited number of members in addition to those referred in Sub-Rule (a) of this Part S and shall be composed of:

(i) Any number of sailors, lamp-trimmers, boatswains, boatswain's mates, quarter masters, donkeymen, storekeepers, greasers, oilers, firemen, trimmers, watertenders, wipers, deckhands, ordinary seamen, deckboys, employees engaged working on dredges, lighters, hulks, barges, punts, employees working on river and harbour vessels, including ferries, deckhands and sailors' attendants and stokehold staff attendants, employees working on tugboats and tenders, and employees working in the pilot services;

(ii) persons employed in the Dredge Service of the Department of Public Works of New South Wales and the Maritime Services Board of New South Wales, including Signal Masters, Assistant Signal Masters, Signalmen, Tide Signalmen, Light Keepers, Motor Drivers, Coxswains, Firemen, Greasers, Seamen, Watchmen, Diesel Engine Drivers, Cooks and Stewards, Wharfingers, Officers in Charge of Out Stations (not Pilots) Patrolmen and Communication Attendants and others employed in lighters, and Rockchoppers in the service of the Maritime Services Board of New South Wales;

(iii) any person or persons who may be elected an Officer of the Union;

(d) Without limiting in any way whatsoever the operation of the provisions of Sub-Rule (a) of this Part S in the State of New South Wales, the Union shall, in the State of New South Wales, consist of an unlimited number of members in addition to those referred in Sub-Rule (a) of this Part S and shall be composed of:

(i) an unlimited number of employees in the manipulation and navigation of motor boats in the State of New South Wales;

(ii) all persons engaged in the mooring and unmooring of interstate, intrastate and overseas vessels;

with the exception of

(a) colliers,
(b) members of ships' crews,
(c) any vessel berthing at Cockatoo Dock, Woolwich Dock, and Garden Island;

(iii) competent deckhands, engine room attendants, fishermen, shipkeepers, wharfhands, passage hands, turnstile hands, change hands, collectors, steersmen, motor hands and all persons employed on or usually employed in connection with ferry boats, tug boats, lighters, punts, hoppers, barges, launches, motor boats, trawlers and harbour and river craft.

Provided that nothing in this Sub-Rule (d) shall apply to persons employed in or in connection with private or pleasure craft as watchmen, caretakers or cleaners or employees of the Maritime Services Board of the Department of Public Works Dredge Service.

2. PART W

Without limiting the generality of Part S, or being limited thereby, the Union shall also consist of:

(a) Any person who intends to follow the occupation of a waterside worker, including without limiting the foregoing any employee referred to in Sub-Rule (b) of this Part W.

(b) (i) For the purpose of this Sub-Rules (b) (c) and (d) the following definitions shall apply:

(1) "Administrative clerk" means any clerk employed in budgeting, costing, accounting and allied functions, preparation of payrolls, clerical work associated with purchasing, banking of monies, typing or secretarial work, stenography, and in the performance of those functions shall include the operation of telex, facsimile, accounting or calculating machines, computers, and other equipment used in connection with electronic data processing and operators of switchboards, and persons employed in a clerical capacity for the keeping and maintenance of general administrative records.

(2) "Container depot" means an area and building authorised by Customs Authorities for the examination of goods on landing at which containers, pallets and flats are unpacked, the contents sorted and prepared for delivery or stored, and for the receipt, delivery and storage of containers, and at which loose goods or packages are received and stored into containers or onto pallets and flats, or otherwise handled or stored.

(3) "Employees" means that class or group of employees being:

(I) employees engaged or assisting in the work of handling, storing, preparing, packing or dispatching goods or merchandise, or work on or in connection with the loading or unloading, stacking, moving or sorting of such goods and merchandise in or about container depots, including the operation of equipment necessary to move containers or goods and any equipment required to clean the premises or containers, and including clerical work, but excluding the work of an administrative clerk and work of a supervisory nature;

(II) employees engaged in watching, guarding or protection duties in or about container depots;

(III) employees performing the work of a qualified trades person;

or any combination of work specified in sub-paragraphs (I), (II) and (III).

(ii) For the purpose of this Sub-Rule (b) the employers and the specified container depots operated by the employers are as follows:

EMPLOYER	CONTAINER DEPOT
National Terminals Aust. Ltd	East Swanston Dock Victoria Port Botany NSW
Conaust Limited	McKenzie Road West Swanston Dock, Vic Rozelle NSW Gillman SA
F.G. Strang Pty Ltd trading as Strangtainers	Footscray Vic
Western Packing Pty Ltd trading as Cargo Distributors	Footscray Vic
Port Botany Container Depot Pty Ltd	Banksmeadow NSW
Seatons Container Freight Station Pty Ltd	Camellia NSW
Brisbane Cargo Services Pty Ltd operating as Brisbane Amalgamated Terminals Limited	Fishermans Island
Macpak Pty Ltd	Hemmant Qld
Rivers Trading Company Cargo Pty Ltd trading as Rivers Trading Company	Nudgee Qld
Interport (Brisbane) Pty Ltd	Hamilton Qld
Charlick Operators Pty Ltd trading as Austainer Services	Gillman SA
Terminal Properties of Australia Pty Ltd trading as Freight Bases	Gillman SA

Fremantle Port Authority	North Quay Fremantle WA
Fremantle Terminals Limited	North Quay Fremantle WA

(iii) For the purpose of this Rule the employees, as defined in sub-paragraph (b)(i)(3) above, of each of the employers specified in paragraph (b)(ii), where those employees are employed at the specified container depots in respect of each employer, shall be eligible for membership of the Union.

(c) All employees employed by "TT Line Company Pty Limited" as administrative clerks, as defined in sub-paragraph (b)(i)(1) above, but not including employees performing work of a supervisory nature, provided that such employees are employed or usually employed in or in connection with stevedoring operations and/or passenger and/or cargo booking where such passenger and/or cargo booking is related to intrastate and/or interstate travel where those persons are employed in performing those duties solely on or immediately adjacent to a wharf, a wharf office or on a ship.

(d) The following named persons, whilst those persons remain employed as administrative clerks, as defined in sub-paragraph (b)(i)(1) above, but not including employees performing work of a supervisory nature, and are employed or usually employed in or in connection with stevedoring operations and/or passenger and/or cargo booking where such passenger and/or cargo booking is related to intrastate and/or interstate travel where those persons are employed in performing those duties solely on or immediately adjacent to a wharf, a wharf office or an a ship.

(i) For the purpose of this sub-rule (d), the employees are those listed in Schedule I to these rules.

3. (a) Without limiting the generality of 1. PART S and 2. PART W, or being limited thereby, the Union shall also consist of:

All employees as defined in subrule (b) other than those employees who are employed in supervisory duties of any nature (excepting employees performing duties of forepersons or leading hands or otherwise who exercise similar and direct supervisory powers over other employees), and other than employees who possess a Maritime Certificate of Competency where the possession of the certificate is part of the requirements of a classification, and other than those employees who are employed as harbourmasters, port managers, marine pilots, marine surveyors, maintenance technicians, masters and deck officers of vessels, officers of pilot cutters, port control officers, signal station officers, radio officers, superintendents, stevedoring supervisors or who are employed in managerial or professional occupations;

provided that employees who perform clerical and administrative, supervisory or technical duties shall not be eligible to be members of the Union by virtue of this subrule until:

(i) 1 December 1995 if employed by the Port of Brisbane Corporation or Fremantle Port Authority;

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(ii) 1 January 1996 if employed by the Townsville Port Authority;

(iii) 1 June 1996 if employed by the Sydney Ports Corporation, the Newcastle Port Corporation, the Port Kembla Port Corporation, the Waterways Authority in NSW, or the Port of Melbourne Authority.

(b) For the purposes of subrule (a) "employees" means all those persons employed by the employers identified in subrule (c) other than those persons who are employed in the office of public servant in accordance with relevant State Government legislation in the States of South Australia and Western Australia.

(c) For the purposes of subrule 3 of this rule the employers are:

Albany Port Authority
Bunbury Port Authority
Bundaberg Port Authority
Burnie Port Authority
Dampier Port Authority
Darwin Port Authority
Department of Transport, Marine & Harbours Agency (in the State of South Australia)
Department of Transport (in the State of Western Australia in relation to the Department of Marine and Harbours)
Esperance Port Authority
Fremantle Port Authority
Geraldton Port Authority
Kimberley Port Authority
Marine Board of Circular Head
Marine Board of Flinders
Marine Board of Hobart
Marine Board of King Island
Newcastle Port Corporation
Port Hedland Port Authority
Port of Brisbane Corporation
Port of Devonport Authority
Port of Geelong Authority
Port Kembla Port Corporation
Port of Launceston Authority
Port of Melbourne Authority
Port of Portland Authority
Rockhampton Port Authority
Sydney Ports Corporation
Townsville Port Authority
Waterways Authority

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.

(F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler, generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

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(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

(K) Without limiting the generality of Sub Rules (A) to (J) and (L) herein or being limited thereby:

The industries in or in connection with which the Union is registered are the textile, clothing and footwear industries, including but not limited to those parts of the industries referred to in Rule 2(R)**.**

(L) Without limiting the generality of Sub-Rules (A) to (K) herein or being limited thereby, the Union is registered in or in connection with:-

(a) The shipping industry; and
(b) The industry of diving in the provision of underwater services.

4 - OBJECTS

(a) To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial and social legislation.

(b) To regulate and protect the wages and conditions under which all members or other persons entitled to become members of the Union may be employed, to achieve compulsory unionism and control the supply of labour, to take such steps as may be necessary for the efficient operation of the industries in or in connection with which the organisation is registered, to regulate relations between the members and their employers and between the members and other employees in or in connection with the Industries of the Union and to foster the best interests of the members of the Union.

(c) To improve industrial relations in the industries in or in connection with which the Union is registered and undertakings where members are employed, and to exercise all the powers, privileges and advantages of employees under the Act and any legislation replacing that Act and under any Commonwealth or State legislation, or any other legislation in any way relating to the Industries of the Union either directly or indirectly affecting the members.

(d) To do all things conducive to the welfare and organisation of the working class.

(e) To provide legal assistance to the Union and its members to protect the interests of the Union in all its Divisions and Divisional Branches, and to assist other trade unions by any legal method.

(f) To secure preference in employment, retrenchment, promotion, demotion and transfer of employment for members.

(g) To protect members from any infringement of their rights.

(h) To organise the education of members.

(i) To secure or assist in securing legislation for safety in or in connection with the Industries of the Union and for the general and material well being of members.

(j) To establish funeral, sick, accident, unemployment or other funds, including insurance or assurance funds, for the assistance, support and benefit of members, or other trade unionists, and to establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Branches, Divisions or Divisional Branches.

(k) To establish Branches, Divisions, Divisional Branches, Sub – Branches, Districts, Sectors, Sections, Associations or Committees of the Union, including but not limited to Port, Ship and Area Committees, throughout Australia and its Territories.

(l) To effect unity between the Branches, Divisions, Divisional Branches and other bodies of a similar character.

(m) To work as far as is lawful in harmony with other labour unions.

(n) To establish and maintain a Union journal or journals for the publication of matters directly or indirectly relating to the affairs of the Union or its members, and to assist to establish or maintain labour and trade union journals, radio and television broadcasting stations and other means of mass communication, information or education, and to invest in such ventures.

(o) To promote the interchange of membership between the Union and other unions throughout the world.

(p) To assist members by loan or otherwise.

(q) To constitute, conduct, carry on and manage clubs for the benefits of members.

(r) To co – operate or otherwise combine with, affiliate to or amalgamate with, pay affiliation fees to and assist financially or otherwise, or join or absorb, any organisation, union or association which has objects similar to the objects of the Union, and to be represented on other bodies and trade union organisations.

(s) To render financial assistance to Branches, Divisions, Divisional Branches or other union or labor organisations for any charitable purpose.

(t) To take part in any or all questions of matters affecting or involving the wages and conditions of labour.

(u) To grant assistance to members who are shipwrecked.

(v) To establish and/or support co-operative ventures generally and to do such other things which may be deemed necessary in connection therewith.

(w) To hold, purchase, lease, transfer, rent, sell, mortgage or otherwise deal in property and to enter into contracts and agreements in connection with same and to do all such other things as may be deemed necessary in connection therewith for the purpose of furthering directly or indirectly any one or more objects, provided that where such property is in the care, custody and control of a Division, it shall be subject to governance in accordance with the Divisional Rules and the National Rules.

(x) To raise funds by levies and/or other means for the furtherance of any one or more objects.

(y) To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

(z) To obtain such other objects as the National Conference or National Executive shall from time to time determine or as may be lawfully adopted by any Division of the Union.

(aa) To do all such other acts and things as are incidental or in any way related to the carrying out of any one or more of the above objects.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

“ACT” means the Fair Work Act 2009 (Cth) or any Act replacing that Act.

“BCI(IP) ACT” means the Building and Construction Industry (Improving Productivity) Act 2016.

"BOARD" means a group of persons who supervise a corporation, organisation, association or other like body including a Board of Directors.

"DECLARED PERSON OR BODY" - a person or body is a declared person or body of the Union or a Branch of the Union for the purpose of rule 24D (and 50D) if:

(i) an officer of the Union or the Branch (as the case may be) has disclosed a material personal interest under rule 24C/50C; and

(ii) the interest relates to, or is in, the person or body; and

(iii) the officer has not notified the Union or the Branch (as the case may be) that the officer no longer has the interest.

"DISCLOSURE PERIOD" means the financial year of the Union as referred to in Rule 24.

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

“DIVISIONAL EXECUTIVE” shall mean, in the case of The Maritime Union of Australia Division, the Divisional National Council of that Division.

“DIVISIONAL CONFERENCE” shall mean, in the case of The Maritime Union of Australia Division, the Divisional National Council of that Division.

"FINANCIAL DUTIES" includes duties that relate to the financial management of the Union or a Branch of the Union.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"FINANCIAL YEAR" means the financial year of the Union as referred to in Rule 24.

"GENERAL MANAGER" means the General Manager of the Fair Work Commission.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"NON-CASH BENEFIT" means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.

"OFFICE" has the same meaning as defined by Section 9 of the RO Act.

"PEAK COUNCIL" means a national or State council or federation that is effectively representative of a significant number of organisations (within the ordinary meaning of the term) representing employers or employees in a range of industries.

"PROPORTIONAL REPRESENTATION" shall mean a system of representation at Committees, Conferences, Executives or the like which, as far as practicable, will provide for voting on a basis which reflects the number or percentage of financial members, as calculated in accordance with these rules, that each person on such Committee, Conference, Executive or the like, represents.

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union and in the case of the Manufacturing Division, of the Division.

"RELATED PARTY" has the same meaning as defined by section 9B of the RO Act.

"RELATIVE" in relation to a person means:

(i) parent, step-parent, child, step-child, grandparent, grandchild, brother or sister or the person; or

(ii) the spouse of the first mentioned person.

"RELEVANT NON-CASH BENEFITS" in relation to an officer of the Union/Branch for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer's duties as an officer, by the Union/Branch or by a related party of the Union/Branch.

"RELEVANT REMUNERATION" in relation to an officer of the Union/Branch for a disclosure period is the sum of the following:

(i) any remuneration disclosed to the Union/Branch by the officer under Rules 24B/50B during the disclosure period;

(ii) any remuneration paid during the disclosure period, to the officer by the Union/Branch.

"RO ACT" means the Fair Work (Registered Organisations) Act 2009 (Cth) or any Act replacing that Act.

“RO REGULATIONS” mean the Fair Work (Registered Organisations) Regulations 2009 or any regulations replacing those Regulations.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

> In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.
>
> If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast then that candidate shall be declared elected.
>
> If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.
>
> If a candidate has then an absolute majority of votes then that candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the vote preferences shall continue until one candidate has received an absolute majority of votes.
>
> In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.
>
> The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

“UNION” shall mean the Construction, Forestry, Maritime, Mining and Energy Union.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Maritime, Mining and Energy Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

(ii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Rules of the Union may require, and shall, when requested, fill in and sign such application form as may be provided.

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v) (a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

(vii) A member shall, when applying for membership be informed of the financial obligations arising from membership and the circumstances, and the manner, in which a member may resign from the organisation and shall be informed of such in writing.

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

(ii) Any member who has failed to pay the entrance fees, or contributions, levies and fines imposed in accordance with the rules of the union on or before the date specified in such rules, shall be deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant for admission or exercise any authority or any membership rights, provided that the rules may provide that some members or some class or classes of members may vote in a ballot and/or may differentiate between classes of members as to the amount of any contribution and/or entrance fee.

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.151 of the RO Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

(i) A member desiring to transfer to any other union covering their calling shall make application to the Divisional Branch Secretary, or where the rules of the union so provide, Divisional Sub-Branch, in writing, and shall pay all dues owing to the union, and the transfer will be forwarded to the Secretary of the union to which the member desires to transfer. Such member shall cease to be a member of this Union as from the date on which the transfer is forwarded to the Secretary of such other union.

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

(iii) A clearance shall not be granted to any member unless all moneys owing have first been paid.

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

A register of members and any other records of the Union required to be kept by the RO Act and the Regulations made thereunder shall be kept at the registered office of the Union and so far as such records relate to a Division or Divisional Branch at the registered office of that Division or Divisional Branch.

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) (a) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(b) The National Conference shall also consist of the two National Women's Committee members elected by each Division in accordance with Rule 17, regardless of whether those women are otherwise members of their Divisional Executive.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

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(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.

Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telephone, email, in writing, by computer link and/or by any other means of communication.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, facsimile, telephonic, email, in writing, by computer link and/or by any other means of communication (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

13A - NATIONAL WOMEN'S CONFERENCE

(a) There shall be a National Women's Conference at least once every two years. The role of the National Women's Conference shall be to provide advice and recommendations to the Union on matters affecting women members of the Union.

(b) The National Women's Conference shall include the elected National Women's Committee members from each Division. The number of participants shall be no more than 15 members per division.

(c) Delegates to the National Women's Conference shall be nominated by the Divisional Executive of each Division.

(d) Notwithstanding the number of observers nominated by any Division to attend the National Women's Conference, only the nominated delegates from each Division shall have voting rights at the National Women's Conference.

(e) Resolutions of the National Women's Conference shall be referred to the National Conference for consideration by that Conference.

13B - NATIONAL WOMEN'S COMMITTEE

(a) There shall be a National Women's Committee.

(b) The National Women's Committee shall be made up of two female members from each Division. Only one National Women's Committee member from each Division may be a Full Time Paid officer of that Division.

(c) The members of the National Women's Committee are to be elected by each Division in accordance with Rule 17, or otherwise in accordance with the rules for general quadrennial elections applicable to each Division.

(d) Members of the National Women's Committee shall be, ex officio, members of the National Women's Conference and members of the National Conference.

(e) The National Women's Committee will operate in accordance with a set of rules that have been adopted by either the National Conference or Executive after consultation with the Committee.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) The National Executive Committee shall consist of the National Officers, being the National Secretary, National President, National Assistant Secretary, International President, National Senior Vice President and four (4) National Vice Presidents of the Union together with such of the following elected officers of each Division at a National level namely:-

- in the case of the Construction and General Division, eleven (11) additional National Executive Committee members elected by and from the Construction and General Division Divisional Conference.

- in the case of the Manufacturing Division, the Divisional Secretary, the Divisional Senior Assistant Secretary, the Divisional President and the Divisional Assistant Secretary who is also the District Secretary of the PPW District of the Division and the TCF National Secretary.

- in the case of the Mining and Energy Division, four (4) additional National Executive Committee members elected by and from the Mining and Energy Divisional Conference.

  in the case of The Maritime Union of Australia Division, the Divisional Deputy National Secretary, the two (2) Divisional Assistant National Secretaries and the Divisional Deputy National Presiding Officer.

  Provided that in the year preceding the quadrennial elections, it shall be open to the National Conference or the National Executive, upon review, to abolish the National Executive Committee.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary. A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a telephonic, email, written and/or postal vote of members of the National Executive Committee at any time. Members of the National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or email or by telephone or verbally, provided that in the latter two instances the notice is confirmed by email.

(vi) All decisions of the National Executive Committee shall be made by a majority of the votes cast at the meeting unless otherwise provided by these Rules. The votes cast by members of the National Executive Committee shall be on a card system and the value of the vote cast by any member of the National Executive Committee, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive Committee herein, no member of the National Executive Committee who is not entitled to attend and/or vote at the National Executive Committee meeting shall be included as a member for the purposes of the aforesaid calculations.

15 - NATIONAL EXECUTIVE

(i) (a) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

(b) Provided that in the case of the Manufacturing Division for purposes of this sub-rule a reference to the Principal Officer of a Divisional Branch shall be a reference to the District Secretary of a District of that Division, the Senior Vice President (TCF) and the additional Divisional Assistant Secretary established pursuant to Rule 44 of the Manufacturing Divisional Rules.

(c) Where a Division has at least one woman who is a Full Time Elected Officer who is not otherwise entitled, under these Rules, to be a member of the National Executive, that Division is entitled to one National Executive (Female Affirmative Action) position on the National Executive.

(i) The National Executive (Female Affirmative Action) position for each Division may only be filled by a woman from that Division who is a Full Time Elected Officer who is not otherwise entitled to be a member of the National Executive;

(ii) Where there is more than one woman from a Division who is a Full Time Elected Officer who is not otherwise entitled under these Rules to be a member of the National Executive, and who is therefore eligible to fill the National Executive (Female Affirmative Action) position, the Divisional Executive of that Division shall determine which eligible officer shall fill the position.

(iii) Provided that, once nominated by the Divisional Executive, the Branch or District Executive (if the woman is a Branch or District Officer) must endorse the nomination of that Officer to the National Executive.

(ii) The National Officers (other than the office of National Vice President held by the Divisional National Presiding Officer of The Maritime Union of Australia Division) shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

(iv) The National Executive shall, unless its actions are overturned by the National Conference, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds and property of the Union and shall have and may exercise no more and no less than all of the powers of the National Conference and, without limiting the generality of the foregoing may:

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Act or the RO Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

* in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

15A – MEETING OF NATIONAL EXECUTIVE

(i) A meeting of the National Executive is to be called:

(a) when the National Executive or National Secretary determine; or

(b) at the written request of:

(i) the National President; or

(ii) six (6) members of the National Executive,

(ii) A meeting under sub-rule (i) will be held at the time and place as the National Executive or National Secretary determine, and the National Secretary will give notice of the meeting as is practicable, provided that not less than 24 hours' notice is given.

(iii) Where a request is made under paragraph (i)(b), the National Secretary must:

(a) ensure the meeting of the National Executive is held no more than seven (7) days following the receipt of the request;

(b) give notice to the members of the National Executive within three (3) days following the receipt of the request of the time and place the meeting, provided that not less than 24 hours' notice is given; and

(c) provide the notice under paragraph (b) by:

(i) email;

(ii) telephone; and/or

(iii) verbally,

provided that a notice given under sub-paragraph (i) or (ii) must be promptly confirmed by email.

(iv) The quorum for a meeting of the National Executive is six (6) members of the National Executive.

(v) A meeting of the National Executive is to be conducted by a method by which the members of the National Executive can communicate with each other, provided that the National Secretary must take all reasonable steps to ensure that the meeting is secure to the members of the National Executive.

(vi) An out of session ballot of the National Executive may be conducted where the National Secretary considers that a matter needs to be dealt with expeditiously by a ballot of the National Executive.

(vii) Without limitation to sub-rule (vi), the:

(a) the National President; or

(b) six (6) members of the National Executive,

may, in writing, direct the National Secretary to conduct an out of session ballot of the National Executive, where the National President or the six (6) members of the National Executive (as the case may be) consider a matter needs to be dealt with expeditiously by a ballot of the National Executive.

(viii) An out of session ballot, under this rule, is to be conducted by means of:

(a) e-mail;

(b) computer link;

(c) text message;

(d) other electronic communication; and/or

(e) a mixture of those means.

(ix) Where an out of session ballot of the National Executive is directed under sub-rule (vii):

(a) the National Secretary must put the matter for determination to a ballot within three (3) days following the receipt of a direction under sub-rule (vii);

(b) the ballot under paragraph (a) must close seven (7) days following the receipt of the direction under sub-rule (vii);

(c) six (6) members of the National Executive casting a ballot in the time limited under paragraph (b), constitute a quorum; and

(e) determination of the ballot will, unless these rules otherwise require, be in accordance with rule 15(l).

16 - ELECTION OF NATIONAL OFFICERS AND NATIONAL EXECUTIVE COMMITTEE MEMBERS

(i) The National Officers (other than the office of National Vice President held by the Divisional National Presiding Officer of The Maritime Union of Australia Division) shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union (howsoever described in the Divisional Rules) and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Manufacturing Division, the General President of the Mining and Energy Division and the Divisional National Secretary of The Maritime Union of Australia Division shall between them hold the positions of National Assistant Secretary, National President, National Senior Vice President and International President or if the position of International President is abolished, the additional position of National Assistant Secretary.

Should the office of International President become vacant at any time due to death, resignation from office or removal from office in accordance with the Rules of the Union, it shall be open to the National Executive to abolish the office of International President. If at any time, the National Executive abolishes the office of International President, it shall forthwith create an additional office of National Assistant Secretary.

Further provided that, there shall be one National Vice President from each Division who shall be nominated by and from their own Divisional Conference except in the case of The Maritime Union of Australia Division, where the National Vice President from that Division shall be the Divisional National Presiding Officer.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vA) (a) If the National Secretary was, on the day prior to being declared elected as National Secretary, a member of the National Executive Committee, then the Division from which the National Secretary derived is immediately entitled to elect, or appoint, in accordance with these rules a replacement member on the National Executive Committee.

(b) Provided that the National Secretary will, if holding the office of National Secretary on the day on which nominations for the election for the office of National Secretary open, have the right to re-nominate for the office of National Secretary.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office. Further provided that in the case of a vacancy in one or more of the National Officer positions, the National Executive may fill such office by appointment from those members of the National Executive Committee who are otherwise eligible to hold the vacant office.

Provided however that any such appointment/s shall ensure that each Division maintains its representation of two (2) officers amongst the National Officers excluding the office of National Secretary.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by email, post, letter, telephone, facsimile, verbally or by any other electronic means as soon as the count is completed.

(ix) In any ballot of the National Collegiate for the election of National Officers, the representatives of each of the Divisions shall cast votes proportionate to the membership of their respective Divisions determined in the same way, the necessary changes being made, as votes cast by delegates to the National Conference in accordance with Rule 13(iii) and (iv) herein.

(x) In conjunction with the conduct of the election of the National Officers, the Returning Officer shall also conduct an election in the Divisional Conferences of the Union, where necessary, for the National Executive Committee members to be elected by and from the relevant Divisional Conference having regard to Rule 14(i).

(xi) The elections held in accordance with sub-rule (x) shall be conducted in accordance with sub-rules (ii) to (v) and (viii) with the necessary changes.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) This Rule shall not apply to The Maritime Union of Australia Division.

(ii) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(iii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iv) Except in the case of the Mining & Energy Division and the Manufacturing Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) That nominations are called in accordance with the rules of the Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) That the nominations process, closure and receiving of, are in accordance with the rules of the Division.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) (deleted)

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall, in accordance with the Rules of the Division, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only:-

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the RO Regulations.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) The candidate's statement provided for in accordance with sub-rule (h) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail all ballot papers, in accordance with the Rules of the Division.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed closed in accordance with the rules of the Division.

(r) That the opening and closing of the ballot shall be in accordance with the rules of the Division.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

"Preferential Voting" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter gives as their first preference, and shall place the number 2, 3, 4 (and so on as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the preference for them. In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate. If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference. If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preference shall be the same as is above prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except Mining and Energy Division and Manufacturing Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) This Rule shall not apply to The Maritime Union of Australia Division and the Manufacturing Division.

(ii) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(iii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iv) The Divisional Officers at a national level shall be members of that Divisional Executive.

(v) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

Any Officer may be removed from office by majority decision of the National Executive, provided that such officer shall not be dismissed from office unless found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

Any officer so removed from office shall have the right of appeal to the National Conference. In the event of the appeal being upheld the National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

   National Executive shall:

   Determine the question to be submitted to the members and the form of the ballot paper.

   Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

   Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

   No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

   In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy. Provided further if the office of National Secretary becomes vacant the National Executive shall appoint a person, eligible under the rules to be elected to the office, to perform the functions and obligations of the office of National Secretary until such time as the National Secretary's office can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS/MEMBERS

1. The following sets out the duties of the National Officers outlined herein.

2. National President:

The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

The National President shall have a deliberative vote only.

The National President shall perform all duties assigned to him/her by the National Conference or National Executive and shall be responsible with the National Secretary for the allocation of duties and responsibilities arising from decisions of the National Conference or the National Executive.

3. National Secretary:

The office of the National Secretary is a full-time position.

The National Secretary cannot, whilst holding the office of National Secretary, hold another office in the Union.

The immediately preceding paragraph shall not operate until the completion of the first quadrennial election after the certification of the amendments to r. 22(3) passed by the National Executive on 17 June 2021**.** Prior to the completion of the first quadrennial election after the certification of those amendments, nothing in these rules shall constitute, or be taken to constitute, an express or implied prohibition on a person holding both the office of National Secretary and another office within the Union.

The National Secretary is entitled to attend and vote at the National Conference and has all the rights of a conference delegate.

The National Secretary, whilst not a representative of a Division, will remain a member of the Division from which they derive and will for the purposes of:

(a) rule 13(iii) be treated as if they were a member of the Divisional Executive of the Division from which the National Secretary derived; and

(b) rules 14(vi) and 15 (l) be included when voting in the Division from which they derive.

The wages and costs related to the office will be borne by the Union.

The National Secretary shall be responsible for the general correspondence of the Union, National finance, filing of documents, industrial returns and the carrying out of decisions made by National Conference or National Executive.

The National Secretary shall have the power, subject to decisions of the National Executive and/or National Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the National Office and allocate duties and responsibilities within the National Office.

The National Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the National Office, together with a statement of the assets and liabilities of the National Office for the year ending 31st December in each year.

Such financial statement shall be presented to the National Executive for its approval and be published within the journal of the National Union.

The National Secretary shall carry out such other functions as shall be determined from time to time by the National Conference or National Executive.

The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretaries:

National Assistant Secretaries shall perform all duties assigned to them by National Conference and National Executive. They shall attend all meetings of National Conference and National Executive.

5. International President

The International President shall assist the National Secretary especially in relation to international matters. The International President shall otherwise perform all duties assigned to him/her by the National Conference or the National Executive.

5A. National Senior Vice-President:

The National Senior Vice-President may assist the National President in the conduct of meetings and in the absence of the National President, may act as President.

The National Senior Vice-President shall perform all duties assigned to the National Senior Vice-President by National Conference and National Executive.

6. National Vice-Presidents:

The National Vice-Presidents may assist the National President in the conduct of meetings and in the absence of the National Senior Vice President, one of their number as determined by the National Executive may act as President.

A National Vice-President shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

7. Members of National Executive and Delegates to National Conference:

Members of National Executive and delegates to National Conference shall attend meetings of those bodies when summoned so to do.

8. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

9. No officers, employees, delegates or members shall be required to do, or required to omit to do, any act in breach of legislation applicable to the Union.

10. Except as provided for by resolution of a committee of management of the Union (including any committee of management of a Division, Branch, Divisional or District Branch thereof), it shall not be part of the duties of any delegate/steward, officer or employee, including organisers, whether temporary or not, to threaten, initiate, counsel, procure, induce, be involved in, engage in or be party to industrial action as defined by the Act or the BCI(IP) Act or unlawful picketing within the meaning of the BCI(IP) Act.

22A - TRAINING OF OFFICERS

(a) Each person holding an office in the Union, including its Branches, Divisions and Divisional/District Branches whose duties include duties that relate to the financial management of the Union, including its Branches, Divisions and Divisional/District Branches shall undertake training:

(i) approved by the General Manager under the provisions of the RO Act or an Act replacing that Act; and

(ii) that covers each of the officer's financial duties.

(b) An officer shall complete the training required by sub-rule (a) within six (6) months after the person begins to hold office.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

Provided that each Division/Divisional Branch is responsible to meet all costs associated with the operation of its Division/Divisional Branch, including all costs associated with the attendance and participation by their representatives at meetings, including National Conference, National Executive Committee unless decided otherwise by the National Executive Committee.

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. All cheques shall be signed by two (2) persons who are a National Secretary, National Assistant Secretary, National President, International President or two (2) National Executive members as nominated by National Executive resolution. All authorisations for the transfer and/or disbursement of funds shall be approved by two (2) persons who are a National Secretary, National Assistant Secretary, National President, International President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President, National Assistant Secretary or International President. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

(viii) Any fines, penalties, damages, costs or other sum(s) ordered by a court against the Union is, if the conduct of a Division's officers, employees, agents or members made the Union liable for such amount(s), to be funded by that Division.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

The Auditor shall, in the report, draw attention of the National Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Union.

For the purpose of this Rule a competent person shall have the same meaning as in the RO Act and the RO Regulations made thereunder.

Upon receipt by the National Secretary of a petition, signed by not less than 5% of the members of the Union, requesting that a general meeting of members of the Union be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the National Office, the National Secretary shall convene such meeting as soon as is practicable.

24A - POLICIES AND PROCEDURES - EXPENDITURE

(a) The Union shall develop and implement internal control policies and procedures relating to the expenditure of the Union, to ensure that the Union is conducted in accordance with the principles of good governance and to ensure accountability to members of the Union.

(b) Such policies and procedures shall be adopted by the National Executive and once adopted, shall be binding on all officers and members of the Union. Such policies and procedures must be identified in the resolutions of the National Executive as Rule 24A policies and procedures.

(c) Rule 24A policies and procedures must be published on the website of the Union with fourteen (14) days of their adoption.

(d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Branch, Division and Divisional/District Branch of the Union.

24B - DISCLOSURE BY OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

(a) Each person holding office in the Union shall disclose to the Union any remuneration paid to the officer:

(i) because the officer is a member of a board if:

(A) the officer is a member of the board only because the officer is an officer of the Union; or

(B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or

(ii) by a related party of the Union, in connection with the performance of the officer's duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Union shall disclose to the members of the Union:

(i) the identity of each officer of the Union who, when all officers of the Union are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than fifth;

(ii) the identity of each officer of each Division and Divisional/District Branch who, when all officers of the Division and Divisional/District Branches are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second; and

(iii) for each of those officers

(A) the actual amount of the officer's relevant remuneration for the disclosure period; and

(B) the form of the officer's relevant non-cash benefits for the disclosure period.

(d) For the purposes of sub-rules (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

24C - DISCLOSURE BY OFFICERS OF MATERIAL PERSONAL INTEREST

(a) Each person holding an office in the Union shall disclose to the Union any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Union including any Branch, Division or Divisional/District Branch thereof.

(b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The National Executive shall disclose to the members of the Union the interests disclosed to the Union pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year:

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

24D - DISCLOSURE BY UNION OF PAYMENTS

(a) The Union shall disclose to the members of the Union including its Branches, Divisions and Divisional/District Branches either of the following

(i) each payment made by the Union, during the disclosure period:

(A) to a related party of the Union or Branch; or

(B) to a declared person or body of the Union including its Branches, Divisions and Divisional/District Branches; or

(ii) the total of the payments made by the Union including its Branches, Divisions and Divisional/District Branches, during the disclosure period:

(A) to each related party of the Union or Branch; or

(B) to each declared person or body of the Union including its Branches, Divisions and Divisional/District Branches.

(b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Union including its Branches, Divisions and Divisional/District Branches from remuneration payable to officers or employees of the Union including its Branches, Divisions and Divisional/District Branches.

(c) Sub-rule (a) does not apply to a payment made to a related party if:

(i) the related party is an officer of the union; and

(ii) the payment:

(A) consists of remuneration paid to the officer by the union; or

(B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(d) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

25 - ALTERATION OF RULES

(a) The rules of the Union, or any of them, may be altered, rescinded, varied or made by the National Conference and/or National Executive. Proposals for alterations of rules may be forwarded by Divisions, Branches or any member of the National Executive or delegate to the National Conference and shall be forwarded to members and/or delegates with the notice calling the National Conference or National Executive, as the case may be, or so soon thereafter as is practicable. Provided that National Conference or National Executive may, in session, alter rules of which previous notice has not been given.

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the Union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Act , the RO Act or the Regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the RO Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

These National Rules and all the rules of the Union, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisions, Branches, and Divisional Branches and all sections of the Union and on all members who now, or who may hereafter, belong to the Union until they are made or become null and void according to the law.

26A - COMPLAINTS BY MEMBERS

1. Any financial member of the Union may raise a complaint over the actions of another member or members (including officers).

2. The complaint may be about a member or members:

   a. refusing to obey the rules of the Union;

   b. refusing to obey a policy of the Union;

   c. refusing to abide by a resolution carried at a properly constituted meeting of a management committee which has relevant control or management over the member;

   d. obstructing any properly constituted meeting of a management committee;

e. obstructing any officer or employee of the union in the course of his/her duties;

f. Misappropriation of the funds of the Union;

g. engaging in gross misbehaviour;

h. engaging in gross neglect of duty;

i. wrongfully and unreasonably holding out that he or she holds an office or position in the Union;

j. making a false charge or complaint against a fellow member, including a complaint under this rule; or

k. aiding or encouraging any other member or members in any of the matters referred to above.

3. Members shall not subject a member who has made a complaint under this rule to adverse treatment.

4. The complaint must be raised in writing to the National Secretary. The complaint must clearly identify the member or members the subject of the complaint and the relevant action or actions that gave rise to the complaint. If the complaint is about the conduct of the National Secretary then the complaint may be raised with another National Officer.

5. The National Secretary (or if another National Officer receives the complaint, that National Officer) and at least one of the National Assistant Secretary, National President or International President may refuse to accept a complaint if he or she considers the complaint to be trivial.

6. The National Secretary must refer the complaint to the National Executive Committee for the purpose of appointing an Investigator.

7. The National Executive Committee shall appoint an Investigator. The Investigator must be a member of the National Executive. The Investigator must not be an officer from the same Division as the member or members the subject of the complaint.

8. The Investigator shall investigate the complaint and provide a report to the National Executive Committee.

9. During the course of the investigation the Investigator may:

a. interview members or officers for the purpose of the investigation, and

b. require members or officers to provide documents relevant to the investigation.

10. Members will cooperate with the Investigator by attending interviews and providing all documents requested.

11. No one is entitled to legal representation during the investigation.

12. In the report the Investigator shall include his or her findings on the matters the subject of the complaint and include recommendations for action to be taken by the National Executive Committee. The Investigator may conclude that no action is necessary.

13. A copy of the Investigator's report shall be provided to the member who raised the complaint and to the member or members the subject of the complaint. Where the report recommends action against any member or members the member or members shall be given the opportunity to respond to the Report before the National Executive Committee considers any action.

14. Upon receipt of the Investigators report the National Executive Committee may take action in accordance with the recommendations of the Investigator's or take other action, as it considers appropriate.

15. Any decision of the National Executive Committee to take action against a member or members may be appealed to the National Executive.

16. The procedure in this rule shall apply in addition to any other procedure in the rules dealing with complaints about the conduct of members

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the Rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

Provided that upon the amalgamation of The Maritime Union of Australia and the Textile, Footwear and Clothing Union of Australia with the Union there shall be four (4) Divisions of the Union as follows:

(a) the Construction and General Division;
(b) the Manufacturing Division;
(c) the Mining and Energy Division; and
(d) The Maritime Union of Australia Division.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another Division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each Division shall have autonomy in relation to its funds and property.

(iv) Each Division shall have rules and have power to make, alter or rescind such rules, to be called Divisional Rules. Without limiting the generality of the foregoing paragraph, each Division shall have power to determine policy for that Division, not inconsistent with the rules and policy of the Union as decided by National Conference or National Executive.

(v) If there is any environmental matter that directly affects the employment of members of one Division only, then that Division whose members are so affected shall have the power to determine the policy of the Union on that matter.

(vi) Divisions, other than the Manufacturing Division, shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland (including the Northern Territory), New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Provided that it shall be open to the National Conference or the National Executive to abolish any Branch.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.151 of the RO Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of State Unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary, International President or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or National Assistant Secretary or International President or any person authorised by a National Secretary or National President or National Assistant Secretary or International President so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) or any person authorised by a Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, International President, Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary), or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests issued by a Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National Assistant Secretary, National President, International President, Divisional Secretary and/or Divisional Assistant Secretary (including the TCF National Secretary) shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.

(g) The taking of industrial action (within the meaning of the Act) or picketing or unlawful industrial action or unlawful picketing within the meaning of the BCI(IP) Act by members is not authorised by the Union without the consent of a committee of management of the Union (including any committee of management of a Division, Branch, Divisional or District Branch thereof).

Provided however that the preceding paragraph shall not restrict the right of a person or body duly authorised by such a committee of management to authorise industrial action in accordance with the Act.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 500 Swanston Street, Carlton in the State of Victoria, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the Union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

Where a Division ceases to exist and the Union continues, the property of that defunct Division shall be vested in the Division to which the members of the defunct Division are allocated.

Where the Union is dissolved the property of the Union shall be vested in the trustees of each existing Division at the time of dissolution for the benefit of the members thereof on the basis that each such Division will continue to hold its own property and funds and any property or funds not vested at the time of dissolution in a Division shall be divided between the existing Divisions on a basis proportionate to the membership of each such Division.

35 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members may be sued for in the name of the Union by the National Secretary or by the Divisional Secretary, or Divisional Branch Secretary to which the member is attached, or by any other person or body authorised by the rules of the Union including the rules of any Divisional Branch or the Rules of any Division.

36 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy shall be decided by a majority of the National Conference or National Executive and shall not exceed $50.00 and when so decided shall be binding on all members or sections of members as National Conference or National Executive may decide.

(iii) A Division or Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

37 - VOTING OF NATIONAL CONFERENCE OTHERWISE THAN AT MEETINGS ASSEMBLED

(a) If the National Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a rule, to a vote of National Conference at any time when it is inconvenient to call National Conference together, the National Secretary may submit a resolution dealing with the matter to the delegates or members, by letter, telephone, email, in writing, by computer link and/or by any other means of communication or a mixture of these means.

(b) For ballots of the National Conference, a copy of such resolution shall, as soon as practicable thereafter, be sent to each Branch Secretary and each Divisional Secretary. The votes on such resolution shall be returnable to the National Secretary at such time as the National Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.

(c) Provided that where no record can be kept of the vote and/or decision, such a record shall be created and a copy of that record sent to each person entitled to vote or, in the case of computer linkages, the record is such that it can be viewed and/or copied by the person entitled to vote.

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National Executive and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

1. All motions shall be of an affirmative character and must be moved and seconded by delegates or members. Such motions become the property of Conference or Executive and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates or members present agree to an extension of time.

2. Unless a delegate or member rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

3. A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

4. A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

5. Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

6. All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chairperson's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

   If the votes are equal the question is resolved in the negative.

7. A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates or members present agree to an extension of time.

8. Right of Speaker: Any delegate desiring to speak shall rise and address the chairperson. If two or more delegates or members rise at the same time the chairperson shall call upon the one who, in the Chairperson's opinion, first rose. Provided that no delegates or members can speak more than once upon any question (which shall include the original motion and all amendments thereto) before Conference or Executive, except -

    (a) In reply as the mover of the original motion.
    (b) In explanation or correction of some matter during the debate.
    (c) Upon a point of order raised during the debate.
    (d) Upon a resolution being carried "that the delegate now be heard".

9. A delegate or member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by that delegate or member.

10. No more than two delegates or members shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

11. Any delegate or member speaking shall at once resume their seat -

    (a) If the chairperson rises to speak; or
    (b) If a point of order is raised.

    and shall not resume their speech until the point of order is decided.

12. No delegate or member may speak to any question after it has been put by the chairman or during the taking of the vote.

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of Conference.

CHAIRPERSON'S RULINGS

The chairperson's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by Conference or Executive. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the delegates or members present for Conference or Executive to suspend the order of business.

SITTING AS A COMMITTEE

Conference or Executive may at any time, by a resolution agreed to by a majority of delegates or members present, resolve itself into a committee of the whole. The rules governing the business of Conference or Executive shall be observed when in Committee.

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the Union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

The National Executive, the State Executive, a Divisional Executive or a Divisional Branch Management/Executive Committee may, in their absolute discretion, summon meetings of members over which they have authority and/or responsibility from time to time.

If such meeting is called notice shall be given in a union journal circulating in the area covering the members to which the meeting relates or in a mass circulation daily newspaper circulating in the area in which the meeting is to be held and such publication shall be issued at least fourteen days before the date of the meeting. The notice of such meeting shall specify the day, the date, the time and the place of such meeting.

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the RO Act, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS – ORIGINAL AMALGAMATION

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted

(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) deleted

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - DELETED

42B - Merger with ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DELETED

42E - TRANSITIONAL RULE – MUA AND TCFUA

(i) The provisions of this Rule shall apply notwithstanding anything elsewhere contained in the Rules of the Union.

(ii) This Rule is intended to enable the amalgamation of the Union with The Maritime Union of Australia ("MUA") and the Textile, Clothing and Footwear Union of Australia ("TCFUA").

(iii) For the purposes of this Rule, "amalgamation date" shall mean the date fixed in accordance with section 73 of the RO Act as the day on which the amalgamation of the Union, the MUA and the TCFUA takes effect.

(iv) This Rule shall take effect on the amalgamation date.

(v) On and from the amalgamation date, the Forestry, Furnishing, Building Products and Manufacturing Division shall be known as the Manufacturing Division.

(vi) This Rule shall be read in conjunction with Rule 68 of the Rules of The Maritime Union of Australia Division and Rule 44 of the Rules of the Manufacturing Division.

(vii) (a) On the amalgamation date, the National Officers of the Union shall be those National Officers holding office on the date preceding the amalgamation date together with one (1) International President the office of which shall be held by the Divisional National Secretary of The Maritime Union of Australia Division and two (2) additional National Vice Presidents. The office of one (1) additional National Vice President shall be held by the Divisional National Presiding Officer of The Maritime Union of Australia Division and the office of the other additional National Vice President shall be held by the TCF National Secretary.

(b) Provided that (other than the office of National Vice President referred to in paragraph (a) above held by the Divisional National Presiding Officer of The Maritime Union of Australia Division and the additional office of National Vice President referred to in paragraph (a) above held by the TCF National Secretary), the National Officers shall, unless they resign or are removed from office in accordance with the Rules of the Union, continue to hold office until 31 December 2018.

(c) The National Officers (other than the office of National Vice President referred to in paragraph (a) above held by the Divisional National Presiding Officer of The Maritime Union of Australia Division and the office of the additional National Vice President referred to in paragraph (a) above held by the TCF National Secretary) elected in 2018 shall commence office on 1 January 2019.

(viii) On the amalgamation date, the National Executive Committee shall consist of the National Officers referred to in sub-rule (vii)(a) above, those members of the National Executive Committee who were members of the National Executive Committee on the day preceding the amalgamation date and four (4) additional National Executive Committee members of The Maritime Union of Australia Division being the Divisional Deputy National Secretary, the two (2) Divisional Assistant National Secretaries and the Divisional Deputy National Presiding Officer.

(ix) On the amalgamation date, the National Executive shall consist of the National Officers referred to in sub-rule (vii)(a) above; the other members of the National Executive Committee referred to in sub-rule (viii) above, the other members of the National Executive who were members of the National Executive on the day preceding the amalgamation date together with the principal officers of each Divisional Branch of The Maritime Union of Australia Division that is not otherwise a member of the National Executive Committee and, in the case of Manufacturing Division, the Senior Vice President (TCF) and the additional Divisional Assistant Secretary established pursuant to Rule 44 the Rules of the Manufacturing Division.

(x) Casual vacancy

Any casual vacancy arising in respect of any office referred to in sub-rules (vii), (viii) and (ix) above shall be dealt with in accordance with Rule 16 (vii).

(xi) MUA Membership

On the amalgamation date, any period of membership and/or financial membership in the MUA in accordance with that Union's Rules prior to the amalgamation date, shall be deemed to be for all purposes a period of membership and/or financial membership of the Union. Any period of unfinancial membership in the MUA in accordance with that Union's Rules prior to the amalgamation date shall be deemed to be for all purposes a period of unfinancial membership of the Union.

(xii) TCFUA Membership

On the amalgamation date, any period of membership and/or financial membership in the TCFUA in accordance with that Union's Rules prior to the amalgamation date, shall be deemed to be for all purposes a period of membership and/or financial membership of the Union. Any period of unfinancial membership in the TCFUA in accordance with that Union's Rules prior to the amalgamation date shall be deemed to be for all purposes a period of unfinancial membership of the Union.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry, Maritime, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Maritime, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such

State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS – OTHER THAN NSW AND QUEENSLAND STATE BRANCHES

(i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iiA) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the State Executive to which the office or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

(iv) This rule does not apply to the NSW or Queensland Branches upon commencement of rules 48A and 48B.

48A – ELECTION OF STATE OFFICERS NSW STATE BRANCH

(i) From the time of the commencement of this rule, the State Officers in the New South Wales Branch will be as contained in the table below and will be filled on an ex officio basis by the holders of the corresponding Divisional Office.

STATE OFFICER	**DIVISIONAL OFFICE**
State Secretary	Divisional Branch Secretary – Construction & General Division (NSW)
State Assistant Secretary (MNF)	*NSW District Secretary Manufacturing Division*
State Assistant Secretary (MUA)	*Sydney Divisional Branch Secretary (Sydney Divisional Branch - MUA)*
State President	*District President of the Northern Mining & NSW Energy District Branch, Mining & Energy Division*
State Senior Vice President	*Divisional Branch President – Construction & General Division (NSW)*
State Joint Vice President (*M&E*)	*District President of the South West District Branch, Mining & Energy Division*
State Joint Vice President (*C&G*)	*Divisional Branch Assistant Secretary – Construction & General Division (NSW)*
State Joint Vice President (*MNF*)	*NSW District President Manufacturing Division*
State Joint Vice President (*MUA*)	*Newcastle Divisional Branch Secretary (MUA)*

State Assistant Joint Vice President (*MUA*)	*Southern New South Wales Divisional Branch Secretary (MUA)*

(ii) As the above offices for State Officer are held on an ex-officio basis, where a person commences or ceases to hold the Divisional Office position referred to in the second column, they also commence or cease, as the case may be, to hold office as a State Officer in the State Branch.

(iii) For the avoidance of doubt, the terms of office for the above State Branch Offices are determined by the term of office of the Divisional Office referred to in the second column, however, such terms of office may be for no longer four (4) years.

48B – ELECTION OF STATE OFFICERS QUEENSLAND STATE BRANCH

(i) On, and from, the commencement of this rule, the State Officers in the Queensland Branch will be as contained in the table below and will be filled on an ex officio basis by the holders of the corresponding Divisional Branch Office set out opposite:

STATE OFFICE	DIVISIONAL BRANCH OFFICE
State President	Mining and Energy Division, Queensland District Branch President
State Senior Vice President	MUA Division, Queensland Branch Deputy Branch Secretary
State Secretary	Construction and General Division, Queensland Northern Territory Divisional Branch Secretary
State Assistant Secretary	Construction and General Division, Queensland Northern Territory Divisional Branch Assistant Secretary (General)
State Joint Vice President (M&E)	Mining and Energy Division, Queensland District Branch Senior Vice-President
State Joint Vice President (C&G)	Construction and General Division, Queensland Northern Territory Divisional Branch President
State Joint Vice President (MUA)	MUA Division, Northern Territory Branch Secretary

(ii) As the above offices for State Officer are held on an ex-officio basis, where a person commences or ceases to hold the Divisional Office position referred to in the second column, they also commence or cease, as the case may be, to hold office as a State Officer in the State Branch.

(iii) For the avoidance of doubt, the terms of office for the above State Branch Offices are determined by the term of office of the Divisional Office referred to in the second column, however, such terms of office shall be no longer four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

Nothing in this Rule prevents the Branch from entering into an agreement with a Trade or Industrial Union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or on a basis on which the funds are held in common or jointly so long as the funds are treated, for all purposes, insofar as they relate to members of the Branch, as funds of the Branch.

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

The Auditor shall, in the aforesaid report, draw attention of the State Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Branch.

For the purpose of this Rule a competent person shall have the same meaning as in the RO Act and the Regulations made pursuant thereto.

Upon receipt by the State Branch Secretary of a petition, signed by not less than 5% of the members of the State Branch, requesting that a general meeting of members of the State Branch be called for the purpose of considering the auditor’s report, the general purpose financial report and the operating report of the State Branch, the State Branch Secretary shall convene such meeting as soon as is practicable.

50A - POLICIES AND PROCEDURES - EXPENDITURE

(a) Each Branch shall develop and implement internal control policies and procedures relating to the expenditure of the Branch, to ensure that the Branch is conducted in accordance with the principles of good governance and to ensure accountability to members of the Branch.

(b) Such policies and procedures shall be adopted by the State Executive and once adopted, shall be binding on all officers and members of the Branch. Such policies and procedures must be identified in the resolutions of the State Executive as Rule 50A policies and procedures.

(c) Rule 50A policies and procedures must be published on the website of the Branch with fourteen (14) days of their adoption.

(d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Division and Divisional/District Branch of the Union.

50B - DISCLOSURE BY BRANCH OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

(a) Each person holding office in a Branch shall disclose to the Branch any remuneration paid of the officer:

(i) because the officer is a member of a board if:

(A) the officer is a member of the board only because the officer is an officer of the Branch; or

(B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or

(ii) by a related party of the Branch, in connection with the performance of the officer's duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Branch shall disclose to the members of the Branch:

(i) the identity of each officer of the Branch who, when all officers of the Branch are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second;

(ii) for each of those officers

(A) the actual amount of the officer's relevant remuneration for the disclosure period; and

(B) the form of the officer's relevant non-cash benefits for the disclosure period.

(d) For the purposes of sub-rules (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50C - DISCLOSURE BY BRANCH OFFICERS OF MATERIAL PERSONAL INTEREST

(a) Each person holding an office in the Branch shall disclose to the Branch any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Union or Branch.

(b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The State Executive shall disclose to the members of the Branch the interests disclosed to the Branch pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year:

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50D - DISCLOSURE BY BRANCH OF PAYMENTS

(a) The Branch shall disclose to the members of the Branch either of the following

(i) each payment made by the Branch, during the disclosure period:

(A) to a related party of the Branch; or

(B) to a declared person or body of the Branch; or

(ii) the total of the payments made by the Branch during the disclosure period:

(A) to each related party of the Branch; or

(B) to each declared person or body of the Branch.

(b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Branch from remuneration payable to officers or employees of the Branch.

(c) Sub-rule (a) does not apply to a payment made to a related party if:

(i) the related party is an officer of the Branch; and

(ii) the payment:

(A) consists of remuneration paid to the officer by the Branch; or

(B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(d) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

END OF RULES

[105N: Incorporates alterations of 01 December 2023 by order of the Federal Court of Australia: NSD1120/2023]
(replaces rulebook dated 07 September 2022 [R2022/76])

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 110 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry and Maritime Employees Union.

GENERAL MANAGER
FAIR WORK COMMISSION

Rules of the Construction, Forestry and Maritime Employees Union
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1 - NAME

The name of the Union shall be the "Construction, Forestry and Maritime Employees Union".

2 - CONSTITUTION

(A)(A) The following unlimited number of persons, whether male or female, are eligible to be members of the Union

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;

(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, shall be eligible to be members of the Union including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

(l) persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connexion with the production or preparation of manufactured goods, plant, machinery, equipment, packages or containers for sale or purposes of distribution.

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors
(whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner

Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site
or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:

(i) All persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) An unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board, strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) Such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby in the State of South Australia or the Northern Territory, an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members are eligible to be members of the Union. This sub-rule 2(D) does not apply outside the State of South Australia or the Northern Territory.

(DA) In addition to sub-rule (D), the following persons engaged in or in connection with the coal and shale industries on or adjacent to a mine site will be eligible to be members of the Union:

(a) persons performing any work in or in connection with or incidental to the construction of a coal mine where mining operations have not commenced;

(b) construction work or work that is incidental to such construction work on or adjacent to a coal mine, including but not limited to:

A. expansion work;
B. demolition work;
C. maintenance work which does not form part of the day to day operations of the coal mine; and
D. shutdown work.

(c) persons engaged to perform work at the Port of Newcastle;

(d) persons who are engaged to provide services in the mobile crane hire industry, including the hiring, operation or driving of mobile cranes, mobile elevated work platforms and like equipment.

(E) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:-

(a) An unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the

production or utilisation of power on land or any harbour or river, and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Union or a branch of the Union or whilst financial members of the Union are elected as representatives of any working-class organisation to which the Union or a branch thereof is affiliated, or as a working-class member of Parliament.

Provided that mobile crane drivers, operators of fork lifts and/or tow motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

(aa) Nothing in sub-rule 2(E)(a) shall render eligible to join the Union a person engaged:

(i) in or in connection with the coal and shale industries, other than those persons eligible to be members of the Union pursuant to sub-rule 2(D) and/or sub-rule 2(DA);

(ii) in or in connection with the mining, exploration and energy industries, other than:

(A) persons in the State of South Australia or the Northern Territory;

(B) persons performing construction work, or any work incidental to construction work. Such construction work or work incidential to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(C) persons performing work at the Nyrstar zinc smelter in Tasmania;

(D) persons performing work at the Cape Flattery silica mine in Queensland;

(E) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment; and

(F) persons engaged or employed to operate or drive mobile cranes, mobile elevated work platforms and like equipment who are based at or perform work at the following locations in Western Australia:

a. Cape Preston;
b. 7 Mile;
c. Cape Lambert; and
d. Karratha Gas Plant

(iii) in or in connection with the generation of electrical power for the dominant purpose of the commercial sale or distribution of electrical power, other than:

(A) persons in the State of South Australia or the Northern Territory;

(B) persons performing construction work, or any work incidental to construction work. Such construction work or work incidential to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(C) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment; and

(D) persons employed by another person that is not the operator or principal of the worksite or a person related to the operator or principal of the worksite.

(iv) in or in connection with the mining, processing and treatment of brown coal (by whatever means), other than:

(A) persons performing construction work, or any work incidental to construction work. Such construction work or work incidential to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(B) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment;

(v) in or in connection with the operation of a locomotive in the State of Western Australia.

(b) Further, provided that, without limiting the generality of the foregoing the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building are eligible to be members of the Union. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) Without limiting the generality of any other sub-rule or paragraph or being limited thereby an unlimited number of persons who are employed in, or competent to be employed in or in connection with the following industries or trades are eligible to be members of the Union:

Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(G) [Deleted]

(H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include –

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the following are eligible to be members of the Union: an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

(O) **Additional Eligibility for Admission to Membership in the State of Queensland**

This rule 2(O) does not apply outside the State of Queensland.

Without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provide for additional eligibility for admission to membership of the Union in the State of Queensland:-

(i)

SECTION A

(a) The Union shall consist of an unlimited number of persons, employed or usually employed as carpenters or joiners, including ship carpenters or joiners, or as stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions; also those employed in or usually employed in the following callings:- Bricklaying, tuckpointing, coke slab wall erection, gas retort repairers, fire clay block layers, floor tilers, roof tilers, slaters and shinglers, Terracotta fixer; majolica fixers, earthenware pipe drain layers in or about a building, cutters of brickwork for doorways, windows etc. plasterers; fibrous plasterers; tilers; floor specialists; lathers; together with such

other persons, whether employees in the industry or not, as have been appointed Officers of the Association and admitted as members hereof.

(b) This Union shall also consist of an unlimited number of persons employed in or usually employed in the painting and decorating industry in connection with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(i) On ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational Offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind.

(ii) The painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind.

(iii) The painting of or in connection with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise). The painting of or in connection with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts or prefabricated building and structures as aforementioned.

(iv) The painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensors, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or seas, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases.

(v) Glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars.

(vi) Paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering.

(vii) Signwriting, designing and/or lettering of price tickets and show cards.

(viii) Pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering.

(ix) Leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections.

(x) Employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, putty stopping, caulking mixtures, compositions or compounds, oils, varnishes, watercolours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings will not be read and construed to include the applying and

fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 1.2.2, Constitution hereof (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, watercolour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water solvents, electrical, mechanical, air powered or hand tools or by grit, shot, or other abrasives or by any other means.

(xi) The Union shall also consist of an unlimited number of persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade together with such other persons whether engaged in any industrial pursuit or not who have been appointed Officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connection with the production or preparation of manufactured goods, plant, machinery, equipment, packages, or containers for sale or purposes of distribution.

(c) Nothing in this Section A rule will make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time. Provided further that, notwithstanding the foregoing provisions of this rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

(d) Notwithstanding any other provision in these Section A rules, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the union under this sub-rule.

(e) The Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connection with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accommodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattressmakers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets,

drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(f) Provided further that, notwithstanding the foregoing provisions of this Section A rule, the union does not have the right to enrol as members under this sub-rule persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.

(g) Without limiting the generality of the foregoing Sub-Rules of this Section A Rule, or being limited thereby, independent contractors who, if they were employees performing work of the kind that they usually perform as independent contractors, would be employees eligible for membership of the Union, will be eligible for membership of the Union, and the Union will consist of an unlimited number of such persons.

SECTION B

(a) The Association shall consist of an unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow-motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Association or a Branch of the Association or whilst financial members of the Association are elected as representatives of any working class organisation to which the Association or a Branch thereof is affiliated or as a working class member of parliament. Provided that mobile crane drivers, operators of fork lifts and/or towmotors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership. Provided further that, notwithstanding the foregoing provisions of this Section B rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

(b) Nothing in sub-rule (O)(i) shall make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time.

(c) Notwithstanding any other provision in this Section B rule, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the association under this sub-rule.

(d) Notwithstanding any other provision in this Section B rule, the persons employed by Dalrymple Bay Coal Terminal Pty Ltd at the Dalrymple Bay Coal Terminal site shall not be eligible for membership under this sub-rule.

(e) Nothing in sub-rule (O)(i) Section B shall render eligible to join the Union a person engaged:

(i) in or in connection with the coal and shale industries, other than those persons eligible to be members of the Union pursuant to sub-rule 2(D) and/or sub-rule 2(DA);

(ii) in or in connection with the mining, exploration and energy industries, other than:

(A) persons performing construction work, or any work incidental to construction work. Such construction work or work incidential to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(B) persons performing work at the Cape Flattery silica mine in Queensland;

(C) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment.

(iii) in or in connection with the generation of electrical power for the dominant purpose of the commercial sale or distribution of electrical power, other than:

(A) persons performing construction work, or any work incidental to construction work. Such construction work or work incidential to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(B) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment;

(C) persons employed by another person that is not the operator or principal of the worksite or a person related to the operator or principal of the worksite.

(iv) in or in connection with the mining, processing and treatment of brown coal (by whatever means), other than:

(A) persons performing construction work, or any work incidental to construction work. Such construction work or work incidential to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(B) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment.

SECTION C

(a) The Union shall be formed of persons not under the age of fourteen years employed or formerly employed in or about any coal, shale, metal, coke, and smelting works in Queensland, and who are approved by the Committee of Management.

Provided that nothing in this sub-rule shall render eligible to join the Union a person engaged other than:

i. persons performing any work in or in connection with or incidental to the construction of a coal mine where mining operations have not commenced;

ii. construction work or work that is incidental to such construction work on or adjacent to a coal mine, including but not limited to:

A. expansion work;
B. demolition work;
C. maintenance work which does not form part of the day to day operations of the coal mine; and
D. shutdown work.

iii. persons performing construction work, or any work incidental to construction work, on a worksite other than a coal mine. Such construction work or work incidential to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

iv. persons who are engaged to provide services in the mobile crane hire industry, including the hiring, operation or driving of mobile cranes, mobile elevated work platforms and like equipment.

(b) Provided further that, notwithstanding the foregoing provisions of this rule, the Union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

Without limiting any other rule, sub-rule (O)(i) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(ii) The Union shall consist of an unlimited number of persons employed or usually employed as Builders' Labourers throughout Queensland on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any tradesperson engaged in building operations, or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings, or as scaffolder, rigger, gear hand, gantry hand or crane hand or as dogperson, or as a drainer on all building contracts, any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete work, tarpaving or asphalt work, or mortar or concrete mixing in connection with, or incidental to the foregoing operations, together with such other persons whether employees in the industry or not, as have been appointed officers of the Association and admitted as members thereof. Provided that, notwithstanding the foregoing provision of this rule, the union does not have any right to enrol as members under this sub-rule persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.

Without limiting any other rule, sub-rule (O)(ii) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(P) Additional Eligibility for Admission to Membership in the State of New South Wales

This Rule 2(P) does not apply outside the State of New South Wales.

Without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provided for additional eligibility for admission to membership of the Union in the State of New South Wales:-

(A) The Union shall consist of an unlimited number of persons, whether male or female

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and bridge carpenters, wharf carpenters and carpenters and joiners (including foremen and sub-foremen) employed on bridges, wharves, jetties, piers or dams, or as carpenter-divers, ships carpenters or joiners (including foremen and sub-foremen) or as tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like, not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or as bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler,

shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro, fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental hereto or in place thereof, stonemasons, letter cutters, carvers, machinists, sawyers, polishers, assistant quarrymen and quarry workers in and about dimension stone quarries other dimension stone quarries other than dimension stonework in other quarries and workers in terrazzo and similar materials or as apprentices or journeymen and other labour engaged in the plate, sheet and ornamental glass trade or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof.

(4) Further provided that without limiting the generality of the foregoing, the Union shall also consist of:

(1) workers (other than tradesperson) on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors
whether prefabricated or otherwise)
Cement Gun Operator

Concrete Cutting and Sawing Machine operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine operator, except in the mining or exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (4) shall render eligible to join the Union any person employed:

(3) as a drainer or person employed as a plumber's labourer,

(4) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site:

(B) Without limiting the generality of the foregoing, or being limited thereby the union shall also consist of an unlimited number of persons:

who are employed together with such persons who are deemed to be employees by virtue of sub-paragraph (b) of Regulation 91A Industrial Arbitration Regulations under the *Industrial Arbitration Act 1940*, as amended in the process of trade or business as a plasterer, fixer, shophand and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, finishing all kinds of plaster and plastic acoustic work, waterproofing work in cement, plaster or patent materials by manual or mechanical means, excepting employees engaged in manufacture of cement and/or concrete and/or fibrolite articles including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixed and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, ie floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, terrazzo and similar work including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground-work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets, the laying or fixing to floors or walls of tablets of sheeting made of plastic substance or other materials in substitution thereof, excepting metal, terra-cotta or potteryware, and all persons covered by the constitution of The Federated Rubber and Allied Workers' Union of Australia, New South Wales Branch, whether employed in the process, trade or business of plastering of any description or not, together with all persons who have been appointed Officers of the Federation and admitted members thereof, registered for the industries of building operations and of plastering.

All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any branch of the plastering trade.

(C) (1) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of an unlimited number of persons employed in or usually employed in the painting and decorating industry in connection with buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind.

(b) the painting of launches and boats of every kind.

(c) the painting of or in connection with all buildings and structures, (commercial, residential, industrial or otherwise), the painting of or in connection with prefabricated buildings and structures, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) glazing, glass cutting, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars

(e) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(f) signwriting, designing and/or lettering of price tickets and showcards, (excluding workers in retail shops carrying out the lettering of price tickets and showcards for their employers own use, but not for resale.)

(g) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto.

(h) employees who mix and/or apply and/or fix paint or like matter or substitutes or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wall papers, wall hangings or coverings, coatings, or other materials used in any of the callings specified in Rule 2(P), Constitution hereof (other than mixing of paint, protective coatings and/or plastic coatings and/or finishes, putty stopping, caulking compositions or compounds, oils, varnishes, water colours, lacquers, stains, and removers, in paint and chemical factories) and/or other materials used in the painting and decorating trade with brush, spray, roller or other tool or remove paint or like matter or substitute or compositions or compounds for texture (other than employees engaged on plasterers' texture work) or plastic coatings and finishes or other decorative coatings and/or finishes, or putty, stopping or caulking compositions or compounds, oils varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings or other materials used in the painting and decorating trade, by heat, flame, water solvent, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means.

(i) the Union shall also consist of an unlimited number of persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and/or sub-Branches and admitted as members thereof but shall not include persons employed in connection with production of manufactured goods, or the preparation of any goods, packages or containers for sale or purpose of distribution.

(2) A person who is a member of or who is eligible for membership of The Printing Industry Employees Union of Australia, New South Wales Branch, the Amalgamated Printing Trades Employees Union of Australia New South Wales Branch, or the New South Wales Branch of the Vehicle Builders Employees Federation of Australia, shall not, by reason of anything contained in sub-rule (c) only of this rule, be eligible for membership of the Union.

(D) Without limiting the generality of the foregoing and without being limited thereby:

The union shall consist of all persons who are employed or are usually employed in any position on or in or in connection with (a) Saws and Woodworking machines; (b) Handling and treating timber and articles manufactured therefrom; (c) Sawmills, timber yards, box and case factories, sawmakers shops, joiners workshops, car and waggon shops, coachbuilders shops; (d) preparing woodwork for joiners, carpenters, implement makers, coachbuilders, car and waggon builders; (e) Hewing, splitting and felling timber and such other persons who may from time to time be appointed to any office.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners shall not be eligible for membership; and

Provided further than any employee covered by an award by the New South Wales Industrial Relations Commission, or its predecessors, existing at the time of the registration of rule 2(D) of the Construction, Forestry, Mining and Energy Union (New South Wales Branch) shall not be eligible for membership under this sub-rule 2(P)(D), in the event of such award being in respect of members of an existing Industrial Union registered under the Industrial Relations Act 1996 (NSW) or its predecessors.

In this rule, the words “wood and/or timber” without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence, from whatever material made or manufactured or constructed, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and by similar methods and with similar machines and/or tools as in the case of wood or timber.

(E) (a) Without limiting the generality of the foregoing and without being limited thereby, the union shall also consist of an unlimited number of persons engaged in, or in connection with the Coal, Shale or Coke Industries in the Western District and in the Metalliferous Mining Industry and any person who is a duly registered unemployed member in compliance with these rules, together with and including other persons temporarily or permanently taken from the Industry and who are employed by the members or representatives of the members appointed by them, who shall be aggregated in Lodges already established or which may be established by the authority of the Western District branch of the Australian Coal and Shale Employees Federation.

(b) Without limiting the generality of the foregoing and without being limited thereby, the union shall also consist of an unlimited number of persons engaged in any capacity in

connection with coal and shale mining; in connection with the coke industry, but excepting persons employed in the iron, steel and metal industries; and excepting also persons who are now members, or in the future may be eligible for membership of the United Collieries Staff Association of New South Wales; but as regards the last mentioned union, so as not to exclude lampmen and grooms.

(c) Without limiting the generality of the foregoing and without being limited thereby, the union shall also be composed of an unlimited number of persons employed in and around the coal mines, shale mines and coke works in the Northern District of New South Wales

(d) provided that nothing in sub-rules 2(P)(E)(a),(b) or (c) shall render eligible to join the Union a person engaged other than:

i. persons performing any work in or in connection with or incidental to the construction of a coal mine where mining operations have not commenced;

ii. construction work or work that is incidental to such construction work on or adjacent to a coal mine, including but not limited to:

A. expansion work;
B. demolition work;
C. maintenance work which does not form part of the day to day operations of the coal mine; and
D. shutdown work.

iii. persons performing construction work, or any work incidental to construction work, on a worksite other than a coal mine. Such construction work or work incidential to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

iv. persons who are engaged to provide services in the mobile crane hire industry, including the hiring, operation or driving of mobile cranes, mobile elevated work platforms and like equipment.

(F) Without limiting the generality of the foregoing and without being limited thereby the Union shall also consist of:-

(a) An unlimited number of all classes of engine drivers, (including operators of rear side and/or bottom dumpers on construction work), firemen, crane drivers dynamo attendants, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery.

Provided that persons engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

Provided further, that persons employed in the steel wire netting and wire rope industries shall not be admitted to membership or retained as members. Provided further, that the union shall not admit to membership or retain as members, any manager, foreman or members of the salaried staff of any employer, excepting salaried staff employed by the Electricity Commission of New South Wales on operational duties as power plant operator, ie one engaged in the operation and control of generating plant (turbine boiler and generator) by instrumentation and assistant

power plant operator, ie one engaged in assisting in the operation and control of generating plant (turbine boiler and generator) by instrumentation.

Nothing in sub-rule 2(P)(F) shall render eligible to join the Union a person engaged in:

(i) in or in connection with the coal and shale industries, other than those persons eligible to be members of the Union pursuant to sub-rule 2(D) and/or sub-rule 2(DA);

(ii) in or in connection with the mining, exploration and energy industries, other than:

(A) persons performing construction work, or any work incidental to construction work. Such construction work or work incidential to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(B) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment.

(iii) in or in connection with the generation of electrical power for the dominant purpose of the commercial sale or distribution of electrical power, other than:

(A) persons performing construction work, or any work incidental to construction work. Such construction work or work incidential to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(B) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment;

(C) persons employed by another person that is not the operator or principal of the worksite or a person related to the operator or principal of the worksite.

(b) Further, provided that, without limiting the generality of the foregoing the Union shall also consist of the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this proviso building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver

Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger, assisting a rigger specified in the immediately preceding classification
Drilling Machine Operator

Provided that, nothing in this sub-rule shall render eligible to join the Union any person employed:

(i) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(ii) in the mining or exploration or hydrocarbons industries.

Further provided that the union shall also consist of Elected officers and position holders of the union whether or not employed in an industry in respect of which the union is registered, and

Any person who whilst a financial member of the union is elected as a representative of a working class organisation to which the union is affiliated, or as a working class Member of Parliament and who have been admitted as members of the union.

(G) Without limiting the generality of any other sub-rule or paragraph or being limited thereby, the union also shall consist of an unlimited number of persons, whether male or female:

a) employed in, or deemed to be employed in, usually employed in or qualified to be in desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or callings, and/or vocations, and/or industrial pursuits of; and/or

b) who are employed in an occupation, in or in connection with the furnishing industry (as hereinafter defined) whether on salary or wages or piece-work rates, or as members of a butty-gang; and/or

c) who, pursuant to the Industrial Arbitration Act 1940, or any Act, amending, repealing or replacing the said Act, are deemed to be employees for the purpose of the cited Act, and are engaged in the industrial pursuit or pursuits of the following industries, occupations, callings, and vocations; viz:

* cabinetmaking including cabinetmakers employed in retail shops;

* cabinetmakers and joiners manufacturing kitchen cabinets;

* patternmaking;

* chair, couch and/or seating accommodation manufacture in any material whatsoever;

* chair, couch and/or seating accommodation assembling, fitting up and repairing in any material whatsoever;

* journeymen, tradesmen and persons wholly or partially engaged in the installation of chair, couch and/or seating accommodation;

* wood carvers;

* wood finishers, lacquerers, sprayers, varnishers and journeymen tradesmen and persons engaged in applying any other form of coating including, but without limiting the generality of the foregoing, powder coating and coatings applied by mechanical, electrostatic or other means;

* wood turners, other than those engaged in saw mills, timber yards and the coachbuilding industry;

* wood machinists other than those engaged in the saw mill departments of furniture factories;

* wood polishers and french polishers including wood polishers and french polishers employed in retail shops and/or by contract polishers;

* journeymen, tradesmen and persons wholly or partially engaged in the manufacture, assembly, fitting up and/or installation of new furniture or furnishings such new furniture or furnishings being manufactured of any material whatsoever;

* journeymen, tradesmen and persons wholly or partially engaged in the repair, renovation, refurbishment and/or restoration of damaged, used or second-hand furniture or furnishings such furniture or furnishings being constructed of any material whatsoever;

* journeymen, tradesmen and persons wholly or partially engaged in the manufacture, installation, repair, renovation, refurbishment and/or restoration of wooden mantelpieces and/or overmantels;

* billiards, table tennis, snooker and pool table makers, repairers, restorers, fitters and installers;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in, or in connection, with the design, manufacture, alteration, repair and installation of amusement machines, poker machines, card machines, juke boxes and suchlike, roulette wheels, baccarat tables, blackjack card shoe boxes and any other form of amusement, recreational and or gaming machine, furniture or furnishings now in existence, or hereafter coming into existence, which pursuant to the principles of ejusdem generis would be classified as furniture, furnishings, decoration or ornamental background work;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or procedure incidental to, or in, or in connection with the manufacture or repair of spring units, couches, divans, lounges, sofas or similar articles whether constructed or weaved wire or of spiral springs attached to wire and/or metal framework excepting persons engaged in the metallic bedstead-making industry;

* journeymen, tradesmen and persons wholly or partially engaged in the manufacture of bedding, baldachins, bed valances and bedding materials such bedding and bedding materials being manufactured of any material or combination of materials whatsoever;

* journeymen, tradesmen and persons wholly or partially engaged in the manufacture, case cutting, sewing and/or repair of all forms and types of mattresses (inclusive of spring filled, wire, machine made and/or filled mattresses and water filled mattresses);

* persons wholly or partially engaged in any operation or process, including feather processing, incidental to or in, or in connection with mattress case and bed covering filling said mattress and bed coverings including but, not limiting the generality of the foregoing, quilts, doonas, sleeping bags and bedspreads;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process in or in connection with or incidental to the design, manufacture, alteration, repair and installation of display materials and devices, exhibition stands and show cases including but, not limiting the generality of the foregoing, point of sale materials, merchandising devices, panelling and show room stock fixtures;

* journeymen, tradesmen and persons wholly or partially engaged in cutting, jigsaw cutting, fitting up and/or assembling, laying of carpet, carpet tiles, seagrass, linoleum, hessian, imitation grass, or any other form of floor covering in any material whatsoever, laminating and/or painting, covering, staining, spraying, polishing, rolling, moulding, vacuum forming, wire bending, machining and die cutting performed incidental to, or in or in connection with display work and exhibition work;

* journeymen, tradesmen and persons wholly or partially engaged in the design, manufacture, alteration, repair and installation of any composition of wood, metal or other construction, in any material whatsoever, and in

  any other process performed incidental to or, in or in connection with display work, exhibition work and ornamental background work;

* persons wholly or partially engaged in teasing upholstery or bedding material;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to or in or in connection with the following industries and callings;

  * the manufacture, finishing, repair, alteration and restoration of frames of manilla type furniture;

  * the manufacture, weaving, finishing, repair, alteration and restoration of perambulators or pithcane bassinets; and

* mottling, lacing, preparing material, lapping and fixing pre-woven sheets of reedtex, hytex or like material or machine woven pithcane to frames;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to or in connection with the manufacture of basketware said basketware being manufactured of any material whatsoever;

* wicker workers and makers of articles of whatsoever description made of bamboo, cane, pithcane, willow, rush grasses, seagrass, reedtex, hytex or any similar or like material or any material introduced in substitution for the aforesaid materials;

* upholsterers including upholsterers employed in retail shops;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with carpet planning, measuring, cutting, laying, repairing, fixing, sewing and/or machining including all preparatory work performed incidental to, or in connection with

the foregoing and also including, but without limiting the generality of the aforesaid the installation of protection, floor patching and/or levelling, removal and replacement of furniture, drilling, plugging and adhering, taking up and or disposal of carpet, underlay, smoothedge and such like, naplocking and the installation of smoothedge;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with tilelaying - excepting journeymen, tradesmen and persons wholly or partly engaged in any operation or process in or in connection with the laying or fixing of encaustic, ceramic and vitreous tiles, faience, mosaic and opalite not exceeding in measurement .093 square metres where the said tiles, faience, mosaic and opalite is fixed with cement composition but including journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the laying of vinyl tiles and sheeting, rubber tiles or sheeting, cork tiles or sheeting, parquetry, floor sanding, synthetic grass laying, linoleum and any other form of floor covering material introduced in substitution for, or in addition to, the aforesaid floor covering materials;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to or in, or in or in connection with the laying or installation of any form of floor covering material not elsewhere specified in this Rule.

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in or in connection with the manufacture or repair of soft furnishings, loose coverings, stuffed quilts, pillows, bolsters, cushions, blinds (other than venetian blinds), vertical drapes, curtains, tapestry and furnishing drapery, said operations or processes, including but without limiting the generality thereof, planning, designing, cutting, measuring, fixing, sewing, measuring-up on site and installation on site;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacturing or repair of window blinds including venetian blinds, wood weave blinds, blinds manufactured from holland or ticking, wire blinds, gauze blinds, gauze screens or blinds and screens manufactured from other textile material or other material introduced in substitution for, or in addition to, the aforesaid materials, said operations or processes including, but without limiting the generality thereof, planning, designing, cutting, measuring, assembling, painting fixing and installation on site;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacture or repair of cornice boxes, cornice rods and rails, pelmets and pelmet boxes, facias and the like used in or in connection with all forms of window blinds heretofore described, said operations or processes including, but without limiting the generality thereof, planning, designing, measuring, measuring on site, cutting, assembling including assembling on site, painting, fixing and installation on site;

* cabinetmakers engaged in piano and organ manufacture or repair;

* polishers and french polishers engaged in piano and organ manufacture or repair;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacture or repair of pianos, pianofortes, organs and general musical instruments and wood winds, said operations or processes including, but without limiting the generality thereof, planning, designing, assembling including assembly on site, iron frame fitting, key making, sound board making, action fitting, stringing, bass stringing making, chipping up, bass string fitting, tuning and regulation including tuning and regulation on site;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with, the manufacture and repair of mount and ticket boards, picture frames, photograph frames and lobby frame stands and any other manufacture of wood, metal or other construction in any material whatsoever of a like nature to the aforesaid manufactures, said operations and processes including, but without limiting the generality thereof, cutting, jigsaw cutting, fitting up, mount cutting, cardboard frame cutting, covering, shooting, coating, squeezing, applying and/or making compo, joining or finishing the said manufactures by bronzing, gilding burnishing, staining, spraying, polishing or waxing or covering the said manufactures with silk, or tapestry or other material or textiles;

* journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacture, in any material whatsoever, or repair, of clock cases, printer cases, ice chests, camp furniture, wireless, radio, stereo-phonic and quadrophinic equipment, television equipment, video recorders, video monitors and the like, sound reproduction equipment, refrigerators, incubators, talking machines, sewing machines, lampshades and all forms of church, office, shop, commercial, domestic and residential furniture, furnishings and ornaments not specified elsewhere in the Rule 2(P);

* journeymen, tradesmen and persons who cannot now conveniently belong to an existing registered industrial union who are performing work incidental to, or in or in connection with the industry or industries, and/or occupations, and/or callings and/or vocations and/or industrial pursuits previously specified in this Rule in factories, retail shops or other establishments manufacturing furniture, pianos, organs, table tennis, billiards, snooker and pool tables, mantelpieces, overmantels, beds, bedding, quilts, mattresses, venetian and other window blinds, picture frames and any other form of furniture, furnishings, ornaments or ornamentation not elsewhere specified in this Rule;

* apprentices in any of the tradesmen callings previously specified in this Rule;

* juniors engaged in any of the industries, callings, vocations and industrial pursuits previously specified in this Rule;

* all persons appointed as foremen, sub-foremen and leading hands in any establishment in any of the industries, occupations, callings, vocations and industrial pursuits previously specified in this Rule;

* all persons, whether engaged in or in connection with the industry or industries, and/or occupations and/or callings and/or vocations and/or industrial pursuits previously specified in this Rule or not, who have been appointed as Officers of the Society.

d) Persons who are eligible for membership of the Public Service Association of New South Wales shall not, by reason of anything contained in sub-rule (G) only of this rule, be eligible for membership of the Union.

i) In this Rule the words "wood, timber, metal and plastic" without in any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever material made or manufactured or constructed, which is or can or may be used in the place of wood, timber, metal or plastic, and which can be handled and/or treated and/or machined and/or worked in a similar way and by similar methods and with similar machines and/or tools as in the case of wood, timber, metal or plastic.

ii) In this Rule the word "furniture", in addition to its etymological, dictionary, statutory and judicial meanings shall mean and include all manner, forms and types of accoutrements, chattels, goods, items and articles now in existence, or hereafter coming into existence, which are used in the interior or exterior decoration, adornment, fitting-out, beautification, making habitable and ornamentation of any form of church, office, shop, commercial, domestic, residential or recreational premises or location and, without limiting the generality of the foregoing, shall include all manufactures and items commonly described as outdoor and/or garden furniture; and the word "furnishings" shall have a like meaning.

Further the fact that a given item, article or furniture manufacturing must, as a result of its particular construction, be wrought into or attached to any building, structure or other fixture, shall not be construed so as to eliminate the said item, article or furniture manufacture from the foregoing definition;

iii) In this Rule the word "ornament", in addition to its etymological, dictionary, statutory and judicial meanings shall mean and include all manner, forms and types of accoutrements, chattels, goods, items and articles now in existence, or hereafter coming into existence, which are used to decorate, adorn or beautify any form of church, office, shop, commercial domestic or residential premises and, without limiting the generality of the foregoing, shall include all forms of manufacture in ceramic, glass, porcelain, acrylic, metal or any other material whatsoever, such as figurines, flower vases, pottery, statues, statuettes, wall ornaments and any other form of ornament or ornamentation which pursuant to the principles of ejusden generis, would be classified as an ornament or ornamentation.

iv) In this Rule the word "employee" shall have the meaning ascribed to it within the meaning of section for the *Industrial Arbitration Act 1940*, which section, inter-alia, defines employees in terms which include deemed employees; said definition being cited as follows:

"Employee" means persons employed in any industry, whether on salary or wages or piece-work rates or as members of a butty-gang, and includes any person who is, pursuant to any provisions of this Act, deemed to be an employee for the purpose of this Act, but shall not include a member of a family in the employment of a parent, and the fact that a person is working under a contract for labour only, or substantially for labour only, or as lessee of any tools or other implements of production or an outworker, or is working as a salesman, canvasser, collector, commercial traveller, insurance agent or in any other capacity in which he is paid wholly or partly by commission, shall not in itself prevent such person being held to be an employee.

(H) Provided that nothing in this Rule 2(P) shall make any person eligible to be a member of the Union who is of a class of employees for whom, as of the date of this Rule being approved,

was subject to a representation order, a State demarcation order, a demarcation order, a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(Q) Additional Eligibility for Admission to Membership in the State of Western Australia

The provisions of this rule 2(Q) enabling workers, categories and classes of workers to be eligible for membership of the Union have no application whatsoever beyond the State of Western Australia. This proviso applies regardless of any term or provision of this rule 2(Q).

The provisions of this rule 2(Q) do not extend and are not intended to operate as extending the eligibility rules of the Union beyond those that of The Construction, Forestry, Mining and Energy Union of Workers. This proviso applies regardless of any term or other provision of this rule 2(Q).

Without limiting any other rule, this rule does not make any person eligible to be a member of the Union who is in a class of employees for whom, at the time when this rule was approved by the General Manager, was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to a class of employees of which that person is a member, in favour of another organisation or association.

Further, without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provide for additional eligibility for admission to membership of the Union in the State of Western Australia:-

(1) The Union shall in the State of Western Australia consist of an unlimited number of persons who are:

(a) over the age of 16 years and who are employed or usually employed as builders' labourers on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any trades person engaged in building operations or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel or combination of those or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings or as scaffolder, rigger, gear hand, gantry hand or crane hand, or as dogman, or as drainer on all building contracts, and any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete work, tar paving or asphalt work, or mortar or concrete mixing in connection with or incidental to the foregoing operations;

(b) provided that no person employed in any of the vocations or callings mentioned in subrule (1)(a) of this Rule shall be eligible for membership if he or she is eligible to be a member of the Australasian Society of Engineers, Industrial Union of Workers, Western Australian Branch, the Electrical Trades Union of Workers of Australia Western Australian Branch Perth, the Amalgamated Engineering Union Workers, Perth Branch, or the Amalgamated Engineering Union of Workers, Kalgoorlie Branch.

(2) In addition to the foregoing, the Union in the State of Western Australia shall consist of an unlimited number of persons who are employed, or who are usually employed in the painting and decorating industry applying paint or its substitutes, or any preparation, by any means, the purpose of which is of a decorative or protective character for residential, commercial or industrial purposes (excluding the application of bitumen or like substance to roads and like surfaces), which industry shall be deemed to include the painting of buildings and structures (residential, commercial and industrial), aircraft, machinery, ships and small vessels of every description (including prefabricated work on any of the aforementioned, wholly or in part) and general painting, together with plastic relief workers, paper hangers, wall coverers, decorators, grainers, marblers, varnishers, enamellers, gilders, lacquerers, spray workers, sign, profile, scenic, mural and pictorial artists, or persons engaged in the removing of paints and/or their

substitutes and the preparation of all work and materials used in the painting trade and branches thereof, including paint mixers together with glaziers, vitrolite cutters and fixers, ticket writers, cycle enamellers, liners, writers, and sprayers, and shall include foremen and sub-foremen in the industry.

(3) And in addition to the foregoing the Union in the State of Western Australia shall consist of an unlimited number of persons who are employed, or who are usually employed as:

(a) Plasterers - the work of a plasterer shall mean and be deemed to be, all internal and external plastering, and cementing, including rendering with all forms of plaster, asbestos fibre, finishing all kinds of plaster and plastic acoustic work, water proofing work in cement, plaster or patent materials, by manual or mechanical means, including wood lathing and metal lathing, or any similar substitute that may be used as a ground for plaster work, such as sackett board; the affixing of plain and ornamental tiles on walls and floors, the fixing of fibrous plaster or any other kind of plaster required to be finished off with plastered joints; the top dressing of all concrete work finished in cement also cement floors, walls and ceilings, rough cast; and fixing plaster, cement, or patent plaster ornaments; and in the use of materials appertaining to the trade or calling of plasterers;

(b) Wall and Floor Tilers;

(c) Wall and Ceiling Fixers;

(d) Fibrous Plaster Workers - Persons engaged in:

(i) Architectural modelling;

(ii) The manufacture of architectural ornaments of plaster and fibrous plaster;

(iii) The manufacture of fibrous plaster goods;

(iv) The fixing of manufactured plaster goods and fibrous plaster columns and acoustic tiles and the fixing of fibrous plaster on the walls and/or ceilings of buildings;

(v) The preparation of designs and ground work and the making of models and/or moulds whether of gelatine, plaster, wax, rubber or cement, subject to the making of such models and/or moulds being incidental to the fibrous plaster industry;

(vi) Any phase or phases of item (i) to (v) inclusive;

(e) Manufactured Cement Goods Workers - Persons engaged in-

(i) Architectural modelling;

(ii) the manufacture of architectural ornaments of cement;

(iii) except as provided for in subrule (8) of this Rule, the manufacture of portable articles of reinforced cement or concrete, cement pressed work, baths, washtubs, troughs, sinks, pillars, ornaments and other miscellaneous goods, including floor beams, partition blocks, lintels, cornices and balusters, subject to and without limiting the generality of subrule (1) and (2) of this Rule, excluding the manufacture of cement bricks, pipes and/or building blocks, except where such work is performed in the establishment of manufacturers of fibrous plaster, plaster and/or cement goods, and excluding workers employed

by the Fremantle Harbour Trust and the Minister controlling Harbours and Rivers.

(iv) the manufacture of cast stone and terrazzo where such work is performed in the establishments of manufacturers of fibrous plaster, plaster/or cement goods.

(v) any phase or phases of items (i) to (iv) inclusive;

(vi) plaster mill workers - persons engaged in the manufacture of plaster of paris.

(4) The Union shall also consist of an unlimited number of persons employed, or usually employed in the State of Western Australia as carpenters and/or joiners (including ships' carpenters and joiners, carpenters employed on jetties, and wharves, dams and bridges) and joinery assemblers and roof tile fixers and bricklayers, stoneworkers, stonemasons, marble masons, stone, marble or slate polishers, stone marble or slate machinists and stone, marble or slate sawyers and labourers in the industry of monumental masonry and foreman, subforemen, or apprentices to or in any of the foregoing trades provided that no foreman tradesman or subforeman tradesman (except acting foremen tradesmen or acting sub-foremen tradesmen) who is eligible for membership of The Foremen (Government) Industrial Union of Workers, WA as at the 11th Day of December 1986 shall be eligible for membership of the Union.

(5) The Union shall also admit to membership any person who is employed, or usually employed in the State of Western Australia including all islands bounding the whole coastline of the State in any of the following capacities:

Engine drivers, steam boiler and gas producer firemen, trimmers or fuelmen or tour guides in power houses, engine cleaners, greasers, boiler cleaners, crane drivers, dynamo attendants in power houses, stationary motor drivers, electric power sub-station attendants, power house switchboard attendants. Provided that, in respect of the vocations referred to in this subrule 4.6, employees of the Western Australian Government Railways Commission and persons eligible for membership of the Coal Miners Industrial Union of Workers of Western Australia employed in the coal mining industry within the State of Western Australia shall not be eligible for membership of the Union.

Nothing in this sub-rule 2(Q)(5) shall render eligible to join the Union a person engaged in:

(i) in or in connection with the coal and shale industries, other than those persons eligible to be members of the Union pursuant to sub-rule 2(D) and/or sub-rule 2(DA);

(ii) in or in connection with the mining, exploration and energy industries, other than:

(A) persons performing construction work, or any work incidental to construction work. Such construction work or work incidential to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(B) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment;

(C) persons engaged or employed to operate or drive mobile cranes, mobile elevated work platforms and like equipment who are based at or perform work at the following locations in Western Australia:

i. Cape Preston;

ii. 7 Mile;

iii. Cape Lambert; and

iv. Karratha Gas Plant

(iii) in or in connection with the generation of electrical power for the dominant purpose of the commercial sale or distribution of electrical power, other than;

(A) persons performing construction work, or any work incidental to construction work. Such construction work or work incidential to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(B) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment; and

(C) persons employed by another person that is not the operator or principal of the worksite or a person related to the operator or principal of the worksite.

(iv) in or in connection with the operation of a locomotive in the State of Western Australia.

(6) The Union may admit to membership all other persons in the State of Western Australia whether employees in the foregoing callings or vocations or not as have been appointed or elected officers of the Union, provided that no person shall be a member who is not an employee within the meaning of the Industrial Relations Act (WA) 1979 as amended.

(7) The Union may admit to membership employees who are engaged in the State of Western Australia the manufacture of:

(a) bricks and who are employed by:

(i) Boral Bricks Western Australia Pty Ltd trading as Midland Brick;

(ii) BGC (Australia) Pty Ltd trading as Brikmakers;

(iii) Austral Bricks (WA) Pty Ltd trading as Austral Bricks; and

(iv) Geraldton Brickworks Pty Ltd trading as Geraldton Brick Co;

(b) cement roof tiles and who are employed by:

(i) Austral Bricks (WA) Pty Ltd trading as Bristile Roofing; and

(ii) Monier Prime Pty Ltd trading as Monier Prime Roofing.

(8) This rule 2(Q) does not allow the union to cover in the State of Western Australia or elsewhere any person who, as of the date of this rule 2(Q) being approved, is of a class of employees in respect to which the Construction, Forestry, Mining and Energy Union of Workers was subject to a representation order, a State demarcation order, a demarcation order,

or a demarcation undertaking or agreement (however described) in regards to that class of employees in favour of another organisation or association.

(R) Without limiting the generality of Sub Rules (A) to (Q) and (S) herein or being limited thereby:

The Union shall consist of:

(a) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the following industries, mills, factories, places of work, products or processes in Australia:-

textile, woollen (other than wool scouring), worsted, wool tops, spinning, weaving, dyeing, finishing, waste-breaking, flock, wadding, felt and feltex, flax, cotton, carpets, silk and artificial silk, rayon and/or any vegetable or synthetic fibre or non woven substance, technical textile, textile backing, textile coating, textile services, hosiery, half-hose, knitting, textile printing, textile furnishings, tapestry, braids and tassels;

(b) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the designing, preparing, patternmaking, manufacturing, making including the treatment or conversion of any vegetable or synthetic fibre or non-woven substance, processing, repairing, altering, trimming, blocking, pressing, finishing or selling from factory outlets of:

(i) infants' nappies;

(ii) table and sanitary napkins;

(iii) facial and toilet tissue;

(iv) tampons;

(v) mats, towels and absorbent cloths, pads and wipers;

(vi) substitutes for the products of any of the industries, mills, factories, places of work, products or processes listed in paragraph (a) above;

(c) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the Felt Hatting Industry, and the designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets the whole or any part of all articles of headwear and/or millinery including but not limited to hats, caps, berets, hoods and helmets.

(d) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets the whole or any part of footwear of every description including but not limited to boots, shoes, slippers and wood lasts.

(e) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets the whole or any part of:

(i) any male or female garment;

(ii) any article of wearing apparel whatsoever, made from material of any description;

(iii) any article of neckwear;

(iv) handkerchiefs;

(v) any fashion accessory whatsoever.

(f) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets of the whole or any part of any description of textile furnishings including but not limited to any description of serviettes, pillowslips, pillowshams, sheets, blankets, bedspreads, tablecloths, towels, quilts, aprons, mosquito nets, bed valances, cot covers, blinds, carpets, cushions, curtains or bed curtains and automotive textile furnishings including but not limited to motor vehicle and other seat covers, mats and dash covers.

(g) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the laundry industry, or the dyeing and/or cleaning and/or repairing and/or pressing and/or ironing any garment or any article of any description whatsoever.

(h) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with designing, preparing, patternmaking, manufacturing, making, processing repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets of the whole or any part of any description of umbrella;

(i) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the embroidering and/or ornamenting of:

(i) any of the articles referred to in any other part of this rule;

(ii) artificial flowers.

(j) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the industry of a furrier.

(k) Without limiting the generality of any other subrule of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the making of chenille and the designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets of articles of all descriptions made of chenille;

(l) Without limiting the generality of any other part of this rule, all persons other than electrical workers, and fitters (including persons performing the job of fitters where these persons are described as mechanical and fabrication tradespersons, and including howsoever ‘fitters’ are termed in the future), wholly or partly engaged or usually engaged in or in connection with:

(i) the maintenance or repair of machinery used at any premises referred to in any other part of this rule, or at any premises where any of the processes or activities referred to in any other part of this rule occurs, or in relation to a product referred to in any other part of this rule, including but not limited to mechanics engaged in the maintenance or repair of machinery used in the production of boots, shoes and slippers.

(ii) cleaning at any premises referred to in any other part of this rule, or at any premises where any of the processes or activities referred to in any other part of this rule occurs, or in relation to a product referred to in any other part of this rule.

(iii) receiving, dispatching, packing, unpacking, storing and/or otherwise handling goods at any premises referred to in any other part of this rule, or at any premises where any of the processes or activities referred to in any other part of this rule occurs.

(m) such other persons as have been elected or appointed officers or organisers or employees (other than clerical employees) of the Union or a Branch and who have been continuously employed in any one or more of the industries of the Union for at least three years.

(n) Such other persons who are independent contractors who, if they were employees performing the work of the kind that they usually perform as independent contractors, would be eligible for membership of the union.

(S) Without limiting the generality of Sub-Rules (A) to (R) herein or being limited thereby:

1. PART S

(a) The Union shall be composed of any number of:

(i) bosuns, bosuns' mates, quartermasters, storekeepers, able seamen, chief integrated ratings, bosun integrated ratings, integrated ratings, provisional integrated ratings, trainee integrated ratings, general purpose ratings, sailors, deckhands, ordinary seamen, deck boys, pumpmen, donkeymen, water tenders, engineroom attendants, oilers, greasers, motormen, boiler attendants, firemen, wipers, trimmers, crew attendants, catering attendants and trainee catering attendants, employees engaged on working on dredges, lighters, hulks, barges, punts, employees working on river and harbour vessels, including ferries, employees working on tugboats and tenders, employees working in the pilot services; and

(ii) Marine Cooks, Bakers and Butchers, trainee cooks and other employees employed, or competent to be employed in the galley of Australasian vessels; and

(iii) seafaring stewards, pantrymen and stewardesses, catering attendants and trainee catering attendants; and

(iv) persons temporarily, permanently or usually employed within the Commonwealth of Australia, or in any place in which the Industrial Relations Act, 1988 applies on a full time or part time basis in the Industry defined in Rule 2(b) of the Rules;

(v) all employees who are employed in or in connection with the recreational diving industry throughout the Commonwealth of Australia, including those employees who are in command and control of small vessels which are operated in or in connection with a port or adjacent to an offshore facility and who are required to possess and use a Coxswain's Certificate or equivalent in such operation; other than those employees who are:-

(1) in command, control or who supervise or operate vessels including employees described as masters, mates, deck officers and skippers;

(2) marine engineers, however described;

(3) employed in the State of Queensland in or in connection with the sale or supply of recreational diving equipment or facilities the provision of recreational diving services or related underwater services by an employer whose sole or predominant business activity consists of the operation of one or more tourist resorts or hospitality facilities of a similar nature, and where such sale, supply or services are provided in association with the operation of that tourist facility;

(4) solely or predominantly engaged in the sale, reception or delivery of merchandise in a retail outlet operating separately and distinct from the provision of recreational diving services;

(5) solely or predominantly engaged in clerical duties in a retail outlet operating separately and distinct from the provision of recreational diving services;

together with officers of the Union.

For the purposes of (v) herein an employee shall be regarded as employed in or in connection with the recreational diving industry only if the employee is employed by an employer whose sole or predominant business activity consists of either the sale or supply fo recreational diving equipment or facilities, the provision of recreational diving services or related underwater services.

(b) Without limiting in any way whatsoever the operation of the provisions of Sub-Rule (a) of this Part S, in the State of Western Australia, the Union shall, in the State of Western Australia, consist of an unlimited number of members in addition to those referred to in Sub-Rule (a) of this Part S who follow in that State the occupation of:-

(i) Painting (excepting those provided for in Part 1 of Reference No. 32 of 1945 Demarcation Board Decision if the word "enamelling" in sub-paragraph (ii) and the words "done in enamel" in sub-paragraph (ix) of paragraph 5 of part 1 of that Decision were deleted therefrom), chipping, sandblasting, shotblasting (subject to the abovementioned Decision), scraping, scrubbing, cleaning, limewashing, cementing and cement washing, on any vessel or sectional part thereof, or on any vessel during construction; boiler scalers, shipwrights' assistant, carpenters' assistant, and joiners' assistant in the shipping trade; workers employed cleaning ships' holds and dunnaging, excepting such cleaning and dunnaging as is normally performed by waterside workers or shipwrights; riggers, wire splicers, sailmakers, sailor gangs or general labourers (other than those engaged in structural maintenance) working about docks, dockyards, slips, vessels (including any sectional part of a vessel or on any vessel during construction) and shipyards; painters of ironwork, machinery, sheds, sheerlegs, cranes and smokestacks in established dockyards and shipyards in which members of the Union have from time to time been employed for work on ships; workers engaged in the making, repairing and/or maintaining of rope, wire, chain or canvas gear used in connection with cargo handling, insulation and lagging workers; workers engaged in the mooring and unmooring of vessels; deckhands of floating cranes and such like vessels.

Provided that a worker who, pursuant to the foregoing provisions of this Sub-Rule (b), is eligible for membership of the Union shall remain eligible for such membership when in the course of employment in any of the occupations referred to in the said provisions and included in the Constitution of the Union, such worker is required to paint ironwork, machinery, sheds, sheerlegs, cranes and smokestacks in established dockyards and shipyards.

(ii) Mates and engineers of whaling vessels, lamp trimmers, boatswains, boatswains' mates, sailors, quartermasters, donkeymen, storekeepers, greasers, oilers, firemen, trimmers, watertenders, wipers, deckhands, ordinary seamen, deck boys, deckhands and sailors' attendants, stokehold staff attendants, laddermen, pipe-winchmen, winchmen, hoppermen, and boatmen engaged working on ships and vessels including dredges, lighters, hulks, barges, ferries, tugboats, tenders and pilot vessels;

(iii) Boatbuilder or shipwright in the maintenance, manufacture, construction or repair of iron, steel, wooden, fibre glass, plastic or concrete ships and vessels of any description and (without limiting the generality of the term) of boats, punts, pontoons, floating stages, targets, preventors, torpedo netting booms, rafts, dock gates, caisson and coffer

dam gates, aircraft or seaplanes (where work on such aircraft or seaplanes is done in an establishment, the principal business of which is work of the other class hereinbefore mentioned) or on any other floating structure;

(iv) Cargo, jetty, ship, or wharf (including wharf entrance gates) watchmen;

(v) The secretary for the time being of the Seamen's Union of Australia, West Australian Branch and persons whether included or not included in the occupations referred to in paragraphs (i) (ii) and (iii) hereof as have been appointed officers of the organisation, and admitted as members thereof.

Provided that a person (other than a crewman of a self-propelled dredge, hopper barge or tender) who is employed under an agreement (whether registered or not) to which the Australian Workers' Union, West Australian Branch, Industrial Union of Workers was a party and in force on the eighth day of December, 1967 or under an Award to which that Union is a party at any time shall not be eligible to be a member of this Union.

Provided further that a person who is eligible for membership of the Australasian Society of Engineers Industrial Union of Workers, Western Australian Branch shall not be eligible to be a member of this Union.

Provided further that no person employed in connection with river improvements or employed or serving in any naval, military or police force in Western Australia or is under fourteen years of age shall be eligible to become a member of this Union. Provided further that no person shall be eligible to become a member except in the capacity of an honorary member who or whose personal representative is entitled to some financial benefit or financial assistance under the rules of the Union while not being a worker within the meaning of the Industrial Arbitration Act, 1912.

(c) Without limiting in any way whatsoever the operation of the provisions of Sub-Rule (a) of this Part S in the State of New South Wales, the Union shall, in the State of New South Wales, consist of an unlimited number of members in addition to those referred in Sub-Rule (a) of this Part S and shall be composed of:

(i) Any number of sailors, lamp-trimmers, boatswains, boatswain's mates, quarter masters, donkeymen, storekeepers, greasers, oilers, firemen, trimmers, watertenders, wipers, deckhands, ordinary seamen, deckboys, employees engaged working on dredges, lighters, hulks, barges, punts, employees working on river and harbour vessels, including ferries, deckhands and sailors' attendants and stokehold staff attendants, employees working on tugboats and tenders, and employees working in the pilot services;

(ii) persons employed in the Dredge Service of the Department of Public Works of New South Wales and the Maritime Services Board of New South Wales, including Signal Masters, Assistant Signal Masters, Signalmen, Tide Signalmen, Light Keepers, Motor Drivers, Coxswains, Firemen, Greasers, Seamen, Watchmen, Diesel Engine Drivers, Cooks and Stewards, Wharfingers, Officers in Charge of Out Stations (not Pilots) Patrolmen and Communication Attendants and others employed in lighters, and Rockchoppers in the service of the Maritime Services Board of New South Wales;

(iii) any person or persons who may be elected an Officer of the Union;

(d) Without limiting in any way whatsoever the operation of the provisions of Sub-Rule (a) of this Part S in the State of New South Wales, the Union shall, in the State of New South Wales, consist of an unlimited number of members in addition to those referred in Sub-Rule (a) of this Part S and shall be composed of:

(i) an unlimited number of employees in the manipulation and navigation of motor boats in the State of New South Wales;

(ii) all persons engaged in the mooring and unmooring of interstate, intrastate and overseas vessels;

with the exception of

(a) colliers,
(b) members of ships' crews,
(c) any vessel berthing at Cockatoo Dock, Woolwich Dock, and Garden Island;

(iii) competent deckhands, engine room attendants, fishermen, shipkeepers, wharfhands, passage hands, turnstile hands, change hands, collectors, steersmen, motor hands and all persons employed on or usually employed in connection with ferry boats, tug boats, lighters, punts, hoppers, barges, launches, motor boats, trawlers and harbour and river craft.

Provided that nothing in this Sub-Rule (d) shall apply to persons employed in or in connection with private or pleasure craft as watchmen, caretakers or cleaners or employees of the Maritime Services Board of the Department of Public Works Dredge Service.

2. PART W

Without limiting the generality of Part S, or being limited thereby, the Union shall also consist of:

(a) Any person who intends to follow the occupation of a waterside worker, including without limiting the foregoing any employee referred to in Sub-Rule (b) of this Part W.

(b) (i) For the purpose of this Sub-Rules (b) (c) and (d) the following definitions shall apply:

(1) "Administrative clerk" means any clerk employed in budgeting, costing, accounting and allied functions, preparation of payrolls, clerical work associated with purchasing, banking of monies, typing or secretarial work, stenography, and in the performance of those functions shall include the operation of telex, facsimile, accounting or calculating machines, computers, and other equipment used in connection with electronic data processing and operators of switchboards, and persons employed in a clerical capacity for the keeping and maintenance of general administrative records.

(2) "Container depot" means an area and building authorised by Customs Authorities for the examination of goods on landing at which containers, pallets and flats are unpacked, the contents sorted and prepared for delivery or stored, and for the receipt, delivery and storage of containers, and at which loose goods or packages are received and stored into containers or onto pallets and flats, or otherwise handled or stored.

(3) "Employees" means that class or group of employees being:

(I) employees engaged or assisting in the work of handling, storing, preparing, packing or dispatching goods or merchandise, or work on or in connection with the loading or unloading, stacking, moving or sorting of such goods and merchandise in or about container depots, including the operation of equipment necessary to move containers or goods and any equipment required to clean the premises or containers, and including clerical work, but excluding the work of an administrative clerk and work of a supervisory nature;

(II) employees engaged in watching, guarding or protection duties in or about container depots;

(III) employees performing the work of a qualified trades person;

or any combination of work specified in sub-paragraphs (I), (II) and (III).

(ii) For the purpose of this Sub-Rule (b) the employers and the specified container depots operated by the employers are as follows:

EMPLOYER	CONTAINER DEPOT
National Terminals Aust. Ltd	East Swanston Dock Victoria Port Botany NSW
Conaust Limited	McKenzie Road West Swanston Dock, Vic Rozelle NSW Gillman SA
F.G. Strang Pty Ltd trading as Strangtainers	Footscray Vic
Western Packing Pty Ltd trading as Cargo Distributors	Footscray Vic
Port Botany Container Depot Pty Ltd	Banksmeadow NSW
Seatons Container Freight Station Pty Ltd	Camellia NSW
Brisbane Cargo Services Pty Ltd operating as Brisbane Amalgamated Terminals Limited	Fishermans Island
Macpak Pty Ltd	Hemmant Qld
Rivers Trading Company Cargo Pty Ltd trading as Rivers Trading Company	Nudgee Qld
Interport (Brisbane) Pty Ltd	Hamilton Qld
Charlick Operators Pty Ltd trading as Austainer Services	Gillman SA
Terminal Properties of Australia Pty Ltd trading as Freight Bases	Gillman SA

Fremantle Port Authority	North Quay Fremantle WA
Fremantle Terminals Limited	North Quay Fremantle WA

(iii) For the purpose of this Rule the employees, as defined in sub-paragraph (b)(i)(3) above, of each of the employers specified in paragraph (b)(ii), where those employees are employed at the specified container depots in respect of each employer, shall be eligible for membership of the Union.

(c) All employees employed by "TT Line Company Pty Limited" as administrative clerks, as defined in sub-paragraph (b)(i)(1) above, but not including employees performing work of a supervisory nature, provided that such employees are employed or usually employed in or in connection with stevedoring operations and/or passenger and/or cargo booking where such passenger and/or cargo booking is related to intrastate and/or interstate travel where those persons are employed in performing those duties solely on or immediately adjacent to a wharf, a wharf office or on a ship.

(d) The following named persons, whilst those persons remain employed as administrative clerks, as defined in sub-paragraph (b)(i)(1) above, but not including employees performing work of a supervisory nature, and are employed or usually employed in or in connection with stevedoring operations and/or passenger and/or cargo booking where such passenger and/or cargo booking is related to intrastate and/or interstate travel where those persons are employed in performing those duties solely on or immediately adjacent to a wharf, a wharf office or an a ship.

(i) For the purpose of this sub-rule (d), the employees are those listed in Schedule I to these rules.

3. (a) Without limiting the generality of 1. PART S and 2. PART W, or being limited thereby, the Union shall also consist of:

All employees as defined in subrule (b) other than those employees who are employed in supervisory duties of any nature (excepting employees performing duties of forepersons or leading hands or otherwise who exercise similar and direct supervisory powers over other employees), and other than employees who possess a Maritime Certificate of Competency where the possession of the certificate is part of the requirements of a classification, and other than those employees who are employed as harbourmasters, port managers, marine pilots, marine surveyors, maintenance technicians, masters and deck officers of vessels, officers of pilot cutters, port control officers, signal station officers, radio officers, superintendents, stevedoring supervisors or who are employed in managerial or professional occupations;

provided that employees who perform clerical and administrative, supervisory or technical duties shall not be eligible to be members of the Union by virtue of this subrule until:

(i) 1 December 1995 if employed by the Port of Brisbane Corporation or Fremantle Port Authority;

(ii) 1 January 1996 if employed by the Townsville Port Authority;

(iii) 1 June 1996 if employed by the Sydney Ports Corporation, the Newcastle Port Corporation, the Port Kembla Port Corporation, the Waterways Authority in NSW, or the Port of Melbourne Authority.

(b) For the purposes of subrule (a) "employees" means all those persons employed by the employers identified in subrule (c) other than those persons who are employed in the office of public servant in accordance with relevant State Government legislation in the States of South Australia and Western Australia.

(c) For the purposes of subrule 3 of this rule the employers are:

Albany Port Authority
Bunbury Port Authority
Bundaberg Port Authority
Burnie Port Authority
Dampier Port Authority
Darwin Port Authority
Department of Transport, Marine & Harbours Agency (in the State of South Australia)
Department of Transport (in the State of Western Australia in relation to the Department of Marine and Harbours)
Esperance Port Authority
Fremantle Port Authority
Geraldton Port Authority
Kimberley Port Authority
Marine Board of Circular Head
Marine Board of Flinders
Marine Board of Hobart
Marine Board of King Island
Newcastle Port Corporation
Port Hedland Port Authority
Port of Brisbane Corporation
Port of Devonport Authority
Port of Geelong Authority
Port Kembla Port Corporation
Port of Launceston Authority
Port of Melbourne Authority
Port of Portland Authority
Rockhampton Port Authority
Sydney Ports Corporation
Townsville Port Authority
Waterways Authority

(T) Other than a person engaged to perform construction work, or work incidental to construction work, on a project in the County of Yancowinna where the relevant project is less than 12 months in duration, nothing in this Rule 2 shall render any other person eligible for membership of the Union employed in the County of Yancowinna. Such construction work or work incidental to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors
(whether prefabricated or otherwise)

Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

(1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

(2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

(3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;

(4) The industry of any person employed in or in connection with hewing splitting and falling timber; and

(5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E)

(a) An unlimited number of persons employed or usually employed as workers engaged in or in connection with the coal and shale industries in the State of South Australia or the Northern Territory; and

(b) An unlimited number of persons engaged in or in connection with the coal and shale industries on or adjacent to a mine site:

i. performing any work in or in connection with or incidental to the construction of a coal mine where mining operations have not commenced;

ii. performing construction work or work that is incidental to such construction work on or adjacent to a coal mine, including but not limited to:

A. expansion work;
B. demolition work;
C. maintenance work which does not form part of the day to day operations of the coal mine; and
D. shutdown work.

(c) An unlimited number of persons engaged to perform work at the Port of Newcastle;

(d) An unlimited number of persons engaged to provide services in the mobile crane hire industry, including the hiring, operation or driving of mobile cranes, mobile elevated work platforms and like equipment.

(F)(a) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler, generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(F)(b) Provided that sub-rule 3(F) excludes persons:

(i) engaged in or in connection with the coal and shale industries, other than those persons eligible to be members of the Union pursuant to sub-rule 2(D) or sub-rule 2(DA);

(ii) in or in connection with the mining, exploration and energy industries, other than:

(A) persons in the State of South Australia or the Northern Territory;

(B) persons performing construction work, or any work incidental to construction work. Such construction work or work incidential to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(C) persons performing work at the Nyrstar zinc smelter in Tasmania;

(D) persons performing work at the Cape Flattery silica mine in Queensland;

(E) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment.

(F) persons engaged or employed to operate or drive mobile cranes, mobile elevated work platforms and like equipment who are based at or perform work at the following locations in Western Australia:

(a) Cape Preston;

(b) 7 Mile;

(c) Cape Lambert; and

(d) Karratha Gas Plant

(iii) in or in connection with the generation of electrical power for the dominant purpose of the commercial sale or distribution of electrical power, other than:

(A) persons in the State of South Australia or the Northern Territory;

(B) persons performing construction work, or any work incidental to construction work. Such construction work or work incidential to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(C) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment;

(D) persons employed by another person that is not the operator or principal of the worksite or a person related to the operator or principal of the worksite.

(iv) in or in connection with the mining, processing and treatment of brown coal (by whatever means), other than:

(A) persons performing construction work, or any work incidental to construction work. Such construction work or work incidential to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(B) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment

(v) in or in connection with the operation of a locomotive in the State of Western Australia.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

(K) Without limiting the generality of Sub Rules (A) to (J) and (L) herein or being limited thereby:

The industries in or in connection with which the Union is registered are the textile, clothing and footwear industries, including but not limited to those parts of the industries referred to in Rule 2(R).

(L) Without limiting the generality of Sub-Rules (A) to (K) herein or being limited thereby, the Union is registered in or in connection with:-

(a) The shipping industry; and
(b) The industry of diving in the provision of underwater services.

(M) Additional Eligibility for Admission to Membership in the State of Queensland

(a) An unlimited number of persons employed or usually employed as workers engaged in coal, shale, metal, coke, and smelting works in Queensland, and who are approved by the Committee of Management.

Provided that nothing in this sub-rule shall render eligible to join the Union a person engaged other than:

i. persons performing any work in or in connection with or incidental to the construction of a coal mine where mining operations have not commenced;

ii. construction work or work that is incidental to such construction work on or adjacent to a coal mine, including but not limited to:

A. expansion work;
B. demolition work;
C. maintenance work which does not form part of the day to day operations of the coal mine; and
D. shutdown work.

iii. persons performing construction work or any work incidental to construction work, on a worksite other than a coal mine. Such construction work or work incidential to construction work includes but is not limited to expansion, maintenance, shutdown or demolition works;

iv. persons who are engaged to provide services in the mobile crane hire industry, including the hiring, operation or driving of mobile cranes, mobile elevated work platforms and like equipment.

(N) Additional Eligibility for Admission to Membership in the State of New South Wales

(a) An unlimited number of persons engaged in, or in connection with the Coal, Shale or Coke Industries in the Western District and in the Metalliferous Mining Industry and any person who is a duly registered unemployed member in compliance with these rules, together with and including other persons temporarily or permanently taken from the Industry and who are employed by the members or representatives of the members appointed by them, who shall be aggregated in Lodges already established or which may be established by the authority of the Western District branch of the Australian Coal and Shale Employees Federation.

(b) Without limiting the generality of the foregoing and without being limited thereby, the union shall also consist of an unlimited number of persons engaged in any capacity in connection with coal and shale mining; in connection with the coke industry, but excepting persons

employed in the iron, steel and metal industries; and excepting also persons who are now members, or in the future may be eligible for membership of the United Collieries Staff Association of New South Wales; but as regards the last mentioned union, so as not to exclude lampmen and grooms.

(c) Without limiting the generality of the foregoing and without being limited thereby, the union shall also be composed of an unlimited number of persons employed in and around the coal mines, shale mines and coke works in the Northern District of New South Wales.

(d) Provided that nothing in sub-rules 3(N)(a),(b) or (c) shall render eligible to join the Union a person engaged other than:

(i) persons performing construction work, or any work incidental to construction work. Such construction work or work incidential to construction work includes but is not limited to expansion, maintenance, shutdown or demolition works; and

(ii) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment.

(O) Additional Eligibility for Admission to Membership in the State of Western Australia

The provisions of this rule 2(Q) do not extend and are not intended to operate as extending the eligibility rules of the Union beyond those that of The Construction, Forestry, Mining and Energy Union of Workers. This proviso applies regardless of any term or other provision of this rule 2(Q).

Without limiting any other rule, this rule does not make any person eligible to be a member of the Union who is in a class of employees for whom, at the time when this rule was approved by the General Manager, was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to a class of employees of which that person is a member, in favour of another organisation or association.

(1) The Union shall also admit to membership any person who is employed, or usually employed in the State of Western Australia including all islands bounding the whole coastline of the State in any of the following capacities:

Engine drivers, steam boiler and gas producer firemen, trimmers or fuelmen or tour guides in power houses, engine cleaners, greasers, boiler cleaners, crane drivers, dynamo attendants in power houses, stationary motor drivers, electric power sub-station attendants, power house switchboard attendants. Provided that, in respect of the vocations referred to in this subrule 4.6, employees of the Western Australian Government Railways Commission and persons eligible for membership of the Coal Miners Industrial Union of Workers of Western Australia employed in the coal mining industry within the State of Western Australia shall not be eligible for membership of the Union.

Nothing in this sub-rule 3(O)(1) shall render eligible to join the Union a person engaged:

(i) in or in connection with the coal and shale industries, other than those persons eligible to be members of the Union pursuant to sub-rule 2(D) and/or sub-rule 2(DA);

(ii) in or in connection with the mining, exploration and energy industries, other than:

(A) persons performing construction work, or any work incidental to construction work. Such construction work or work incidential to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(B) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment;

(C) persons engaged or employed to operate or drive mobile cranes, mobile elevated work platforms and like equipment who are based at or perform work at the following locations in Western Australia:

i. Cape Preston;
ii. 7 Mile;
iii. Cape Lambert; and
iv. Karratha Gas Plant

(iii) in or in connection with the generation of electrical power for the dominant purpose of the commercial sale or distribution of electrical power, other than;

(A) persons performing construction work, or any work incidental to construction work. Such construction work or work incidential to construction work includes but is not limited to expansion, maintenance, shutdown or demolition works;

(B) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment; and

(C) persons employed by another person that is not the operator or principal of the worksite or a person related to the operator or principal of the worksite.

(iv) in or in connection with the operation of a locomotive in the State of Western Australia.

4 - OBJECTS

(a) To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial and social legislation.

(b) To regulate and protect the wages and conditions under which all members or other persons entitled to become members of the Union may be employed, to achieve compulsory unionism and control the supply of labour, to take such steps as may be necessary for the efficient operation of the industries in or in connection with which the organisation is registered, to regulate relations between the members and their employers and between the members and other employees in or in connection with the Industries of the Union and to foster the best interests of the members of the Union.

(c) To improve industrial relations in the industries in or in connection with which the Union is registered and undertakings where members are employed, and to exercise all the powers, privileges and advantages of employees under the Act and any legislation replacing that Act and under any Commonwealth or State legislation, or any other legislation in any way relating to the Industries of the Union either directly or indirectly affecting the members.

(d) To do all things conducive to the welfare and organisation of the working class.

(e) To provide legal assistance to the Union and its members to protect the interests of the Union in all its Divisions and Divisional Branches, and to assist other trade unions by any legal method.

(f) To secure preference in employment, retrenchment, promotion, demotion and transfer of employment for members.

(g) To protect members from any infringement of their rights.

(h) To organise the education of members.

(i) To secure or assist in securing legislation for safety in or in connection with the Industries of the Union and for the general and material well being of members.

(j) To establish funeral, sick, accident, unemployment or other funds, including insurance or assurance funds, for the assistance, support and benefit of members, or other trade unionists, and to establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Branches, Divisions or Divisional Branches.

(k) To establish Branches, Divisions, Divisional Branches, Sub – Branches, Districts, Sectors, Sections, Associations or Committees of the Union, including but not limited to Port, Ship and Area Committees, throughout Australia and its Territories.

(l) To effect unity between the Branches, Divisions, Divisional Branches and other bodies of a similar character.

(m) To work as far as is lawful in harmony with other labour unions.

(n) To establish and maintain a Union journal or journals for the publication of matters directly or indirectly relating to the affairs of the Union or its members, and to assist to establish or maintain labour and trade union journals, radio and television broadcasting stations and other means of mass communication, information or education, and to invest in such ventures.

(o) To promote the interchange of membership between the Union and other unions throughout the world.

(p) To assist members by loan or otherwise.

(q) To constitute, conduct, carry on and manage clubs for the benefits of members.

(r) To co – operate or otherwise combine with, affiliate to or amalgamate with, pay affiliation fees to and assist financially or otherwise, or join or absorb, any organisation, union or association which has objects similar to the objects of the Union, and to be represented on other bodies and trade union organisations.

(s) To render financial assistance to Branches, Divisions, Divisional Branches or other union or labor organisations for any charitable purpose.

(t) To take part in any or all questions of matters affecting or involving the wages and conditions of labour.

(u) To grant assistance to members who are shipwrecked.

(v) To establish and/or support co-operative ventures generally and to do such other things which may be deemed necessary in connection therewith.

(w) To hold, purchase, lease, transfer, rent, sell, mortgage or otherwise deal in property and to enter into contracts and agreements in connection with same and to do all such other things as may be deemed necessary in connection therewith for the purpose of furthering directly or indirectly any one or more objects, provided that where such property is in the care, custody and control of a Division, it shall be subject to governance in accordance with the Divisional Rules and the National Rules.

(x) To raise funds by levies and/or other means for the furtherance of any one or more objects.

(y) To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

(z) To obtain such other objects as the National Conference or National Executive shall from time to time determine or as may be lawfully adopted by any Division of the Union.

(aa) To do all such other acts and things as are incidental or in any way related to the carrying out of any one or more of the above objects.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

“ACT” means the Fair Work Act 2009 (Cth) or any Act replacing that Act.

“BCI(IP) ACT” means the Building and Construction Industry (Improving Productivity) Act 2016.

"BOARD" means a group of persons who supervise a corporation, organisation, association or other like body including a Board of Directors.

"DECLARED PERSON OR BODY" - a person or body is a declared person or body of the Union or a Branch of the Union for the purpose of rule 24D (and 50D) if:

(i) an officer of the Union or the Branch (as the case may be) has disclosed a material personal interest under rule 24C/50C; and

(ii) the interest relates to, or is in, the person or body; and

(iii) the officer has not notified the Union or the Branch (as the case may be) that the officer no longer has the interest.

"DISCLOSURE PERIOD" means the financial year of the Union as referred to in Rule 24.

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

“DIVISIONAL EXECUTIVE” shall mean, in the case of The Maritime Union of Australia Division, the Divisional National Council of that Division.

“DIVISIONAL CONFERENCE” shall mean, in the case of The Maritime Union of Australia Division, the Divisional National Council of that Division.

"FINANCIAL DUTIES" includes duties that relate to the financial management of the Union or a Branch of the Union.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"FINANCIAL YEAR" means the financial year of the Union as referred to in Rule 24.

"GENERAL MANAGER" means the General Manager of the Fair Work Commission.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"NON-CASH BENEFIT" means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.

"OFFICE" has the same meaning as defined by Section 9 of the RO Act.

"PEAK COUNCIL" means a national or State council or federation that is effectively representative of a significant number of organisations (within the ordinary meaning of the term) representing employers or employees in a range of industries.

"PROPORTIONAL REPRESENTATION" shall mean a system of representation at Committees, Conferences, Executives or the like which, as far as practicable, will provide for voting on a basis which reflects the number or percentage of financial members, as calculated in accordance with these rules, that each person on such Committee, Conference, Executive or the like, represents.

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union and in the case of the Manufacturing Division, of the Division.

"RELATED PARTY” has the same meaning as defined by section 9B of the RO Act.

"RELATIVE” in relation to a person means:

(i) parent, step-parent, child, step-child, grandparent, grandchild, brother or sister or the person; or

(ii) the spouse of the first mentioned person.

"RELEVANT NON-CASH BENEFITS” in relation to an officer of the Union/Branch for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer’s duties as an officer, by the Union/Branch or by a related party of the Union/Branch.

"RELEVANT REMUNERATION” in relation to an officer of the Union/Branch for a disclosure period is the sum of the following:

(i) any remuneration disclosed to the Union/Branch by the officer under Rules 24B/50B during the disclosure period;

(ii) any remuneration paid during the disclosure period, to the officer by the Union/Branch.

“RO ACT” means the Fair Work (Registered Organisations) Act 2009 (Cth) or any Act replacing that Act.

“RO REGULATIONS” mean the Fair Work (Registered Organisations) Regulations 2009 or any regulations replacing those Regulations.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast then that candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then that candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the vote preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

“UNION” shall mean the Construction, Forestry and Maritime Employees Union.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry and Maritime Employees Union".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

(ii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Rules of the Union may require, and shall, when requested, fill in and sign such application form as may be provided.

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v) (a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be

and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all
purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

(vii) A member shall, when applying for membership be informed of the financial obligations arising from membership and the circumstances, and the manner, in which a member may resign from the organisation and shall be informed of such in writing.

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divsional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisonal Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall

nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisonal Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

(ii) Any member who has failed to pay the entrance fees, or contributions, levies and fines imposed in accordance with the rules of the union on or before the date specified in such rules, shall be deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant for admission or exercise any authority or any membership rights, provided that the rules may provide that some members or some class or classes of members may vote in a ballot and/or may differentiate between classes of members as to the amount of any contribution and/or entrance fee.

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.151 of the RO Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

(i) A member desiring to transfer to any other union covering their calling shall make application to the Divisional Branch Secretary, or where the rules of the union so provide, Divisional Sub-Branch, in writing, and shall pay all dues owing to the union, and the transfer will be forwarded to the Secretary

of the union to which the member desires to transfer. Such member shall cease to be a member of this Union as from the date on which the transfer is forwarded to the Secretary of such other union.

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

(iii) A clearance shall not be granted to any member unless all moneys owing have first been paid.

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

A register of members and any other records of the Union required to be kept by the RO Act and the Regulations made thereunder shall be kept at the registered office of the Union and so far as such records relate to a Division or Divisional Branch at the registered office of that Division or Divisional Branch.

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) (a) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(b) The National Conference shall also consist of the two National Women's Committee members elected by each Division in accordance with Rule 17, regardless of whether those women are otherwise members of their Divisional Executive.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.

Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telephone, email, in writing, by computer link and/or by any other means of communication.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, facsimile, telephonic, email, in writing, by computer link and/or by any other means of communication (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

13A - NATIONAL WOMEN'S CONFERENCE

(a) There shall be a National Women's Conference at least once every two years. The role of the National Women's Conference shall be to provide advice and recommendations to the Union on matters affecting women members of the Union.

(b) The National Women's Conference shall include the elected National Women's Committee members from each Division. The number of participants shall be no more than 15 members per division.

(c) Delegates to the National Women's Conference shall be nominated by the Divisional Executive of each Division.

(d) Notwithstanding the number of observers nominated by any Division to attend the National Women's Conference, only the nominated delegates from each Division shall have voting rights at the National Women's Conference.

(e) Resolutions of the National Women's Conference shall be referred to the National Conference for consideration by that Conference.

13B - NATIONAL WOMEN'S COMMITTEE

(a) There shall be a National Women's Committee.

(b) The National Women's Committee shall be made up of two female members from each Division. Only one National Women's Committee member from each Division may be a Full Time Paid officer of that Division.

(c) The members of the National Women's Committee are to be elected by each Division in accordance with Rule 17, or otherwise in accordance with the rules for general quadrennial elections applicable to each Division.

(d) Members of the National Women's Committee shall be, ex officio, members of the National Women's Conference and members of the National Conference.

(e) The National Women's Committee will operate in accordance with a set of rules that have been adopted by either the National Conference or Executive after consultation with the Committee.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) The National Executive Committee shall consist of the National Officers, being the National Secretary, National President, National Assistant Secretary, International President and four (3) National Vice Presidents of the Union together with such of the following elected officers of each Division at a National level namely:-

- in the case of the Construction and General Division, eleven (11) additional National Executive Committee members elected by and from the Construction and General Division Divisional Conference.

- in the case of the Manufacturing Division, the Divisional Secretary, the Divisional Senior Assistant Secretary, the Divisional President and the Divisional Assistant Secretary who is also the District Secretary of the PPW District of the Division and the TCF National Secretary.

- [deleted]

  in the case of The Maritime Union of Australia Division, the Divisional Deputy National Secretary, the two (2) Divisional Assistant National Secretaries and the Divisional Deputy National Presiding Officer.

  Provided that in the year preceding the quadrennial elections, it shall be open to the National Conference or the National Executive, upon review, to abolish the National Executive Committee.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary. A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a telephonic, email, written and/or postal vote of members of the National Executive Committee at any time. Members of the National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or email or by telephone or verbally, provided that in the latter two instances the notice is confirmed by email.

(vi) All decisions of the National Executive Committee shall be made by a majority of the votes cast at the meeting unless otherwise provided by these Rules. The votes cast by members of the National Executive Committee shall be on a card system and the value of the vote cast by any member of the National Executive Committee, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive Committee herein, no member of the National Executive Committee who is not entitled to attend and/or vote at the National Executive Committee meeting shall be included as a member for the purposes of the aforesaid calculations.

15 - NATIONAL EXECUTIVE

(i) (a) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

(b) Provided that in the case of the Manufacturing Division for purposes of this sub-rule a reference to the Principal Officer of a Divisional Branch shall be a reference to the District Secretary of a District of that Division, the Senior Vice President (TCF) and the additional Divisional Assistant Secretary established pursuant to Rule 44 of the Manufacturing Divisional Rules.

(c) Where a Division has at least one woman who is a Full Time Elected Officer who is not otherwise entitled, under these Rules, to be a member of the National Executive, that Division is entitled to one National Executive (Female Affirmative Action) position on the National Executive.

(i) The National Executive (Female Affirmative Action) position for each Division may only be filled by a woman from that Division who is a Full Time Elected Officer who is not otherwise entitled to be a member of the National Executive;

(ii) Where there is more than one woman from a Division who is a Full Time Elected Officer who is not otherwise entitled under these Rules to be a member of the National Executive, and who is therefore eligible to fill the National Executive (Female Affirmative Action) position, the Divisional Executive of that Division shall determine which eligible officer shall fill the position.

(iii) Provided that, once nominated by the Divisional Executive, the Branch or District Executive (if the woman is a Branch or District Officer) must endorse the nomination of that Officer to the National Executive.

(ii) The National Officers (other than the office of National Vice President held by the Divisional National Presiding Officer of The Maritime Union of Australia Division) shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in

1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

(iv) The National Executive shall, unless its actions are overturned by the National Conference, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds and property of the Union and shall have and may exercise no more and no less than all of the powers of the National Conference and, without limiting the generality of the foregoing may:

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Act or the RO Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

* in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

15A – MEETING OF NATIONAL EXECUTIVE

(i) A meeting of the National Executive is to be called:

(a) when the National Executive or National Secretary determine; or

(b) at the written request of:

(i) the National President; or

(ii) six (6) members of the National Executive,

(ii) A meeting under sub-rule (i) will be held at the time and place as the National Executive or National Secretary determine, and the National Secretary will give notice of the meeting as is practicable, provided that not less than 24 hours' notice is given.

(iii) Where a request is made under paragraph (i)(b), the National Secretary must:

(a) ensure the meeting of the National Executive is held no more than seven (7) days following the receipt of the request;

(b) give notice to the members of the National Executive within three (3) days following the receipt of the request of the time and place the meeting, provided that not less than 24 hours' notice is given; and

(c) provide the notice under paragraph (b) by:

(i) email;

(ii) telephone; and/or

(iii) verbally,

provided that a notice given under sub-paragraph (i) or (ii) must be promptly confirmed by email.

(iv) The quorum for a meeting of the National Executive is six (6) members of the National Executive.

(v) A meeting of the National Executive is to be conducted by a method by which the members of the National Executive can communicate with each other, provided that the National Secretary must take all reasonable steps to ensure that the meeting is secure to the members of the National Executive.

(vi) An out of session ballot of the National Executive may be conducted where the National Secretary considers that a matter needs to be dealt with expeditiously by a ballot of the National Executive.

(vii) Without limitation to sub-rule (vi), the:

(a) the National President; or

(b) six (6) members of the National Executive,

may, in writing, direct the National Secretary to conduct an out of session ballot of the National Executive, where the National President or the six (6) members of the National Executive (as the case may be) consider a matter needs to be dealt with expeditiously by a ballot of the National Executive.

(viii) An out of session ballot, under this rule, is to be conducted by means of:

(a) e-mail;

(b) computer link;

(c) text message;

(d) other electronic communication; and/or

(e) a mixture of those means.

(ix) Where an out of session ballot of the National Executive is directed under sub-rule (vii):

(a) the National Secretary must put the matter for determination to a ballot within three (3) days following the receipt of a direction under sub-rule (vii);

(b) the ballot under paragraph (a) must close seven (7) days following the receipt of the direction under sub-rule (vii);

(c) six (6) members of the National Executive casting a ballot in the time limited under paragraph (b), constitute a quorum; and

(e) determination of the ballot will, unless these rules otherwise require, be in accordance with rule 15(l).

16 - ELECTION OF NATIONAL OFFICERS AND NATIONAL EXECUTIVE COMMITTEE MEMBERS

(i) The National Officers (other than the office of National Vice President held by the Divisional National Presiding Officer of The Maritime Union of Australia Division) shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union (howsoever described in the Divisional Rules) and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Manufacturing Division, and the Divisional National Secretary of The Maritime Union of Australia Division shall between them hold the positions of National Assistant Secretary, National President and International President or if the position of International President is abolished, the additional position of National Assistant Secretary.

Should the office of International President become vacant at any time due to death, resignation from office or removal from office in accordance with the Rules of the Union, it shall be open to the National Executive to abolish the office of International President. If at any time, the National Executive abolishes the office of International President, it shall forthwith create an additional office of National Assistant Secretary.

Further provided that, there shall be one National Vice President from each Division who shall be nominated by and from their own Divisional Conference except in the case of The Maritime Union of Australia Division, where the National Vice President from that Division shall be the Divisional National Presiding Officer.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vA) (a) If the National Secretary was, on the day prior to being declared elected as National Secretary, a member of the National Executive Committee, then the Division from which the National Secretary derived is immediately entitled to elect, or appoint, in accordance with these rules a replacement member on the National Executive Committee.

(b) Provided that the National Secretary will, if holding the office of National Secretary on the day on which nominations for the election for the office of National Secretary open, have the right to re-nominate for the office of National Secretary.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office. Further provided that in the case of a vacancy in one or more of the National Officer positions, the National Executive may fill such office by appointment from those members of the National Executive Committee who are otherwise eligible to hold the vacant office.

Provided however that any such appointment/s shall ensure that each Division maintains its representation of two (2) officers amongst the National Officers excluding the office of National Secretary.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by email, post, letter, telephone, facsimile, verbally or by any other electronic means as soon as the count is completed.

(ix) In any ballot of the National Collegiate for the election of National Officers, the representatives of each of the Divisions shall cast votes proportionate to the membership of their respective Divisions

determined in the same way, the necessary changes being made, as votes cast by delegates to the National Conference in accordance with Rule 13(iii) and (iv) herein.

(x) In conjunction with the conduct of the election of the National Officers, the Returning Officer shall also conduct an election in the Divisional Conferences of the Union, where necessary, for the National Executive Committee members to be elected by and from the relevant Divisional Conference having regard to Rule 14(i).

(xi) The elections held in accordance with sub-rule (x) shall be conducted in accordance with sub-rules (ii) to (v) and (viii) with the necessary changes.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) This Rule shall not apply to The Maritime Union of Australia Division.

(ii) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(iii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iv) Except in the case of the Manufacturing Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) That nominations are called in accordance with the rules of the Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of

membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) That the nominations process, closure and receiving of, are in accordance with the rules of the Division.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) (deleted)

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall, in accordance with the Rules of the Division, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only:-

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the RO Regulations.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) The candidate's statement provided for in accordance with sub-rule (h) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail all ballot papers, in accordance with the Rules of the Division.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed closed in accordance with the rules of the Division.

(r) That the opening and closing of the ballot shall be in accordance with the rules of the Division.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

"Preferential Voting" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter gives as their first preference, and shall place the number 2, 3, 4 (and so on as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the preference for them. In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate. If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference. If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preference shall be the same as is above prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions (except the Manufacturing Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) This Rule shall not apply to The Maritime Union of Australia Division and the Manufacturing Division.

(ii) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(iii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iv) The Divisional Officers at a national level shall be members of that Divisional Executive.

(v) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

Any Officer may be removed from office by majority decision of the National Executive, provided that such officer shall not be dismissed from office unless found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

Any officer so removed from office shall have the right of appeal to the National Conference. In the event of the appeal being upheld the National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

National Executive shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference

as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy. Provided further if the office of National Secretary becomes vacant the National Executive shall appoint a person, eligible under the rules to be elected to the office, to perform the functions and obligations of the office of National Secretary until such time as the National Secretary's office can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS/MEMBERS

1. The following sets out the duties of the National Officers outlined herein.

2. National President:

   The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

   The National President shall have a deliberative vote only.

   The National President shall perform all duties assigned to him/her by the National Conference or National Executive and shall be responsible with the National Secretary for the allocation of duties and responsibilities arising from decisions of the National Conference or the National Executive.

3. National Secretary:

   The office of the National Secretary is a full-time position.

   The National Secretary cannot, whilst holding the office of National Secretary, hold another office in the Union.

   The immediately preceding paragraph shall not operate until the completion of the first quadrennial election after the certification of the amendments to r. 22(3) passed by the National Executive on 17 June 2021**.** Prior to the completion of the first quadrennial election after the certification of those amendments, nothing in these rules shall constitute, or be taken to constitute, an express or implied prohibition on a person holding both the office of National Secretary and another office within the Union.

   The National Secretary is entitled to attend and vote at the National Conference and has all the rights of a conference delegate.

   The National Secretary, whilst not a representative of a Division, will remain a member of the Division from which they derive and will for the purposes of:

   (a) rule 13(iii) be treated as if they were a member of the Divisional Executive of the Division from which the National Secretary derived; and

   (b) rules 14(vi) and 15 (l) be included when voting in the Division from which they derive.

The wages and costs related to the office will be borne by the Union.

The National Secretary shall be responsible for the general correspondence of the Union, National finance, filing of documents, industrial returns and the carrying out of decisions made by National Conference or National Executive.

The National Secretary shall have the power, subject to decisions of the National Executive and/or National Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the National Office and allocate duties and responsibilities within the National Office.

The National Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the National Office, together with a statement of the assets and liabilities of the National Office for the year ending 31st December in each year.

Such financial statement shall be presented to the National Executive for its approval and be published within the journal of the National Union.

The National Secretary shall carry out such other functions as shall be determined from time to time by the National Conference or National Executive.

The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretaries:

National Assistant Secretaries shall perform all duties assigned to them by National Conference and National Executive. They shall attend all meetings of National Conference and National Executive.

5. International President

The International President shall assist the National Secretary especially in relation to international matters. The International President shall otherwise perform all duties assigned to him/her by the National Conference or the National Executive.

6. National Vice-Presidents:

The National Vice-Presidents may assist the National President in the conduct of meetings and in the absence of the President, one of their number as determined by the National Executive may act as President.

A National Vice-President shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

7. Members of National Executive and Delegates to National Conference:

Members of National Executive and delegates to National Conference shall attend meetings of those bodies when summoned so to do.

8. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

9. No officers, employees, delegates or members shall be required to do, or required to omit to do, any act in breach of legislation applicable to the Union.

10. Except as provided for by resolution of a committee of management of the Union (including any committee of management of a Division, Branch, Divisional or District Branch thereof), it shall not be part of the duties of any delegate/steward, officer or employee, including organisers, whether temporary or not, to threaten, initiate, counsel, procure, induce, be involved in, engage in or be party to industrial action as defined by the Act or the BCI(IP) Act or unlawful picketing within the meaning of the BCI(IP) Act.

22A - TRAINING OF OFFICERS

(a) Each person holding an office in the Union, including its Branches, Divisions and Divisional/District Branches whose duties include duties that relate to the financial management of the Union, including its Branches, Divisions and Divisional/District Branches shall undertake training:

(i) approved by the General Manager under the provisions of the RO Act or an Act replacing that Act; and

(ii) that covers each of the officer's financial duties.

(b) An officer shall complete the training required by sub-rule (a) within six (6) months after the person begins to hold office.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

Provided that each Division/Divisional Branch is responsible to meet all costs associated with the operation of its Division/Divisional Branch, including all costs associated with the attendance and participation by their representatives at meetings, including National Conference, National Executive Committee unless decided otherwise by the National Executive Committee.

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. All cheques shall be signed by two (2) persons who are a National Secretary, National Assistant Secretary, National President, International President or two (2) National Executive members as nominated by National Executive resolution. All authorisations for the transfer and/or disbursement of funds shall be approved by two (2) persons who are a National Secretary, National Assistant Secretary, National President, International President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President, National Assistant Secretary or International President. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

(viii) Any fines, penalties, damages, costs or other sum(s) ordered by a court against the Union is, if the conduct of a Division's officers, employees, agents or members made the Union liable for such amount(s), to be funded by that Division.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

The Auditor shall, in the report, draw attention of the National Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Union.

For the purpose of this Rule a competent person shall have the same meaning as in the RO Act and the RO Regulations made thereunder.

Upon receipt by the National Secretary of a petition, signed by not less than 5% of the members of the Union, requesting that a general meeting of members of the Union be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the National Office, the National Secretary shall convene such meeting as soon as is practicable.

24A - POLICIES AND PROCEDURES - EXPENDITURE

(a) The Union shall develop and implement internal control policies and procedures relating to the expenditure of the Union, to ensure that the Union is conducted in accordance with the principles of good governance and to ensure accountability to members of the Union.

(b) Such policies and procedures shall be adopted by the National Executive and once adopted, shall be binding on all officers and members of the Union. Such policies and procedures must be identified in the resolutions of the National Executive as Rule 24A policies and procedures.

(c) Rule 24A policies and procedures must be published on the website of the Union with fourteen (14) days of their adoption.

(d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Branch, Division and Divisional/District Branch of the Union.

24B - DISCLOSURE BY OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

(a) Each person holding office in the Union shall disclose to the Union any remuneration paid to the officer:

(i) because the officer is a member of a board if:

(A) the officer is a member of the board only because the officer is an officer of the Union; or

(B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or

(ii) by a related party of the Union, in connection with the performance of the officer's duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Union shall disclose to the members of the Union:

(i) the identity of each officer of the Union who, when all officers of the Union are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than fifth;

(ii) the identity of each officer of each Division and Divisional/District Branch who, when all officers of the Division and Divisional/District Branches are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second; and

(iii) for each of those officers

(A) the actual amount of the officer's relevant remuneration for the disclosure period; and

(B) the form of the officer's relevant non-cash benefits for the disclosure period.

(d) For the purposes of sub-rules (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

24C - DISCLOSURE BY OFFICERS OF MATERIAL PERSONAL INTEREST

(a) Each person holding an office in the Union shall disclose to the Union any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Union including any Branch, Division or Divisional/District Branch thereof.

(b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The National Executive shall disclose to the members of the Union the interests disclosed to the Union pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year:

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

24D - DISCLOSURE BY UNION OF PAYMENTS

(a) The Union shall disclose to the members of the Union including its Branches, Divisions and Divisional/District Branches either of the following

(i) each payment made by the Union, during the disclosure period:

(A) to a related party of the Union or Branch; or

(B) to a declared person or body of the Union including its Branches, Divisions and Divisional/District Branches; or

(ii) the total of the payments made by the Union including its Branches, Divisions and Divisional/District Branches, during the disclosure period:

(A) to each related party of the Union or Branch; or

(B) to each declared person or body of the Union including its Branches, Divisions and Divisional/District Branches.

(b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Union including its Branches, Divisions and Divisional/District Branches from remuneration payable to officers or employees of the Union including its Branches, Divisions and Divisional/District Branches.

(c) Sub-rule (a) does not apply to a payment made to a related party if:

(i) the related party is an officer of the union; and

(ii) the payment:

(A) consists of remuneration paid to the officer by the union; or

(B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(d) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns.

25 - ALTERATION OF RULES

(a) The rules of the Union, or any of them, may be altered, rescinded, varied or made by the National Conference and/or National Executive. Proposals for alterations of rules may be forwarded by Divisions, Branches or any member of the National Executive or delegate to the National Conference and shall be forwarded to members and/or delegates with the notice calling the National Conference or National Executive, as the case may be, or so soon thereafter as is practicable. Provided that National Conference or National Executive may, in session, alter rules of which previous notice has not been given.

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the Union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Act , the RO Act or the Regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the RO Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

These National Rules and all the rules of the Union, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisions, Branches, and Divisional Branches and all sections of the Union and on all members who now, or who may hereafter, belong to the Union until they are made or become null and void according to the law.

26A - COMPLAINTS BY MEMBERS

1. Any financial member of the Union may raise a complaint over the actions of another member or members (including officers).

2. The complaint may be about a member or members:

   a. refusing to obey the rules of the Union;

   b. refusing to obey a policy of the Union;

   c. refusing to abide by a resolution carried at a properly constituted meeting of a management committee which has relevant control or management over the member;

   d. obstructing any properly constituted meeting of a management committee;

   e. obstructing any officer or employee of the union in the course of his/her duties;

   f. Misappropriation of the funds of the Union;

   g. engaging in gross misbehaviour;

   h. engaging in gross neglect of duty;

   i. wrongfully and unreasonably holding out that he or she holds an office or position in the Union;

   j. making a false charge or complaint against a fellow member, including a complaint under this rule; or

   k. aiding or encouraging any other member or members in any of the matters referred to above.

3. Members shall not subject a member who has made a complaint under this rule to adverse treatment.

4. The complaint must be raised in writing to the National Secretary. The complaint must clearly identify the member or members the subject of the complaint and the relevant action or actions that gave rise to the complaint. If the complaint is about the conduct of the National Secretary then the complaint may be raised with another National Officer.

5. The National Secretary (or if another National Officer receives the complaint, that National Officer) and at least one of the National Assistant Secretary, National President or International President may refuse to accept a complaint if he or she considers the complaint to be trivial.

6. The National Secretary must refer the complaint to the National Executive Committee for the purpose of appointing an Investigator.

7. The National Executive Committee shall appoint an Investigator. The Investigator must be a member of the National Executive. The Investigator must not be an officer from the same Division as the member or members the subject of the complaint.

8. The Investigator shall investigate the complaint and provide a report to the National Executive Committee.

9. During the course of the investigation the Investigator may:

   a. interview members or officers for the purpose of the investigation, and
   b. require members or officers to provide documents relevant to the investigation.

10. Members will cooperate with the Investigator by attending interviews and providing all documents requested.

11. No one is entitled to legal representation during the investigation.

12. In the report the Investigator shall include his or her findings on the matters the subject of the complaint and include recommendations for action to be taken by the National Executive Committee. The Investigator may conclude that no action is necessary.

13. A copy of the Investigator's report shall be provided to the member who raised the complaint and to the member or members the subject of the complaint. Where the report recommends action against any member or members the member or members shall be given the opportunity to respond to the Report before the National Executive Committee considers any action.

14. Upon receipt of the Investigators report the National Executive Committee may take action in accordance with the recommendations of the Investigator's or take other action, as it considers appropriate.

15. Any decision of the National Executive Committee to take action against a member or members may be appealed to the National Executive.

16. The procedure in this rule shall apply in addition to any other procedure in the rules dealing with complaints about the conduct of members

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the Rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

There shall be three (3) Divisions of the Union as follows:

(a) the Construction and General Division;
(b) the Manufacturing Division; and
(c) [deleted]
(d) The Maritime Union of Australia Division.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another Division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each Division shall have autonomy in relation to its funds and property.

(iv) Each Division shall have rules and have power to make, alter or rescind such rules, to be called Divisional Rules. Without limiting the generality of the foregoing paragraph, each Division shall have power to determine policy for that Division, not inconsistent with the rules and policy of the Union as decided by National Conference or National Executive.

(v) If there is any environmental matter that directly affects the employment of members of one Division only, then that Division whose members are so affected shall have the power to determine the policy of the Union on that matter.

(vi) Divisions, other than the Manufacturing Division, shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland (including the Northern Territory), New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Provided that it shall be open to the National Conference or the National Executive to abolish any Branch.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.151 of the RO Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of State Unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary, International President or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or National Assistant Secretary or International President or any person authorised by a National Secretary or National President or National Assistant Secretary or International President so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) or any person authorised by a Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, International President, Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary), or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests issued by a Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National Assistant Secretary, National President, International President, Divisional Secretary and/or Divisional Assistant Secretary (including the TCF National Secretary)

shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) [deleted]

(g) The taking of industrial action (within the meaning of the Act) or picketing or unlawful industrial action or unlawful picketing within the meaning of the BCI(IP) Act by members is not authorised by the Union without the consent of a committee of management of the Union (including any committee of management of a Division, Branch, Divisional or District Branch thereof).

Provided however that the preceding paragraph shall not restrict the right of a person or body duly authorised by such a committee of management to authorise industrial action in accordance with the Act.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 500 Swanston Street, Carlton in the State of Victoria, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the Union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

Where a Division ceases to exist and the Union continues, the property of that defunct Division shall be vested in the Division to which the members of the defunct Division are allocated.

Where the Union is dissolved the property of the Union shall be vested in the trustees of each existing Division at the time of dissolution for the benefit of the members thereof on the basis that each such Division will continue to hold its own property and funds and any property or funds not vested at the time of dissolution in a Division shall be divided between the existing Divisions on a basis proportionate to the membership of each such Division.

35 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members may be sued for in the name of the Union by the National Secretary or by the Divisional Secretary, or Divisional Branch Secretary to which the member is attached, or by any other person or body authorised by the rules of the Union including the rules of any Divisional Branch or the Rules of any Division.

36 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy shall be decided by a majority of the National Conference or National Executive and shall not exceed $50.00 and when so decided shall be binding on all members or sections of members as National Conference or National Executive may decide.

(iii) A Division or Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

37 - VOTING OF NATIONAL CONFERENCE OTHERWISE THAN AT MEETINGS ASSEMBLED

(a) If the National Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a rule, to a vote of National Conference at any time when it is inconvenient to call National Conference together, the National Secretary may submit a resolution dealing with the matter to the delegates or members, by letter, telephone, email, in writing, by computer link and/or by any other means of communication or a mixture of these means.

(b) For ballots of the National Conference, a copy of such resolution shall, as soon as practicable thereafter, be sent to each Branch Secretary and each Divisional Secretary. The votes on such resolution shall be returnable to the National Secretary at such time as the National Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.

(c) Provided that where no record can be kept of the vote and/or decision, such a record shall be created and a copy of that record sent to each person entitled to vote or, in the case of computer linkages, the record is such that it can be viewed and/or copied by the person entitled to vote.

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National Executive and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

1. All motions shall be of an affirmative character and must be moved and seconded by delegates or members. Such motions become the property of Conference or Executive and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates or members present agree to an extension of time.

2. Unless a delegate or member rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

3. A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

4. A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

5. Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

6. All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chairperson's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

   If the votes are equal the question is resolved in the negative.

7. A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates or members present agree to an extension of time.

8. Right of Speaker: Any delegate desiring to speak shall rise and address the chairperson. If two or more delegates or members rise at the same time the chairperson shall call upon the one who, in the Chairperson's opinion, first rose. Provided that no delegates or members can speak more than once upon any question (which shall include the original motion and all amendments thereto) before Conference or Executive, except -

   (a) In reply as the mover of the original motion.
   (b) In explanation or correction of some matter during the debate.
   (c) Upon a point of order raised during the debate.
   (d) Upon a resolution being carried "that the delegate now be heard".

9. A delegate or member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by that delegate or member.

10. No more than two delegates or members shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

11. Any delegate or member speaking shall at once resume their seat -

    (a) If the chairperson rises to speak; or
    (b) If a point of order is raised.

    and shall not resume their speech until the point of order is decided.

12. No delegate or member may speak to any question after it has been put by the chairman or during the taking of the vote.

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of Conference.

CHAIRPERSON'S RULINGS

The chairperson's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by Conference or Executive. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the delegates or members present for Conference or Executive to suspend the order of business.

SITTING AS A COMMITTEE

Conference or Executive may at any time, by a resolution agreed to by a majority of delegates or members present, resolve itself into a committee of the whole. The rules governing the business of Conference or Executive shall be observed when in Committee.

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the Union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

The National Executive, the State Executive, a Divisional Executive or a Divisional Branch Management/Executive Committee may, in their absolute discretion, summon meetings of members over which they have authority and/or responsibility from time to time.

If such meeting is called notice shall be given in a union journal circulating in the area covering the members to which the meeting relates or in a mass circulation daily newspaper circulating in the area in which the meeting is to be held and such publication shall be issued at least fourteen days before the date of the meeting. The notice of such meeting shall specify the day, the date, the time and the place of such meeting.

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the RO Act, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS – ORIGINAL AMALGAMATION

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted

(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) deleted

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry and Maritime Employees Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference

herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - DELETED

42B - MERGER WITH ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was

membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DELETED

42E - TRANSITIONAL RULE – MUA AND TCFUA

(i) The provisions of this Rule shall apply notwithstanding anything elsewhere contained in the Rules of the Union.

(ii) This Rule is intended to enable the amalgamation of the Union with The Maritime Union of Australia (“MUA”) and the Textile, Clothing and Footwear Union of Australia (“TCFUA”).

(iii) For the purposes of this Rule, “amalgamation date” shall mean the date fixed in accordance with section 73 of the RO Act as the day on which the amalgamation of the Union, the MUA and the TCFUA takes effect.

(iv) This Rule shall take effect on the amalgamation date.

(v) On and from the amalgamation date, the Forestry, Furnishing, Building Products and Manufacturing Division shall be known as the Manufacturing Division.

(vi) This Rule shall be read in conjunction with Rule 68 of the Rules of The Maritime Union of Australia Division and Rule 44 of the Rules of the Manufacturing Division.

(vii) (a) On the amalgamation date, the National Officers of the Union shall be those National Officers holding office on the date preceding the amalgamation date together with one (1) International President the office of which shall be held by the Divisional National Secretary of The Maritime Union of Australia Division and two (2) additional National Vice Presidents. The office of one (1) additional National Vice President shall be held by the Divisional National Presiding Officer of The Maritime Union of Australia Division and the office of the other additional National Vice President shall be held by the TCF National Secretary.

(b) Provided that (other than the office of National Vice President referred to in paragraph (a) above held by the Divisional National Presiding Officer of The Maritime Union of Australia Division and the additional office of National Vice President referred to in paragraph (a) above held by the TCF National Secretary), the National Officers shall, unless they resign or are removed from office in accordance with the Rules of the Union, continue to hold office until 31 December 2018.

(c) The National Officers (other than the office of National Vice President referred to in paragraph (a) above held by the Divisional National Presiding Officer of The Maritime Union of Australia Division and the office of the additional National Vice President referred to in paragraph (a) above held by the TCF National Secretary) elected in 2018 shall commence office on 1 January 2019.

(viii) On the amalgamation date, the National Executive Committee shall consist of the National Officers referred to in sub-rule (vii)(a) above, those members of the National Executive Committee who were members of the National Executive Committee on the day preceding the amalgamation date and four (4) additional National Executive Committee members of The Maritime Union of Australia Division being the Divisional Deputy National Secretary, the two (2) Divisional Assistant National Secretaries and the Divisional Deputy National Presiding Officer.

(ix) On the amalgamation date, the National Executive shall consist of the National Officers referred to in sub-rule (vii)(a) above; the other members of the National Executive Committee referred to in sub-rule (viii) above, the other members of the National Executive who were members of the National Executive on the day preceding the amalgamation date together with the principal officers of each Divisional Branch of The Maritime Union of Australia Division that is not otherwise a member of the National Executive Committee and, in the case of Manufacturing Division, the Senior Vice President (TCF) and the additional Divisional Assistant Secretary established pursuant to Rule 44 the Rules of the Manufacturing Division.

(x) Casual vacancy

Any casual vacancy arising in respect of any office referred to in sub-rules (vii), (viii) and (ix) above shall be dealt with in accordance with Rule 16 (vii).

(xi) MUA Membership

On the amalgamation date, any period of membership and/or financial membership in the MUA in accordance with that Union's Rules prior to the amalgamation date, shall be deemed to be for all purposes a period of membership and/or financial membership of the Union. Any period of unfinancial membership in the MUA in accordance with that Union's Rules prior to the amalgamation date shall be deemed to be for all purposes a period of unfinancial membership of the Union.

(xii) TCFUA Membership

On the amalgamation date, any period of membership and/or financial membership in the TCFUA in accordance with that Union's Rules prior to the amalgamation date, shall be deemed to be for all purposes a period of membership and/or financial membership of the Union. Any period of unfinancial membership in the TCFUA in accordance with that Union's Rules prior to the amalgamation date shall be deemed to be for all purposes a period of unfinancial membership of the Union.

42F - TRANSITIONAL RULE – WITHDRAWAL OF THE MINING & ENERGY DIVISION

(i) Following withdrawal from amalgamation of the former Mining & Energy Division, there shall be a restructuring to remove that Division. The remaining divisions of the union will continue as provided for above.

(ii) The date of withdrawal will be the date that the Federal Court determines is the day on which the withdrawal is to take effect pursuant to section 109(1)(a) of the *Fair Work (Registered Organisations) Act 2009*.

(iii) For the avoidance of doubt, on and from the date of withdrawal all offices within the Union shall be held by the persons holding those offices immediately prior to the date of withdrawal and those persons shall continue to hold office for the period that equals the unexpired part of the term of office held by the person immediately before the date of withdrawal

(iv) Any casual vacancy arising in respect of any office shall be dealt with in accordance with Rule 16 (vii)).

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, Forestry and Maritime Employees Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry and Maritime Employees Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of

the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such

State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS – OTHER THAN NSW AND QUEENSLAND STATE BRANCHES

(i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iiA) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the State Executive to which the office or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

(iv) This rule does not apply to the NSW or Queensland Branches upon commencement of rules 48A and 48B.

48A – ELECTION OF STATE OFFICERS NSW STATE BRANCH

(i) From the time of the commencement of this rule, the State Officers in the New South Wales Branch will be as contained in the table below and will be filled on an ex officio basis by the holders of the corresponding Divisional Office.

STATE OFFICER	**DIVISIONAL OFFICE**
State Secretary	Divisional Branch Secretary – Construction & General Division (NSW)
State Assistant Secretary (MNF)	*NSW District Secretary Manufacturing Division*
State Assistant Secretary (MUA)	*Sydney Divisional Branch Secretary (Sydney Divisional Branch - MUA)*
State President	*Divisional Branch Assistant Secretary - Construction & General Division (NSW)*
State Senior Vice President	*Divisional Branch President – Construction & General Division (NSW)*
State Joint Vice President (*C&G*)	*Divisional Branch Assistant Secretary – Construction & General Division (NSW)*
State Joint Vice President (*MNF*)	*NSW District President Manufacturing Division*
State Joint Vice President (*MUA*)	*Newcastle Divisional Branch Secretary (MUA)*
State Assistant Joint Vice President (*MUA*)	*Southern New South Wales Divisional Branch Secretary (MUA)*

(ii) As the above offices for State Officer are held on an ex-officio basis, where a person commences or ceases to hold the Divisional Office position referred to in the second column, they also commence or cease, as the case may be, to hold office as a State Officer in the State Branch.

(iii) For the avoidance of doubt, the terms of office for the above State Branch Offices are determined by the term of office of the Divisional Office referred to in the second column, however, such terms of office may be for no longer four (4) years.

48B – ELECTION OF STATE OFFICERS QUEENSLAND STATE BRANCH

(i) On, and from, the commencement of this rule, the State Officers in the Queensland Branch will be as contained in the table below and will be filled on an ex officio basis by the holders of the corresponding Divisional Branch Office set out opposite:

STATE OFFICE	DIVISIONAL BRANCH OFFICE
State President	
State Senior Vice President	MUA Division, Queensland Branch Deputy Branch Secretary
State Secretary	Construction and General Division, Queensland Northern Territory Divisional Branch Secretary
State Assistant Secretary	Construction and General Division, Queensland Northern Territory Divisional Branch Assistant Secretary (General)
State Joint Vice President (C&G)	Construction and General Division, Queensland Northern Territory Divisional Branch President
State Joint Vice President (MUA)	MUA Division, Northern Territory Branch Secretary

(ii) As the above offices for State Officer are held on an ex-officio basis, where a person commences or ceases to hold the Divisional Office position referred to in the second column, they also commence or cease, as the case may be, to hold office as a State Officer in the State Branch.

(iii) For the avoidance of doubt, the terms of office for the above State Branch Offices are determined by the term of office of the Divisional Office referred to in the second column, however, such terms of office shall be no longer four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

Nothing in this Rule prevents the Branch from entering into an agreement with a Trade or Industrial Union or organisation of employees registered under any legislation of any State of the

Commonwealth for the investment of funds on a joint basis or on a basis on which the funds are held in common or jointly so long as the funds are treated, for all purposes, insofar as they relate to members of the Branch, as funds of the Branch.

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

The Auditor shall, in the aforesaid report, draw attention of the State Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Branch.

For the purpose of this Rule a competent person shall have the same meaning as in the RO Act and the Regulations made pursuant thereto.

Upon receipt by the State Branch Secretary of a petition, signed by not less than 5% of the members of the State Branch, requesting that a general meeting of members of the State Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the State Branch, the State Branch Secretary shall convene such meeting as soon as is practicable.

50A - POLICIES AND PROCEDURES - EXPENDITURE

(a) Each Branch shall develop and implement internal control policies and procedures relating to the expenditure of the Branch, to ensure that the Branch is conducted in accordance with the principles of good governance and to ensure accountability to members of the Branch.

(b) Such policies and procedures shall be adopted by the State Executive and once adopted, shall be binding on all officers and members of the Branch. Such policies and procedures must be identified in the resolutions of the State Executive as Rule 50A policies and procedures.

(c) Rule 50A policies and procedures must be published on the website of the Branch with fourteen (14) days of their adoption.

(d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Division and Divisional/District Branch of the Union.

50B - DISCLOSURE BY BRANCH OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

(a) Each person holding office in a Branch shall disclose to the Branch any remuneration paid of the officer:

(i) because the officer is a member of a board if:

(A) the officer is a member of the board only because the officer is an officer of the Branch; or

(B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or

(ii) by a related party of the Branch, in connection with the performance of the officer's duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Branch shall disclose to the members of the Branch:

(i) the identity of each officer of the Branch who, when all officers of the Branch are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second;

(ii) for each of those officers

(A) the actual amount of the officer's relevant remuneration for the disclosure period; and

(B) the form of the officer's relevant non-cash benefits for the disclosure period.

(d) For the purposes of sub-rules (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50C - DISCLOSURE BY BRANCH OFFICERS OF MATERIAL PERSONAL INTEREST

(a) Each person holding an office in the Branch shall disclose to the Branch any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires;

that relates to the affairs of the Union or Branch.

(b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The State Executive shall disclose to the members of the Branch the interests disclosed to the Branch pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

(i) in relation to each financial year:

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50D - DISCLOSURE BY BRANCH OF PAYMENTS

(a) The Branch shall disclose to the members of the Branch either of the following

(i) each payment made by the Branch, during the disclosure period:

(A) to a related party of the Branch; or

(B) to a declared person or body of the Branch; or

(ii) the total of the payments made by the Branch during the disclosure period:

(A) to each related party of the Branch; or

(B) to each declared person or body of the Branch.

(b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Branch from remuneration payable to officers or employees of the Branch.

(c) Sub-rule (a) does not apply to a payment made to a related party if:

(i) the related party is an officer of the Branch; and

(ii) the payment:

(A) consists of remuneration paid to the officer by the Branch; or

(B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(d) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;

(ii) within six (6) months after the end of the financial year; and

(iii) in writing and published in the annual financial returns or any application for exemption therefrom.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

END OF RULES

[105N: Incorporates alterations of 17 April 2026 by order of the Federal Court of Australia: VID1464/2025]
(replaces rulebook dated July 2024 [R2024/74])

I CERTIFY under section 161 of the *Fair Work (Registered Organisations) Act 2009* that the pages herein numbered 1 to 108 both inclusive contain a true and correct copy of the registered rules of the CFMEU.

GENERAL MANAGER
FAIR WORK COMMISSION

Rules of the CFMEU
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1 - NAME

The name of the Union shall be the "CFMEU".

2 - CONSTITUTION

(A)(A) The following unlimited number of persons, whether male or female, are eligible to be members of the Union

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

(a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in tilelaying as defined in this sub-rule;

(b) In the States of New South Wales, Victoria, South Australia, and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of the Timber, Furnishing and Textiles Union;

(c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

(d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;

(e) In the States of Victoria, South Australia and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of the Timber, Furnishing and Textiles Union.

(ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

(a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
(b) engaged on press cement work;

(c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
(d) engaged in assisting shophands, casters and/or fixers.

(iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:

(a) the making of fibrous plaster and plasterglass board;

(b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;

(c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;

(d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;

(e) the making of moulds for use in the making of such architectural ornaments;

(f) architectural modelling;

(g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;

(h) the making and fixing of gypsum beam blocks and/or castings;

(i) the making of all forms of gypsum plasterboard sections, shapes and systems;

(j) the preparation of material for, and the making and fixing of acoustic tiles;

(k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;

(l) the making and fixing of plaster walls, partitions and systems;

(m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;

(n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

(o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;

(p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;

(q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, shall be eligible to be members of the Union including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;

(b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Timber, Furnishing and Textiles Union);

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;

(j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

(l) persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connexion with the production or preparation of manufactured goods, plant, machinery, equipment, packages or containers for sale or purposes of distribution.

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

(a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;

(b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site
or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

(3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

(4) A drainer or person employed as a plumber's labourer;

(5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;

(6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;

(7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(C) Deleted.

(D) Without limiting the generality of the foregoing and without being limited thereby in the State of South Australia or the Northern Territory, an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members are eligible to be members of the Union. This sub-rule 2(D) does not apply outside the State of South Australia or the Northern Territory.

(DA) In addition to sub-rule (D), the following persons engaged in or in connection with the coal and shale industries on or adjacent to a mine site will be eligible to be members of the Union:

(a) persons performing any work in or in connection with or incidental to the construction of a coal mine where mining operations have not commenced;

(b) construction work or work that is incidental to such construction work on or adjacent to a coal mine, including but not limited to:

A. expansion work;
B. demolition work;
C. maintenance work which does not form part of the day to day operations of the coal mine; and
D. shutdown work.

(c) persons engaged to perform work at the Port of Newcastle;

(d) persons who are engaged to provide services in the mobile crane hire industry, including the hiring, operation or driving of mobile cranes, mobile elevated work platforms and like equipment.

(E) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:-

(a) An unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river, and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Union or a branch of the Union or whilst financial members of the Union are elected as representatives of any working-class organisation to which the Union or a branch thereof is affiliated, or as a working-class member of Parliament.

Provided that mobile crane drivers, operators of fork lifts and/or tow motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

(aa) Nothing in sub-rule 2(E)(a) shall render eligible to join the Union a person engaged:

(i) in or in connection with the coal and shale industries, other than those persons eligible to be members of the Union pursuant to sub-rule 2(D) and/or sub-rule 2(DA);

(ii) in or in connection with the mining, exploration and energy industries, other than:

(A) persons in the State of South Australia or the Northern Territory;

(B) persons performing construction work, or any work incidental to construction work. Such construction work or work incidental to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(C) persons performing work at the Nyrstar zinc smelter in Tasmania;

(D) persons performing work at the Cape Flattery silica mine in Queensland;

(E) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment; and

(F) persons engaged or employed to operate or drive mobile cranes, mobile elevated work platforms and like equipment who are based at or perform work at the following locations in Western Australia:

a. Cape Preston;
b. 7 Mile;
c. Cape Lambert; and
d. Karratha Gas Plant

(iii) in or in connection with the generation of electrical power for the dominant purpose of the commercial sale or distribution of electrical power, other than:

(A) persons in the State of South Australia or the Northern Territory;

(B) persons performing construction work, or any work incidental to construction work. Such construction work or work incidental to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(C) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment; and

(D) persons employed by another person that is not the operator or principal of the worksite or a person related to the operator or principal of the worksite.

(iv) in or in connection with the mining, processing and treatment of brown coal (by whatever means), other than:

(A) persons performing construction work, or any work incidental to construction work. Such construction work or work incidental to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(B) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment;

(v) in or in connection with the operation of a locomotive in the State of Western Australia.

(b) Further, provided that, without limiting the generality of the foregoing the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building are eligible to be members of the Union. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger

Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

(1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(3) in the mining or exploration or hydro-carbons industries.

(F) (a) Subject to sub-rule 2(F)(b), without limiting the generality of any other sub-rule or paragraph or being limited thereby an unlimited number of persons who are employed in, or competent to be employed in or in connection with the following industries or trades are eligible to be members of the Union:

Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(b) Sub-rule 2(F)(a) applies only to persons in the following categories:

(i) persons who are engaged in Queensland, the Northern Territory or the Australian Capital Territory;

(ii) persons who are engaged in the plate, sheet or ornamental glass industry in New South Wales or Western Australia;

(iii) persons engaged in or in connection with the following industries or trades in New South Wales or Western Australia:

Plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters and plate-glass factories and luxfer glazing; and

(iv) floor covering layers in Queensland or Western Australia.

(G) [Deleted]

(H) Without limiting the generality of sub-rules (A), (B), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.

(I) Without limiting the generality of sub-rules (A), (B), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include –

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the following are eligible to be members of the Union: an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

(O) **Additional Eligibility for Admission to Membership in the State of Queensland**

This rule 2(O) does not apply outside the State of Queensland.

Without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provide for additional eligibility for admission to membership of the Union in the State of Queensland:-

(i)

SECTION A

(a) The Union shall consist of an unlimited number of persons, employed or usually employed as carpenters or joiners, including ship carpenters or joiners, or as stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions; also those employed in or usually employed in the following callings:- Bricklaying, tuckpointing, coke slab wall erection, gas retort repairers, fire clay block layers, floor tilers, roof tilers, slaters and shinglers, Terracotta fixer; majolica fixers, earthenware pipe drain layers in or about a building, cutters of brickwork for doorways, windows etc. plasterers; fibrous plasterers; tilers; floor specialists; lathers; together with such other persons, whether employees in the industry or not, as have been appointed Officers of the Association and admitted as members hereof.

(b) This Union shall also consist of an unlimited number of persons employed in or usually employed in the painting and decorating industry in connection with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(i) On ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational Offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind.

(ii) The painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind.

(iii) The painting of or in connection with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise). The painting of or in connection with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts or prefabricated building and structures as aforementioned.

(iv) The painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensors, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or seas, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases.

(v) Glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars.

(vi) Paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering.

(vii) Signwriting, designing and/or lettering of price tickets and show cards.

(viii) Pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering.

(ix) Leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections.

(x) Employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, putty stopping, caulking mixtures, compositions or compounds, oils, varnishes, watercolours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings will not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 1.2.2, Constitution hereof (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, watercolour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water solvents, electrical, mechanical, air powered or hand tools or by grit, shot, or other abrasives or by any other means.

(xi) The Union shall also consist of an unlimited number of persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade together with such other persons whether engaged in any industrial pursuit or not who have been appointed Officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connection with the production or preparation of manufactured goods, plant, machinery, equipment, packages, or containers for sale or purposes of distribution.

(c) Nothing in this Section A rule will make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time. Provided further that, notwithstanding the foregoing provisions of this rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

(d) Notwithstanding any other provision in these Section A rules, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the union under this sub-rule.

(e) The Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connection with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accommodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattressmakers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen and labourers, and all other employees working in new and secondhand furniture factories, piano

factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

(f) Provided further that, notwithstanding the foregoing provisions of this Section A rule, the union does not have the right to enrol as members under this sub-rule persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.

(g) Without limiting the generality of the foregoing Sub-Rules of this Section A Rule, or being limited thereby, independent contractors who, if they were employees performing work of the kind that they usually perform as independent contractors, would be employees eligible for membership of the Union, will be eligible for membership of the Union, and the Union will consist of an unlimited number of such persons.

SECTION B

(a) The Association shall consist of an unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow-motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Association or a Branch of the Association or whilst financial members of the Association are elected as representatives of any working class organisation to which the Association or a Branch thereof is affiliated or as a working class member of parliament. Provided that mobile crane drivers, operators of fork lifts and/or towmotors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership. Provided further that, notwithstanding the foregoing provisions of this Section B rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

(b) Nothing in sub-rule (O)(i) shall make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time.

(c) Notwithstanding any other provision in this Section B rule, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the association under this sub-rule.

(d) Notwithstanding any other provision in this Section B rule, the persons employed by Dalrymple Bay Coal Terminal Pty Ltd at the Dalrymple Bay Coal Terminal site shall not be eligible for membership under this sub-rule.

(e) Nothing in sub-rule (O)(i) Section B shall render eligible to join the Union a person engaged:

(i) in or in connection with the coal and shale industries, other than those persons eligible to be members of the Union pursuant to sub-rule 2(D) and/or sub-rule 2(DA);

(ii) in or in connection with the mining, exploration and energy industries, other than:

(A) persons performing construction work, or any work incidental to construction work. Such construction work or work incidental to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(B) persons performing work at the Cape Flattery silica mine in Queensland;

(C) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment.

(iii) in or in connection with the generation of electrical power for the dominant purpose of the commercial sale or distribution of electrical power, other than:

(A) persons performing construction work, or any work incidental to construction work. Such construction work or work incidental to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(B) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment;

(C) persons employed by another person that is not the operator or principal of the worksite or a person related to the operator or principal of the worksite.

(iv) in or in connection with the mining, processing and treatment of brown coal (by whatever means), other than:

(A) persons performing construction work, or any work incidental to construction work. Such construction work or work incidental to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(B) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment.

SECTION C

(a) The Union shall be formed of persons not under the age of fourteen years employed or formerly employed in or about any coal, shale, metal, coke, and smelting works in Queensland, and who are approved by the Committee of Management.

Provided that nothing in this sub-rule shall render eligible to join the Union a person engaged other than:

i. persons performing any work in or in connection with or incidental to the construction of a coal mine where mining operations have not commenced;

ii. construction work or work that is incidental to such construction work on or adjacent to a coal mine, including but not limited to:

A. expansion work;
B. demolition work;
C. maintenance work which does not form part of the day to day operations of the coal mine; and
D. shutdown work.

iii. persons performing construction work, or any work incidental to construction work, on a worksite other than a coal mine. Such construction work or work incidental to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

iv. persons who are engaged to provide services in the mobile crane hire industry, including the hiring, operation or driving of mobile cranes, mobile elevated work platforms and like equipment.

(b) Provided further that, notwithstanding the foregoing provisions of this rule, the Union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

Without limiting any other rule, sub-rule (O)(i) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(ii) The Union shall consist of an unlimited number of persons employed or usually employed as Builders' Labourers throughout Queensland on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any tradesperson engaged in building operations, or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings, or as scaffolder, rigger, gear hand, gantry hand or crane hand or as dogperson, or as a drainer on all building contracts, any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete work, tarpaving or asphalt work, or mortar or concrete mixing in connection with, or incidental to the foregoing operations, together with such other persons whether employees in the industry or not, as have been appointed officers of the Association and admitted as members thereof. Provided that, notwithstanding the foregoing provision of this rule, the union does not have any right to enrol as members under this sub-rule persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.

Without limiting any other rule, sub-rule (O)(ii) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(P) Additional Eligibility for Admission to Membership in the State of New South Wales

This Rule 2(P) does not apply outside the State of New South Wales.

Without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provided for additional eligibility for admission to membership of the Union in the State of New South Wales:-

(A) The Union shall consist of an unlimited number of persons, whether male or female

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and bridge carpenters, wharf carpenters and carpenters and joiners (including foremen and sub-foremen) employed on bridges, wharves, jetties, piers or dams, or as carpenter-divers, ships carpenters or joiners (including foremen and sub-foremen) or as tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like, not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or as bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro, fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental hereto or in place thereof, stonemasons, letter cutters, carvers, machinists, sawyers, polishers, assistant quarrymen and quarry workers in and about dimension stone quarries other dimension stone quarries other than dimension stonework in other quarries and workers in terrazzo and similar materials or as apprentices or journeymen and other labour engaged in the plate, sheet and ornamental glass trade or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof.

(4) Further provided that without limiting the generality of the foregoing, the Union shall also consist of:

(1) workers (other than tradesperson) on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine operator, except in the mining or exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (4) shall render eligible to join the Union any person employed:

(3) as a drainer or person employed as a plumber's labourer,

(4) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site:

(B) Without limiting the generality of the foregoing, or being limited thereby the union shall also consist of an unlimited number of persons:

who are employed together with such persons who are deemed to be employees by virtue of sub-paragraph (b) of Regulation 91A Industrial Arbitration Regulations under the *Industrial Arbitration Act 1940*, as amended in the process of trade or business as a plasterer, fixer, shophand and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, finishing all kinds of plaster and plastic acoustic work, waterproofing work in cement, plaster or patent materials by manual or mechanical means, excepting employees engaged in manufacture of cement and/or concrete and/or fibrolite articles including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixed and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, ie floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, terrazzo and similar work including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground-work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets, the laying or fixing to floors or walls of tablets of sheeting made of plastic substance or other materials in substitution thereof, excepting metal, terra-cotta or potteryware, and all persons covered by the constitution of The Federated Rubber and Allied Workers' Union of Australia, New South Wales Branch, whether employed in the process, trade or business of plastering of any description or not, together with all persons who have been appointed Officers of the Federation and admitted members thereof, registered for the industries of building operations and of plastering.

All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any branch of the plastering trade.

(C) (1) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of an unlimited number of persons employed in or usually employed in the painting and decorating industry in connection with buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind.

(b) the painting of launches and boats of every kind.

(c) the painting of or in connection with all buildings and structures, (commercial, residential, industrial or otherwise), the painting of or in connection with prefabricated buildings and structures, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) glazing, glass cutting, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars

(e) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(f) signwriting, designing and/or lettering of price tickets and showcards, (excluding workers in retail shops carrying out the lettering of price tickets and showcards for their employers own use, but not for resale.)

(g) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto.

(h) employees who mix and/or apply and/or fix paint or like matter or substitutes or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wall papers, wall hangings or coverings, coatings, or other materials used in any of the callings specified in Rule 2(P), Constitution hereof (other than mixing of paint, protective coatings and/or plastic coatings and/or finishes, putty stopping, caulking compositions or compounds, oils, varnishes, water colours, lacquers, stains, and removers, in paint and chemical factories) and/or other materials used in the painting and decorating trade with brush, spray, roller or other tool or remove paint or like matter or substitute or compositions or compounds for texture (other than employees engaged on plasterers' texture work) or plastic coatings and finishes or other decorative coatings and/or finishes, or putty, stopping or caulking compositions or compounds, oils varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings or other materials used in the painting and decorating trade, by heat, flame, water solvent, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means.

(i) the Union shall also consist of an unlimited number of persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and/or sub-Branches and admitted as members thereof but shall not include persons employed in connection with production of manufactured goods, or the preparation of any goods, packages or containers for sale or purpose of distribution.

(2) A person who is a member of or who is eligible for membership of The Printing Industry Employees Union of Australia, New South Wales Branch, the Amalgamated Printing Trades Employees Union of Australia New South Wales Branch, or the New South Wales Branch of the Vehicle Builders Employees Federation of Australia, shall not, by reason of anything contained in sub-rule (c) only of this rule, be eligible for membership of the Union.

(D) Deleted.

(E) (a) Without limiting the generality of the foregoing and without being limited thereby, the union shall also consist of an unlimited number of persons engaged in, or in connection with the Coal, Shale or Coke Industries in the Western District and in the Metalliferous Mining Industry and any person who is a duly registered unemployed member in compliance with these rules, together with and including other persons temporarily or permanently taken from the Industry and who are employed by the members or representatives of the members appointed by them, who shall be aggregated in Lodges already established or which may be established by the authority of the Western District branch of the Australian Coal and Shale Employees Federation.

(b) Without limiting the generality of the foregoing and without being limited thereby, the union shall also consist of an unlimited number of persons engaged in any capacity in connection with coal and shale mining; in connection with the coke industry, but excepting persons employed in the iron, steel and metal industries; and excepting also persons who are now members, or in the future may be eligible for membership of the United Collieries Staff Association of New South Wales; but as regards the last mentioned union, so as not to exclude lampmen and grooms.

(c) Without limiting the generality of the foregoing and without being limited thereby, the union shall also be composed of an unlimited number of persons employed in and around the coal mines, shale mines and coke works in the Northern District of New South Wales

(d) provided that nothing in sub-rules 2(P)(E)(a),(b) or (c) shall render eligible to join the Union a person engaged other than:

i. persons performing any work in or in connection with or incidental to the construction of a coal mine where mining operations have not commenced;

ii. construction work or work that is incidental to such construction work on or adjacent to a coal mine, including but not limited to:

A. expansion work;
B. demolition work;
C. maintenance work which does not form part of the day to day operations of the coal mine; and
D. shutdown work.

iii. persons performing construction work, or any work incidental to construction work, on a worksite other than a coal mine. Such construction work or work incidental to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

iv. persons who are engaged to provide services in the mobile crane hire industry, including the hiring, operation or driving of mobile cranes, mobile elevated work platforms and like equipment.

(F) Without limiting the generality of the foregoing and without being limited thereby the Union shall also consist of:-

(a) An unlimited number of all classes of engine drivers, (including operators of rear side and/or bottom dumpers on construction work), firemen, crane drivers dynamo attendants, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery.

Provided that persons engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

Provided further, that persons employed in the steel wire netting and wire rope industries shall not be admitted to membership or retained as members. Provided further, that the union shall not admit to membership or retain as members, any manager, foreman or members of the salaried staff of any employer, excepting salaried staff employed by the Electricity Commission of New South Wales on operational duties as power plant operator, ie one engaged in the operation and control of generating plant (turbine boiler and generator) by instrumentation and assistant power plant operator, ie one engaged in assisting in the operation and control of generating plant (turbine boiler and generator) by instrumentation.

Nothing in sub-rule 2(P)(F) shall render eligible to join the Union a person engaged in:

(i) in or in connection with the coal and shale industries, other than those persons eligible to be members of the Union pursuant to sub-rule 2(D) and/or sub-rule 2(DA);

(ii) in or in connection with the mining, exploration and energy industries, other than:

(A) persons performing construction work, or any work incidental to construction work. Such construction work or work incidental to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(B) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment.

(iii) in or in connection with the generation of electrical power for the dominant purpose of the commercial sale or distribution of electrical power, other than:

(A) persons performing construction work, or any work incidental to construction work. Such construction work or work incidental to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(B) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment;

(C) persons employed by another person that is not the operator or principal of the worksite or a person related to the operator or principal of the worksite.

(b) Further, provided that, without limiting the generality of the foregoing the Union shall also consist of the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this proviso building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger, assisting a rigger specified in the immediately preceding classification
Drilling Machine Operator

Provided that, nothing in this sub-rule shall render eligible to join the Union any person employed:

(i) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

(ii) in the mining or exploration or hydrocarbons industries.

Further provided that the union shall also consist of Elected officers and position holders of the union whether or not employed in an industry in respect of which the union is registered, and

Any person who whilst a financial member of the union is elected as a representative of a working class organisation to which the union is affiliated, or as a working class Member of Parliament and who have been admitted as members of the union.

(G) Deleted.

(H) Provided that nothing in this Rule 2(P) shall make any person eligible to be a member of the Union who is of a class of employees for whom, as of the date of this Rule being approved, was subject to a representation order, a State demarcation order, a demarcation order, a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(Q) Additional Eligibility for Admission to Membership in the State of Western Australia

The provisions of this rule 2(Q) enabling workers, categories and classes of workers to be eligible for membership of the Union have no application whatsoever beyond the State of Western Australia. This proviso applies regardless of any term or provision of this rule 2(Q).

The provisions of this rule 2(Q) do not extend and are not intended to operate as extending the eligibility rules of the Union beyond those that of The Construction, Forestry, Mining and Energy Union of Workers. This proviso applies regardless of any term or other provision of this rule 2(Q).

Without limiting any other rule, this rule does not make any person eligible to be a member of the Union who is in a class of employees for whom, at the time when this rule was approved by the General Manager, was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to a class of employees of which that person is a member, in favour of another organisation or association.

Further, without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provide for additional eligibility for admission to membership of the Union in the State of Western Australia:-

(1) The Union shall in the State of Western Australia consist of an unlimited number of persons who are:

(a) over the age of 16 years and who are employed or usually employed as builders' labourers on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any trades person engaged in building operations or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel or combination of those or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings or as scaffolder, rigger, gear hand, gantry hand or crane hand, or as dogman, or as drainer on all building contracts, and any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete work, tar paving or asphalt work, or mortar or concrete mixing in connection with or incidental to the foregoing operations;

(b) provided that no person employed in any of the vocations or callings mentioned in subrule (1)(a) of this Rule shall be eligible for membership if he or she is eligible to be a member of the Australasian Society of Engineers, Industrial Union of Workers, Western Australian Branch, the Electrical Trades Union of Workers of Australia Western Australian Branch Perth, the Amalgamated Engineering Union Workers, Perth Branch, or the Amalgamated Engineering Union of Workers, Kalgoorlie Branch.

(2) In addition to the foregoing, the Union in the State of Western Australia shall consist of an unlimited number of persons who are employed, or who are usually employed in the painting and decorating industry applying paint or its substitutes, or any preparation, by any means, the purpose of which is of a decorative or protective character for residential, commercial or industrial purposes (excluding the application of bitumen or like substance to roads and like surfaces), which industry shall be deemed to include the painting of buildings and structures (residential, commercial and industrial), aircraft, machinery, ships and small vessels of every description (including prefabricated work on any of the aforementioned, wholly or in part) and general painting, together with plastic relief workers, paper hangers, wall coverers, decorators, grainers, marblers, varnishers, enamellers, gilders, lacquerers, spray workers, sign, profile, scenic, mural and pictorial artists, or persons engaged in the removing of paints and/or their substitutes and the preparation of all work and materials used in the painting trade and branches thereof, including paint mixers together with glaziers, vitrolite cutters and fixers, ticket writers, cycle enamellers, liners, writers, and sprayers, and shall include foremen and sub-foremen in the industry.

(3) And in addition to the foregoing the Union in the State of Western Australia shall consist of an unlimited number of persons who are employed, or who are usually employed as:

(a) Plasterers - the work of a plasterer shall mean and be deemed to be, all internal and external plastering, and cementing, including rendering with all forms of plaster, asbestos fibre, finishing all kinds of plaster and plastic acoustic work, water proofing work in cement, plaster or patent materials, by manual or mechanical means, including wood lathing and metal lathing, or any similar substitute that may be used as a ground for plaster work, such as sackett board; the affixing of plain and ornamental tiles on walls and floors, the fixing of fibrous plaster or any other kind of plaster required to be finished off with plastered joints; the top dressing of all concrete work finished in cement also cement floors, walls and ceilings, rough cast; and fixing plaster, cement, or patent plaster ornaments; and in the use of materials appertaining to the trade or calling of plasterers;

(b) Wall and Floor Tilers;

(c) Wall and Ceiling Fixers;

(d) Fibrous Plaster Workers - Persons engaged in:

(i) Architectural modelling;

(ii) The manufacture of architectural ornaments of plaster and fibrous plaster;

(iii) The manufacture of fibrous plaster goods;

(iv) The fixing of manufactured plaster goods and fibrous plaster columns and acoustic tiles and the fixing of fibrous plaster on the walls and/or ceilings of buildings;

(v) The preparation of designs and ground work and the making of models and/or moulds whether of gelatine, plaster, wax, rubber or cement, subject to the making of such models and/or moulds being incidental to the fibrous plaster industry;

(vi) Any phase or phases of item (i) to (v) inclusive;

(e) Manufactured Cement Goods Workers - Persons engaged in-

(i) Architectural modelling;

(ii) the manufacture of architectural ornaments of cement;

(iii) except as provided for in subrule (8) of this Rule, the manufacture of portable articles of reinforced cement or concrete, cement pressed work, baths, washtubs, troughs, sinks, pillars, ornaments and other miscellaneous goods, including floor beams, partition blocks, lintels, cornices and balusters, subject to and without limiting the generality of subrule (1) and (2) of this Rule, excluding the manufacture of cement bricks, pipes and/or building blocks, except where such work is performed in the establishment of manufacturers of fibrous plaster, plaster and/or cement goods, and excluding workers employed by the Fremantle Harbour Trust and the Minister controlling Harbours and Rivers.

(iv) the manufacture of cast stone and terrazzo where such work is performed in the establishments of manufacturers of fibrous plaster, plaster/or cement goods.

(v) any phase or phases of items (i) to (iv) inclusive;

(vi) plaster mill workers - persons engaged in the manufacture of plaster of paris.

(4) The Union shall also consist of an unlimited number of persons employed, or usually employed in the State of Western Australia as carpenters and/or joiners (including ships' carpenters and joiners, carpenters employed on jetties, and wharves, dams and bridges) and joinery assemblers and roof tile fixers and bricklayers, stoneworkers, stonemasons, marble masons, stone, marble or slate polishers, stone marble or slate machinists and stone, marble or slate sawyers and labourers in the industry of monumental masonry and foreman, subforemen, or apprentices to or in any of the foregoing trades provided that no foreman tradesman or subforeman tradesman (except acting foremen tradesmen or acting sub-foremen tradesmen) who is eligible for membership of The Foremen (Government) Industrial Union of Workers, WA as at the 11th Day of December 1986 shall be eligible for membership of the Union.

(5) The Union shall also admit to membership any person who is employed, or usually employed in the State of Western Australia including all islands bounding the whole coastline of the State in any of the following capacities:

Engine drivers, steam boiler and gas producer firemen, trimmers or fuelmen or tour guides in power houses, engine cleaners, greasers, boiler cleaners, crane drivers, dynamo attendants in power houses, stationary motor drivers, electric power sub-station attendants, power house switchboard attendants. Provided that, in respect of the vocations referred to in this subrule 4.6, employees of the Western Australian Government Railways Commission and persons eligible for membership of the Coal Miners Industrial Union of Workers of Western Australia employed in the coal mining industry within the State of Western Australia shall not be eligible for membership of the Union.

Nothing in this sub-rule 2(Q)(5) shall render eligible to join the Union a person engaged in:

(i) in or in connection with the coal and shale industries, other than those persons eligible to be members of the Union pursuant to sub-rule 2(D) and/or sub-rule 2(DA);

(ii) in or in connection with the mining, exploration and energy industries, other than:

(A) persons performing construction work, or any work incidental to construction work. Such construction work or work incidental to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(B) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment;

(C) persons engaged or employed to operate or drive mobile cranes, mobile elevated work platforms and like equipment who are based at or perform work at the following locations in Western Australia:

i. Cape Preston;

ii. 7 Mile;

iii. Cape Lambert; and

iv. Karratha Gas Plant

(iii) in or in connection with the generation of electrical power for the dominant purpose of the commercial sale or distribution of electrical power, other than;

(A) persons performing construction work, or any work incidental to construction work. Such construction work or work incidental to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(B) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment; and

(C) persons employed by another person that is not the operator or principal of the worksite or a person related to the operator or principal of the worksite.

(iv) in or in connection with the operation of a locomotive in the State of Western Australia.

(6) The Union may admit to membership all other persons in the State of Western Australia whether employees in the foregoing callings or vocations or not as have been appointed or elected officers of the Union, provided that no person shall be a member who is not an employee within the meaning of the Industrial Relations Act (WA) 1979 as amended.

(7) The Union may admit to membership employees who are engaged in the State of Western Australia the manufacture of:

(a) bricks and who are employed by:

(i) Boral Bricks Western Australia Pty Ltd trading as Midland Brick;

(ii) BGC (Australia) Pty Ltd trading as Brikmakers;

(iii) Austral Bricks (WA) Pty Ltd trading as Austral Bricks; and

(iv) Geraldton Brickworks Pty Ltd trading as Geraldton Brick Co;

(b) cement roof tiles and who are employed by:

(i) Austral Bricks (WA) Pty Ltd trading as Bristile Roofing; and

(ii) Monier Prime Pty Ltd trading as Monier Prime Roofing.

(8) This rule 2(Q) does not allow the union to cover in the State of Western Australia or elsewhere any person who, as of the date of this rule 2(Q) being approved, is of a class of employees in respect to which the Construction, Forestry, Mining and Energy Union of Workers was subject to a representation order, a State demarcation order, a demarcation order, or a demarcation undertaking or agreement (however described) in regards to that class of employees in favour of another organisation or association.

(R) Deleted.

(S) Without limiting the generality of Sub-Rules (A) to (R) herein or being limited thereby:

1. PART S

(a) The Union shall be composed of any number of:

(i) bosuns, bosuns' mates, quartermasters, storekeepers, able seamen, chief integrated ratings, bosun integrated ratings, integrated ratings, provisional integrated ratings, trainee integrated ratings, general purpose ratings, sailors, deckhands, ordinary seamen, deck boys, pumpmen, donkeymen, water tenders, engineroom attendants, oilers, greasers, motormen, boiler attendants, firemen, wipers, trimmers, crew attendants, catering attendants and trainee catering attendants, employees engaged on working on dredges, lighters, hulks, barges, punts, employees working on river and harbour vessels, including ferries, employees working on tugboats and tenders, employees working in the pilot services; and

(ii) Marine Cooks, Bakers and Butchers, trainee cooks and other employees employed, or competent to be employed in the galley of Australasian vessels; and

(iii) seafaring stewards, pantrymen and stewardesses, catering attendants and trainee catering attendants; and

(iv) persons temporarily, permanently or usually employed within the Commonwealth of Australia, or in any place in which the Industrial Relations Act, 1988 applies on a full time or part time basis in the Industry defined in Rule 2(b) of the Rules;

(v) all employees who are employed in or in connection with the recreational diving industry throughout the Commonwealth of Australia, including those employees who are in command and control of small vessels which are operated in or in connection with a port or adjacent to an offshore facility and who are required to possess and use a Coxswain's Certificate or equivalent in such operation; other than those employees who are:-

(1) in command, control or who supervise or operate vessels including employees described as masters, mates, deck officers and skippers;

(2) marine engineers, however described;

(3) employed in the State of Queensland in or in connection with the sale or supply of recreational diving equipment or facilities the provision of recreational diving services or related underwater services by an employer whose sole or predominant business activity consists of the operation of one or more tourist resorts or hospitality facilities of a similar nature, and where such sale, supply or services are provided in association with the operation of that tourist facility;

(4) solely or predominantly engaged in the sale, reception or delivery of merchandise in a retail outlet operating separately and distinct from the provision of recreational diving services;

(5) solely or predominantly engaged in clerical duties in a retail outlet operating separately and distinct from the provision of recreational diving services;

together with officers of the Union.

For the purposes of (v) herein an employee shall be regarded as employed in or in connection with the recreational diving industry only if the employee is employed by an employer whose sole or predominant business activity consists of either the sale or supply fo recreational diving equipment or facilities, the provision of recreational diving services or related underwater services.

(b) Without limiting in any way whatsoever the operation of the provisions of Sub-Rule (a) of this Part S, in the State of Western Australia, the Union shall, in the State of Western Australia, consist of an unlimited number of members in addition to those referred to in Sub-Rule (a) of this Part S who follow in that State the occupation of:-

(i) Painting (excepting those provided for in Part 1 of Reference No. 32 of 1945 Demarcation Board Decision if the word "enamelling" in sub-paragraph (ii) and the words "done in enamel" in sub-paragraph (ix) of paragraph 5 of part 1 of that Decision were deleted therefrom), chipping, sandblasting, shotblasting (subject to the abovementioned Decision), scraping, scrubbing, cleaning, limewashing, cementing and cement washing, on any vessel or sectional part thereof, or on any vessel during construction; boiler scalers, shipwrights' assistant, carpenters' assistant, and joiners' assistant in the shipping trade; workers employed cleaning ships' holds and dunnaging, excepting such cleaning and dunnaging as is normally performed by waterside workers or shipwrights; riggers, wire splicers, sailmakers, sailor gangs or general labourers (other than those engaged in structural maintenance) working about docks, dockyards, slips, vessels (including any sectional part of a vessel or on any vessel during construction) and shipyards; painters of ironwork, machinery, sheds, sheerlegs, cranes and smokestacks in established dockyards and shipyards in which members of the Union have from time to time been employed for work on ships; workers engaged in the making, repairing and/or maintaining of rope, wire, chain or canvas gear used in connection with cargo handling, insulation and lagging workers; workers engaged in the mooring and unmooring of vessels; deckhands of floating cranes and such like vessels.

Provided that a worker who, pursuant to the foregoing provisions of this Sub-Rule (b), is eligible for membership of the Union shall remain eligible for such membership when in the course of employment in any of the occupations referred to in the said provisions and included in the Constitution of the Union, such worker is required to paint ironwork, machinery, sheds, sheerlegs, cranes and smokestacks in established dockyards and shipyards.

(ii) Mates and engineers of whaling vessels, lamp trimmers, boatswains, boatswains' mates, sailors, quartermasters, donkeymen, storekeepers, greasers, oilers, firemen, trimmers, watertenders, wipers, deckhands, ordinary seamen, deck boys, deckhands and sailors' attendants, stokehold staff attendants, laddermen, pipe-winchmen, winchmen, hoppermen, and boatmen engaged working on ships and vessels including dredges, lighters, hulks, barges, ferries, tugboats, tenders and pilot vessels;

(iii) Boatbuilder or shipwright in the maintenance, manufacture, construction or repair of iron, steel, wooden, fibre glass, plastic or concrete ships and vessels of any description and (without limiting the generality of the term) of boats, punts, pontoons, floating stages, targets, preventors, torpedo netting booms, rafts, dock gates, caisson and coffer dam gates, aircraft or seaplanes (where work on such aircraft or seaplanes is done in an establishment, the principal business of which is work of the other class hereinbefore mentioned) or on any other floating structure;

(iv) Cargo, jetty, ship, or wharf (including wharf entrance gates) watchmen;

(v) The secretary for the time being of the Seamen's Union of Australia, West Australian Branch and persons whether included or not included in the occupations referred to in paragraphs (i) (ii) and (iii) hereof as have been appointed officers of the organisation, and admitted as members thereof.

Provided that a person (other than a crewman of a self-propelled dredge, hopper barge or tender) who is employed under an agreement (whether registered or not) to which the Australian Workers' Union, West Australian Branch, Industrial Union of Workers was a party and in force on the eighth day of December, 1967 or under an Award to which that Union is a party at any time shall not be eligible to be a member of this Union.

Provided further that a person who is eligible for membership of the Australasian Society of Engineers Industrial Union of Workers, Western Australian Branch shall not be eligible to be a member of this Union.

Provided further that no person employed in connection with river improvements or employed or serving in any naval, military or police force in Western Australia or is under fourteen years of age shall be eligible to become a member of this Union. Provided further that no person shall be eligible to become a member except in the capacity of an honorary member who or whose personal representative is entitled to some financial benefit or financial assistance under the rules of the Union while not being a worker within the meaning of the Industrial Arbitration Act, 1912.

(c) Without limiting in any way whatsoever the operation of the provisions of Sub-Rule (a) of this Part S in the State of New South Wales, the Union shall, in the State of New South Wales, consist of an unlimited number of members in addition to those referred in Sub-Rule (a) of this Part S and shall be composed of:

(i) Any number of sailors, lamp-trimmers, boatswains, boatswain's mates, quarter masters, donkeymen, storekeepers, greasers, oilers, firemen, trimmers, watertenders, wipers, deckhands, ordinary seamen, deckboys, employees engaged working on dredges, lighters, hulks, barges, punts, employees working on river and harbour vessels, including ferries, deckhands and sailors' attendants and stokehold staff attendants, employees working on tugboats and tenders, and employees working in the pilot services;

(ii) persons employed in the Dredge Service of the Department of Public Works of New South Wales and the Maritime Services Board of New South Wales, including Signal Masters, Assistant Signal Masters, Signalmen, Tide Signalmen, Light Keepers, Motor Drivers, Coxswains, Firemen, Greasers, Seamen, Watchmen, Diesel Engine Drivers, Cooks and Stewards, Wharfingers, Officers in Charge of Out Stations (not Pilots) Patrolmen and Communication Attendants and others employed in lighters, and Rockchoppers in the service of the Maritime Services Board of New South Wales;

(iii) any person or persons who may be elected an Officer of the Union;

(d) Without limiting in any way whatsoever the operation of the provisions of Sub-Rule (a) of this Part S in the State of New South Wales, the Union shall, in the State of New South Wales, consist of an unlimited number of members in addition to those referred in Sub-Rule (a) of this Part S and shall be composed of:

(i) an unlimited number of employees in the manipulation and navigation of motor boats in the State of New South Wales;

(ii) all persons engaged in the mooring and unmooring of interstate, intrastate and overseas vessels;

with the exception of

(a) colliers,
(b) members of ships' crews,
(c) any vessel berthing at Cockatoo Dock, Woolwich Dock, and Garden Island;

(iii) competent deckhands, engine room attendants, fishermen, shipkeepers, wharfhands, passage hands, turnstile hands, change hands, collectors, steersmen, motor hands and all persons employed on or usually employed in connection with ferry boats, tug boats, lighters, punts, hoppers, barges, launches, motor boats, trawlers and harbour and river craft.

Provided that nothing in this Sub-Rule (d) shall apply to persons employed in or in connection with private or pleasure craft as watchmen, caretakers or cleaners or employees of the Maritime Services Board of the Department of Public Works Dredge Service.

2. PART W

Without limiting the generality of Part S, or being limited thereby, the Union shall also consist of:

(a) Any person who intends to follow the occupation of a waterside worker, including without limiting the foregoing any employee referred to in Sub-Rule (b) of this Part W.

(b) (i) For the purpose of this Sub-Rules (b) (c) and (d) the following definitions shall apply:

(1) "Administrative clerk" means any clerk employed in budgeting, costing, accounting and allied functions, preparation of payrolls, clerical work associated with purchasing, banking of monies, typing or secretarial work, stenography, and in the performance of those functions shall include the operation of telex, facsimile, accounting or calculating machines, computers, and other equipment used in connection with electronic data processing and operators of switchboards, and persons employed in a clerical capacity for the keeping and maintenance of general administrative records.

(2) "Container depot" means an area and building authorised by Customs Authorities for the examination of goods on landing at which containers, pallets and flats are unpacked, the contents sorted and prepared for delivery or stored, and for the receipt, delivery and storage of containers, and at which loose goods or packages are received and stored into containers or onto pallets and flats, or otherwise handled or stored.

(3) "Employees" means that class or group of employees being:

(I) employees engaged or assisting in the work of handling, storing, preparing, packing or dispatching goods or merchandise, or work on or in connection with the loading or unloading, stacking, moving or sorting of such goods and merchandise in or about container depots, including the operation of equipment necessary to move containers or goods and any equipment required to clean the premises or containers, and including clerical work, but excluding the work of an administrative clerk and work of a supervisory nature;

(II) employees engaged in watching, guarding or protection duties in or about container depots;

(III) employees performing the work of a qualified trades person;

or any combination of work specified in sub-paragraphs (I), (II) and (III).

(ii) For the purpose of this Sub-Rule (b) the employers and the specified container depots operated by the employers are as follows:

EMPLOYER	CONTAINER DEPOT
National Terminals Aust. Ltd	East Swanston Dock Victoria Port Botany NSW
Conaust Limited	McKenzie Road West Swanston Dock, Vic Rozelle NSW Gillman SA

F.G. Strang Pty Ltd trading as Strangtainers	Footscray Vic
Western Packing Pty Ltd trading as Cargo Distributors	Footscray Vic
Port Botany Container Depot Pty Ltd	Banksmeadow NSW
Seatons Container Freight Station Pty Ltd	Camellia NSW
Brisbane Cargo Services Pty Ltd operating as Brisbane Amalgamated Terminals Limited	Fishermans Island
Macpak Pty Ltd	Hemmant Qld
Rivers Trading Company Cargo Pty Ltd trading as Rivers Trading Company	Nudgee Qld
Interport (Brisbane) Pty Ltd	Hamilton Qld
Charlick Operators Pty Ltd trading as Austainer Services	Gillman SA
Terminal Properties of Australia Pty Ltd trading as Freight Bases	Gillman SA
Fremantle Port Authority	North Quay Fremantle WA
Fremantle Terminals Limited	North Quay Fremantle WA

(iii) For the purpose of this Rule the employees, as defined in sub-paragraph (b)(i)(3) above, of each of the employers specified in paragraph (b)(ii), where those employees are employed at the specified container depots in respect of each employer, shall be eligible for membership of the Union.

(c) All employees employed by "TT Line Company Pty Limited" as administrative clerks, as defined in sub-paragraph (b)(i)(1) above, but not including employees performing work of a supervisory nature, provided that such employees are employed or usually employed in or in connection with stevedoring operations and/or passenger and/or cargo booking where such passenger and/or cargo booking is related to intrastate and/or interstate travel where those persons are employed in performing those duties solely on or immediately adjacent to a wharf, a wharf office or on a ship.

(d) The following named persons, whilst those persons remain employed as administrative clerks, as defined in sub-paragraph (b)(i)(1) above, but not including employees performing work of a supervisory nature, and are employed or usually employed in or in connection with stevedoring operations and/or passenger and/or cargo booking where such passenger and/or cargo booking is related to intrastate and/or interstate travel where those persons are employed in performing those duties solely on or immediately adjacent to a wharf, a wharf office or an a ship.

(i) For the purpose of this sub-rule (d), the employees are those listed in Schedule I to these rules.

3. (a) Without limiting the generality of 1. PART S and 2. PART W, or being limited thereby, the Union shall also consist of:

All employees as defined in subrule (b) other than those employees who are employed in supervisory duties of any nature (excepting employees performing duties of forepersons or leading hands or otherwise who exercise similar and direct supervisory powers over other employees), and other than employees who possess a Maritime Certificate of Competency where the possession of the certificate is part of the requirements of a classification, and other than those employees who are employed as harbourmasters, port managers, marine pilots, marine surveyors, maintenance technicians, masters and deck officers of vessels, officers of pilot cutters, port control officers, signal station officers, radio officers, superintendents, stevedoring supervisors or who are employed in managerial or professional occupations;

provided that employees who perform clerical and administrative, supervisory or technical duties shall not be eligible to be members of the Union by virtue of this subrule until:

(i) 1 December 1995 if employed by the Port of Brisbane Corporation or Fremantle Port Authority;

(ii) 1 January 1996 if employed by the Townsville Port Authority;

(iii) 1 June 1996 if employed by the Sydney Ports Corporation, the Newcastle Port Corporation, the Port Kembla Port Corporation, the Waterways Authority in NSW, or the Port of Melbourne Authority.

(b) For the purposes of subrule (a) "employees" means all those persons employed by the employers identified in subrule (c) other than those persons who are employed in the office of public servant in accordance with relevant State Government legislation in the States of South Australia and Western Australia.

(c) For the purposes of subrule 3 of this rule the employers are:

Albany Port Authority
Bunbury Port Authority
Bundaberg Port Authority
Burnie Port Authority
Dampier Port Authority
Darwin Port Authority
Department of Transport, Marine & Harbours Agency (in the State of South Australia)
Department of Transport (in the State of Western Australia in relation to the Department of Marine and Harbours)
Esperance Port Authority
Fremantle Port Authority
Geraldton Port Authority
Kimberley Port Authority
Marine Board of Circular Head
Marine Board of Flinders
Marine Board of Hobart
Marine Board of King Island
Newcastle Port Corporation
Port Hedland Port Authority
Port of Brisbane Corporation
Port of Devonport Authority
Port of Geelong Authority
Port Kembla Port Corporation
Port of Launceston Authority
Port of Melbourne Authority
Port of Portland Authority
Rockhampton Port Authority
Sydney Ports Corporation
Townsville Port Authority
Waterways Authority

(T) Other than a person engaged to perform construction work, or work incidental to construction work, on a project in the County of Yancowinna where the relevant project is less than 12 months in duration, nothing in this Rule 2 shall render any other person eligible for membership of the Union employed in the County of Yancowinna. Such construction work or work incidental to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work.

(U) Nothing in this rule 2 shall render eligible for membership a person who is within the eligibility rules of the Timber, Furnishing and Textiles Union, as those eligibility rules stood at the time of its registration.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

(1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsman
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors (whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) Deleted.

(D) Deleted.

(E)

(a) An unlimited number of persons employed or usually employed as workers engaged in or in connection with the coal and shale industries in the State of South Australia or the Northern Territory; and

(b) An unlimited number of persons engaged in or in connection with the coal and shale industries on or adjacent to a mine site:

i. performing any work in or in connection with or incidental to the construction of a coal mine where mining operations have not commenced;

ii. performing construction work or work that is incidental to such construction work on or adjacent to a coal mine, including but not limited to:

A. expansion work;
B. demolition work;
C. maintenance work which does not form part of the day to day operations of the coal mine; and
D. shutdown work.

(c) An unlimited number of persons engaged to perform work at the Port of Newcastle;

(d) An unlimited number of persons engaged to provide services in the mobile crane hire industry, including the hiring, operation or driving of mobile cranes, mobile elevated work platforms and like equipment.

(F)(a) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler, generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

(1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

(2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand

Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, cranage operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

(3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

(F)(b) Provided that sub-rule 3(F) excludes persons:

(i) engaged in or in connection with the coal and shale industries, other than those persons eligible to be members of the Union pursuant to sub-rule 2(D) or sub-rule 2(DA);

(ii) in or in connection with the mining, exploration and energy industries, other than:

(A) persons in the State of South Australia or the Northern Territory;

(B) persons performing construction work, or any work incidental to construction work. Such construction work or work incidental to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(C) persons performing work at the Nyrstar zinc smelter in Tasmania;

(D) persons performing work at the Cape Flattery silica mine in Queensland;

(E) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment.

(F) persons engaged or employed to operate or drive mobile cranes, mobile elevated work platforms and like equipment who are based at or perform work at the following locations in Western Australia:

(a) Cape Preston;

(b) 7 Mile;

(c) Cape Lambert; and

(d) Karratha Gas Plant

(iii) in or in connection with the generation of electrical power for the dominant purpose of the commercial sale or distribution of electrical power, other than:

(A) persons in the State of South Australia or the Northern Territory;

(B) persons performing construction work, or any work incidental to construction work. Such construction work or work incidental to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(C) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment;

(D) persons employed by another person that is not the operator or principal of the worksite or a person related to the operator or principal of the worksite.

(iv) in or in connection with the mining, processing and treatment of brown coal (by whatever means), other than:

(A) persons performing construction work, or any work incidental to construction work. Such construction work or work incidental to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(B) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment

(v) in or in connection with the operation of a locomotive in the State of Western Australia.

(G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

(a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;

(b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;

(c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

(d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts,pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

(e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

(f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

(g) signwriting, designing and/or lettering of price tickets and showcards;

(h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;

(i) the work of enamelling, lining, spraying and writing on cycles;

(j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;

(k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

(l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

(H) (a) In Queensland, the Northern Territory, and the Australian Capital Territory, the furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.

(b) In the States of Queensland, New South Wales and Western Australian, the Northern Territory and the Australian Capital Territory the plate, sheet or ornamental glass industry.

(I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

(K) Deleted.

(L) Without limiting the generality of Sub-Rules (A) to (K) herein or being limited thereby, the Union is registered in or in connection with:-

(a) The shipping industry; and
(b) The industry of diving in the provision of underwater services.

(M) Additional Eligibility for Admission to Membership in the State of Queensland

(a) An unlimited number of persons employed or usually employed as workers engaged in coal, shale, metal, coke, and smelting works in Queensland, and who are approved by the Committee of Management.

Provided that nothing in this sub-rule shall render eligible to join the Union a person engaged other than:

i. persons performing any work in or in connection with or incidental to the construction of a coal mine where mining operations have not commenced;

ii. construction work or work that is incidental to such construction work on or adjacent to a coal mine, including but not limited to:

A. expansion work;
B. demolition work;
C. maintenance work which does not form part of the day to day operations of the coal mine; and
D. shutdown work.

iii. persons performing construction work or any work incidental to construction work, on a worksite other than a coal mine. Such construction work or work incidental to construction work includes but is not limited to expansion, maintenance, shutdown or demolition works;

iv. persons who are engaged to provide services in the mobile crane hire industry, including the hiring, operation or driving of mobile cranes, mobile elevated work platforms and like equipment.

(N) Additional Eligibility for Admission to Membership in the State of New South Wales

(a) An unlimited number of persons engaged in, or in connection with the Coal, Shale or Coke Industries in the Western District and in the Metalliferous Mining Industry and any person who is a duly registered unemployed member in compliance with these rules, together with and including other persons temporarily or permanently taken from the Industry and who are employed by the members or representatives of the members appointed by them, who shall be aggregated in Lodges already established or which may be established by the authority of the Western District branch of the Australian Coal and Shale Employees Federation.

(b) Without limiting the generality of the foregoing and without being limited thereby, the union shall also consist of an unlimited number of persons engaged in any capacity in connection with coal and shale mining; in connection with the coke industry, but excepting persons employed in the iron, steel and metal industries; and excepting also persons who are now members, or in the future may be eligible for membership of the United Collieries Staff Association of New South Wales; but as regards the last mentioned union, so as not to exclude lampmen and grooms.

(c) Without limiting the generality of the foregoing and without being limited thereby, the union shall also be composed of an unlimited number of persons employed in and around the coal mines, shale mines and coke works in the Northern District of New South Wales.

(d) Provided that nothing in sub-rules 3(N)(a),(b) or (c) shall render eligible to join the Union a person engaged other than:

(i) persons performing construction work, or any work incidental to construction work. Such construction work or work incidental to construction work includes but is not limited to expansion, maintenance, shutdown or demolition works; and

(ii) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment.

(O) Additional Eligibility for Admission to Membership in the State of Western Australia

The provisions of this rule 2(Q) do not extend and are not intended to operate as extending the eligibility rules of the Union beyond those that of The Construction, Forestry, Mining and Energy Union of Workers. This proviso applies regardless of any term or other provision of this rule 2(Q).

Without limiting any other rule, this rule does not make any person eligible to be a member of the Union who is in a class of employees for whom, at the time when this rule was approved by the General Manager, was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to a class of employees of which that person is a member, in favour of another organisation or association.

(1) The Union shall also admit to membership any person who is employed, or usually employed in the State of Western Australia including all islands bounding the whole coastline of the State in any of the following capacities:

Engine drivers, steam boiler and gas producer firemen, trimmers or fuelmen or tour guides in power houses, engine cleaners, greasers, boiler cleaners, crane drivers, dynamo attendants in power houses, stationary motor drivers, electric power sub-station attendants, power house switchboard attendants. Provided that, in respect of the vocations referred to in this subrule 4.6, employees of the Western Australian Government Railways Commission and persons eligible for membership of the Coal Miners Industrial Union of Workers of Western Australia employed in the coal mining industry within the State of Western Australia shall not be eligible for membership of the Union.

Nothing in this sub-rule 3(O)(1) shall render eligible to join the Union a person engaged:

(i) in or in connection with the coal and shale industries, other than those persons eligible to be members of the Union pursuant to sub-rule 2(D) and/or sub-rule 2(DA);

(ii) in or in connection with the mining, exploration and energy industries, other than:

(A) persons performing construction work, or any work incidental to construction work. Such construction work or work incidental to construction work includes but is not limited to expansion, maintenance, shutdown or demolition work;

(B) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment;

(C) persons engaged or employed to operate or drive mobile cranes, mobile elevated work platforms and like equipment who are based at or perform work at the following locations in Western Australia:

i. Cape Preston;
ii. 7 Mile;
iii. Cape Lambert; and
iv. Karratha Gas Plant

(iii) in or in connection with the generation of electrical power for the dominant purpose of the commercial sale or distribution of electrical power, other than;

(A) persons performing construction work, or any work incidental to construction work. Such construction work or work incidental to construction work includes but is not limited to expansion, maintenance, shutdown or demolition works;

(B) persons that provide services in the mobile crane hire industry including the hiring, operating or driving of mobile cranes, mobile elevated work platforms and like equipment; and

(C) persons employed by another person that is not the operator or principal of the worksite or a person related to the operator or principal of the worksite.

(iv) in or in connection with the operation of a locomotive in the State of Western Australia.

(P) Nothing in this rule 3 shall render eligible for membership a person who is within the eligibility rules of the Timber, Furnishing and Textiles Union, as those eligibility rules stood at the time of its registration.

4 - OBJECTS

(a) To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial and social legislation.

(b) To regulate and protect the wages and conditions under which all members or other persons entitled to become members of the Union may be employed, to achieve compulsory unionism and control the supply of labour, to take such steps as may be necessary for the efficient operation of the industries in or in connection with which the organisation is registered, to regulate relations between the members and their employers and between the members and other employees in or in connection with the Industries of the Union and to foster the best interests of the members of the Union.

(c) To improve industrial relations in the industries in or in connection with which the Union is registered and undertakings where members are employed, and to exercise all the powers, privileges and advantages of employees under the Act and any legislation replacing that Act and under any Commonwealth or State legislation, or any other legislation in any way relating to the Industries of the Union either directly or indirectly affecting the members.

(d) To do all things conducive to the welfare and organisation of the working class.

(e) To provide legal assistance to the Union and its members to protect the interests of the Union in all its Divisions and Divisional Branches, and to assist other trade unions by any legal method.

(f) To secure preference in employment, retrenchment, promotion, demotion and transfer of employment for members.

(g) To protect members from any infringement of their rights.

(h) To organise the education of members.

(i) To secure or assist in securing legislation for safety in or in connection with the Industries of the Union and for the general and material well being of members.

(j) To establish funeral, sick, accident, unemployment or other funds, including insurance or assurance funds, for the assistance, support and benefit of members, or other trade unionists, and to establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Branches, Divisions or Divisional Branches.

(k) To establish Branches, Divisions, Divisional Branches, Sub – Branches, Districts, Sectors, Sections, Associations or Committees of the Union, including but not limited to Port, Ship and Area Committees, throughout Australia and its Territories.

(l) To effect unity between the Branches, Divisions, Divisional Branches and other bodies of a similar character.

(m) To work as far as is lawful in harmony with other labour unions.

(n) To establish and maintain a Union journal or journals for the publication of matters directly or indirectly relating to the affairs of the Union or its members, and to assist to establish or maintain labour and trade union journals, radio and television broadcasting stations and other means of mass communication, information or education, and to invest in such ventures.

(o) To promote the interchange of membership between the Union and other unions throughout the world.

(p) To assist members by loan or otherwise.

(q) To constitute, conduct, carry on and manage clubs for the benefits of members.

(r) To co – operate or otherwise combine with, affiliate to or amalgamate with, pay affiliation fees to and assist financially or otherwise, or join or absorb, any organisation, union or association which has objects similar to the objects of the Union, and to be represented on other bodies and trade union organisations.

(s) To render financial assistance to Branches, Divisions, Divisional Branches or other union or labor organisations for any charitable purpose.

(t) To take part in any or all questions of matters affecting or involving the wages and conditions of labour.

(u) To grant assistance to members who are shipwrecked.

(v) To establish and/or support co-operative ventures generally and to do such other things which may be deemed necessary in connection therewith.

(w) To hold, purchase, lease, transfer, rent, sell, mortgage or otherwise deal in property and to enter into contracts and agreements in connection with same and to do all such other things as may be deemed necessary in connection therewith for the purpose of furthering directly or indirectly any one or more objects, provided that where such property is in the care, custody and control of a Division, it shall be subject to governance in accordance with the Divisional Rules and the National Rules.

(x) To raise funds by levies and/or other means for the furtherance of any one or more objects.

(y) To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.

(z) To obtain such other objects as the National Conference or National Executive shall from time to time determine or as may be lawfully adopted by any Division of the Union.

(aa) To do all such other acts and things as are incidental or in any way related to the carrying out of any one or more of the above objects.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

“ACT” means the *Fair Work Act 2009* (Cth) or any Act replacing that Act.

“BCI(IP) ACT” means the Building and Construction Industry (Improving Productivity) Act 2016.

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

“DIVISIONAL EXECUTIVE” shall mean, in the case of The Maritime Union of Australia Division, the Divisional National Council of that Division.

“DIVISIONAL CONFERENCE” shall mean, in the case of The Maritime Union of Australia Division, the Divisional National Council of that Division.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"FINANCIAL YEAR" means the financial year of the Union as referred to in Rule 24.

"GENERAL MANAGER" means the General Manager of the Fair Work Commission.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

"OFFICE" has the same meaning as defined by Section 9 of the RO Act.

"PEAK COUNCIL" means a national or State council or federation that is effectively representative of a significant number of organisations (within the ordinary meaning of the term) representing employers or employees in a range of industries.

"PROPORTIONAL REPRESENTATION" shall mean a system of representation at Committees, Conferences, Executives or the like which, as far as practicable, will provide for voting on a basis which reflects the number or percentage of financial members, as calculated in accordance with these rules, that each person on such Committee, Conference, Executive or the like, represents.

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union.

“RO ACT” means the Fair Work (Registered Organisations) Act 2009 (Cth) or any Act replacing that Act.

“RO REGULATIONS” mean the Fair Work (Registered Organisations) Regulations 2009 or any regulations replacing those Regulations.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES "shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast then that candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then that candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the vote preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

“UNION” shall mean the CFMEU.

6 - SEAL

(i) The Seal of the Union shall be oval in shape inscribed on the outer edge " CFMEU".

(ii) The Seal shall be kept in the custody of the National Secretary.

(iii) Any document required or permitted by the Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary the National President.

(iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and the National President.

7 - MEMBERSHIP

(i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

(ii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Rules of the Union may require, and shall, when requested, fill in and sign such application form as may be provided.

(iii) (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.

(b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.

(iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.

(v) (a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

(b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

(vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.

(vii) A member shall, when applying for membership be informed of the financial obligations arising from membership and the circumstances, and the manner, in which a member may resign from the organisation and shall be informed of such in writing.

(viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.

(c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisional Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.

(d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisional Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.

(ii) Any member who has failed to pay the entrance fees, or contributions, levies and fines imposed in accordance with the rules of the union on or before the date specified in such rules, shall be deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant for admission or exercise any authority or any membership rights, provided that the rules may provide that some members or some class or classes of members may vote in a ballot and/or may differentiate between classes of members as to the amount of any contribution and/or entrance fee.

(iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(iv) (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.

(b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.

(c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.151 of the RO Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

(i) A member desiring to transfer to any other union covering their calling shall make application to the Divisional Branch Secretary, or where the rules of the union so provide, Divisional Sub-Branch, in writing, and shall pay all dues owing to the union, and the transfer will be forwarded to the Secretary of the union to which the member desires to transfer. Such member shall cease to be a member of this Union as from the date on which the transfer is forwarded to the Secretary of such other union.

(ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.

(iii) A clearance shall not be granted to any member unless all moneys owing have first been paid.

10 - TRANSFERS

(1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

(1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.

(2) The notice of resignation will take effect where that member,

(a) ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;

whichever is later; or

(b) in any other case:

(i) at the end of 2 weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

(3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

(4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).

(6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

A register of members and any other records of the Union required to be kept by the RO Act and the Regulations made thereunder shall be kept at the registered office of the Union and so far as such records relate to a Division or Divisional Branch at the registered office of that Division or Divisional Branch.

13 - SUPREME GOVERNING BODY IN UNION

(i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.

(ii) (a) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.

(b) The National Conference shall also consist of the two National Women's Committee members elected by each Division in accordance with Rule 17, regardless of whether those women are otherwise members of their Divisional Executive.

(iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.

(iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

(v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.

(vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

(vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.

(viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.

(ix) Six delegates, representing each of the two Divisions, shall form a quorum of the National Conference.

(x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:

(a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;

(b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;

(c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of $100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.

Provided that:

* a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;

* no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;

(d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;

(e) settle disputes between Divisions;

(f) deal with and decide any matter submitted to it by any Division or Branch of the Union;

(g) confirm, overrule or otherwise deal with decisions of the National Executive;

(h) establish Divisions of the Union;

(j) exercise all or any of the powers of the National Executive;

(k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(l) confer life membership on a member of the Union.

(xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.

(xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.

(xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

(xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telephone, email, in writing, by computer link and/or by any other means of communication.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, facsimile, telephonic, email, in writing, by computer link and/or by any other means of communication (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

13A - NATIONAL WOMEN'S CONFERENCE

(a) There shall be a National Women's Conference at least once every two years. The role of the National Women's Conference shall be to provide advice and recommendations to the Union on matters affecting women members of the Union.

(b) The National Women's Conference shall include the elected National Women's Committee members from each Division. The number of participants shall be no more than 15 members per division.

(c) Delegates to the National Women's Conference shall be nominated by the Divisional Executive of each Division.

(d) Notwithstanding the number of observers nominated by any Division to attend the National Women's Conference, only the nominated delegates from each Division shall have voting rights at the National Women's Conference.

(e) Resolutions of the National Women's Conference shall be referred to the National Conference for consideration by that Conference.

13B - NATIONAL WOMEN'S COMMITTEE

(a) There shall be a National Women's Committee.

(b) The National Women's Committee shall be made up of two female members from each Division. Only one National Women's Committee member from each Division may be a Full Time Paid officer of that Division.

(c) The members of the National Women's Committee are to be elected by each Division in accordance with Rule 17, or otherwise in accordance with the rules for general quadrennial elections applicable to each Division.

(d) Members of the National Women's Committee shall be, ex officio, members of the National Women's Conference and members of the National Conference.

(e) The National Women's Committee will operate in accordance with a set of rules that have been adopted by either the National Conference or Executive after consultation with the Committee.

14 - NATIONAL EXECUTIVE COMMITTEE

(i) The National Executive Committee shall consist of the National Officers, being the National Secretary and National President and two (2) National Vice Presidents of the Union together with such of the following elected officers of each Division at a National level namely:-

- in the case of the Construction and General Division, eleven (11) additional National Executive Committee members elected by and from the Construction and General Division Divisional Conference.

- in the case of The Maritime Union of Australia Division, the Divisional Deputy National Secretary, the two (2) Divisional Assistant National Secretaries and the Divisional Deputy National Presiding Officer.

  Provided that in the year preceding the quadrennial elections, it shall be open to the National Conference or the National Executive, upon review, to abolish the National Executive Committee.

(ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:

(a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.

(b) decide questions of policy not covered by the National Executive and/or National Conference decisions.

(c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.

(d) Expend such moneys by way of ordinary expenditure as may be necessary.

(e) Submit any matter to the National Executive for decision.

(f) Control and supervise the work of the National Officers of the Union.

(g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

(iii) Meetings of the National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary. A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).

(iv) The National Secretary may take a telephonic, email, written and/or postal vote of members of the National Executive Committee at any time. Members of the National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.

(v) Notice of meetings may be given by letter or email or by telephone or verbally, provided that in the latter two instances the notice is confirmed by email.

(vi) All decisions of the National Executive Committee shall be made by a majority of the votes cast at the meeting unless otherwise provided by these Rules. The votes cast by members of the National Executive Committee shall be on a card system and the value of the vote cast by any member of the National Executive Committee, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive Committee herein, no member of the National Executive Committee who is not entitled to attend and/or vote at the National Executive Committee meeting shall be included as a member for the purposes of the aforesaid calculations.

15 - NATIONAL EXECUTIVE

(i) (a) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.

(b) Deleted.

(c) Where a Division has at least one woman who is a Full Time Elected Officer who is not otherwise entitled, under these Rules, to be a member of the National Executive, that Division is entitled to one National Executive (Female Affirmative Action) position on the National Executive.

(i) The National Executive (Female Affirmative Action) position for each Division may only be filled by a woman from that Division who is a Full Time Elected Officer who is not otherwise entitled to be a member of the National Executive;

(ii) Where there is more than one woman from a Division who is a Full Time Elected Officer who is not otherwise entitled under these Rules to be a member of the National Executive, and who is therefore eligible to fill the National Executive (Female Affirmative Action) position, the Divisional Executive of that Division shall determine which eligible officer shall fill the position.

(iii) Provided that, once nominated by the Divisional Executive, the Branch or District Executive (if the woman is a Branch or District Officer) must endorse the nomination of that Officer to the National Executive.

(ii) The National Officers (other than the office of National Vice President held by the Divisional National Presiding Officer of The Maritime Union of Australia Division) shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

(iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

(iv) The National Executive shall, unless its actions are overturned by the National Conference, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds and property of the Union and shall have and may exercise no more and no less than all of the powers of the National Conference and, without limiting the generality of the foregoing may:

(a) Interpret and enforce the general policy of the union as decided by National Conference.

(b) Control and conduct the business and affairs of the union while National Conference is not in session.

(c) Appoint the editor of any national union journal and manage and control the policy of such journal.

(d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) Expend such moneys by way of ordinary expenditure as may be necessary.

(g) Submit any matter to the members for decision by ballot.

(h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

* The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

* Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;

* The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Act or the RO Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.

(k) Control and supervise the work of the National Officers of the union.

(l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.

(m) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Union unless the National Executive -

(a) has satisfied itself -

* that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

* in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

(n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

(o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;

(p) appoint representatives of the Union to any body;

(q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.

(r) confer life membership on a member of the Union.

(v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

15A – MEETING OF NATIONAL EXECUTIVE

(i) A meeting of the National Executive is to be called:

(a) when the National Executive or National Secretary determine; or

(b) at the written request of:

(i) the National President; or

(ii) six (6) members of the National Executive,

(ii) A meeting under sub-rule (i) will be held at the time and place as the National Executive or National Secretary determine, and the National Secretary will give notice of the meeting as is practicable, provided that not less than 24 hours' notice is given.

(iii) Where a request is made under paragraph (i)(b), the National Secretary must:

(a) ensure the meeting of the National Executive is held no more than seven (7) days following the receipt of the request;

(b) give notice to the members of the National Executive within three (3) days following the receipt of the request of the time and place the meeting, provided that not less than 24 hours' notice is given; and

(c) provide the notice under paragraph (b) by:

(i) email;

(ii) telephone; and/or

(iii) verbally,

provided that a notice given under sub-paragraph (i) or (ii) must be promptly confirmed by email.

(iv) The quorum for a meeting of the National Executive is six (6) members of the National Executive.

(v) A meeting of the National Executive is to be conducted by a method by which the members of the National Executive can communicate with each other, provided that the National Secretary must take all reasonable steps to ensure that the meeting is secure to the members of the National Executive.

(vi) An out of session ballot of the National Executive may be conducted where the National Secretary considers that a matter needs to be dealt with expeditiously by a ballot of the National Executive.

(vii) Without limitation to sub-rule (vi), the:

(a) the National President; or

(b) six (6) members of the National Executive,

may, in writing, direct the National Secretary to conduct an out of session ballot of the National Executive, where the National President or the six (6) members of the National Executive (as the case may be) consider a matter needs to be dealt with expeditiously by a ballot of the National Executive.

(viii) An out of session ballot, under this rule, is to be conducted by means of:

(a) e-mail;

(b) computer link;

(c) text message;

(d) other electronic communication; and/or

(e) a mixture of those means.

(ix) Where an out of session ballot of the National Executive is directed under sub-rule (vii):

(a) the National Secretary must put the matter for determination to a ballot within three (3) days following the receipt of a direction under sub-rule (vii);

(b) the ballot under paragraph (a) must close seven (7) days following the receipt of the direction under sub-rule (vii);

(c) six (6) members of the National Executive casting a ballot in the time limited under paragraph (b), constitute a quorum; and

(e) determination of the ballot will, unless these rules otherwise require, be in accordance with rule 15(l).

16 - ELECTION OF NATIONAL OFFICERS AND NATIONAL EXECUTIVE COMMITTEE MEMBERS

(i) The National Officers (other than the office of National Vice President held by the Divisional National Presiding Officer of The Maritime Union of Australia Division) shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union (howsoever described in the Divisional Rules) and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, on and from 1 July 2024, the Divisional Secretary of the Construction and General Division and the Divisional National Secretary of The Maritime Union of Australia Division shall between them hold at least one each of the positions of National Secretary and National President.

Further provided that, there shall be one National Vice President from each Division who shall be nominated by and from their own Divisional Conference except in the case of The Maritime Union of Australia Division, where the National Vice President from that Division shall be the Divisional National Presiding Officer.

(ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

(iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.

(iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.

(v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.

(vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.

(vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office. Further provided that in the case of a vacancy in one or more of the National Officer positions, the National Executive may fill such office by appointment from those members of the National Executive Committee who are otherwise eligible to hold the vacant office.

Provided however that any such appointment/s shall ensure that each Division maintains its representation of two (2) officers amongst the National Officers.

(b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.

(c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.

(viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by email, post, letter, telephone, facsimile, verbally or by any other electronic means as soon as the count is completed.

(ix) In any ballot of the National Collegiate for the election of National Officers, the representatives of each of the Divisions shall cast votes proportionate to the membership of their respective Divisions determined in the same way, the necessary changes being made, as votes cast by delegates to the National Conference in accordance with Rule 13(iii) and (iv) herein.

(x) In conjunction with the conduct of the election of the National Officers, the Returning Officer shall also conduct an election in the Divisional Conferences of the Union, where necessary, for the National Executive Committee members to be elected by and from the relevant Divisional Conference having regard to Rule 14(i).

(xi) The elections held in accordance with sub-rule (x) shall be conducted in accordance with sub-rules (ii) to (v) and (viii) with the necessary changes.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

(i) This Rule shall not apply to The Maritime Union of Australia Division.

(ii) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.

(iii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(iv) Elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:

(a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.

(b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.

(c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.

(d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

(e) That nominations are called in accordance with the rules of the Division.

(f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

(g) That the nominations process, closure and receiving of, are in accordance with the rules of the Division.

(h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.

(i) (deleted)

(j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.

(l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.

(m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(p) The Divisional Branch Returning Officer shall, in accordance with the Rules of the Division, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only:-

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.

(ii) a declaration envelope in such form as is prescribed by Regulation 5 of the RO Regulations.

(iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.

(v) The candidate’s statement provided for in accordance with sub-rule (h) of this rule.

(vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail all ballot papers, in accordance with the Rules of the Division.

(q) For the purpose of the election the books of the Divisional Branches shall be deemed closed in accordance with the rules of the Division.

(r) That the opening and closing of the ballot shall be in accordance with the rules of the Division.

(s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.

(t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

(u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.

(w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.

(x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.

(y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.

(z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

(aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(cc) Definitions:

"Preferential Voting" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter gives as their first preference, and shall place the number 2, 3, 4 (and so on as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the preference for them. In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate. If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference. If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preference shall be the same as is above prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

(dd) Those elected shall take office from 2 January in the year following the election.

(ee) This election rule shall apply to all divisions from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

(i) This Rule shall not apply to The Maritime Union of Australia Division.

(ii) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.

(iii) Every Divisional Executive shall be elected either:

(a) by and from the Divisional Conference; or

(b) by direct ballot of the financial members of the Division.

(iv) The Divisional Officers at a national level shall be members of that Divisional Executive.

(v) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

Any Officer may be removed from office by majority decision of the National Executive, provided that such officer shall not be dismissed from office unless found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

Any officer so removed from office shall have the right of appeal to the National Conference. In the event of the appeal being upheld the National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.

2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.

3. The referendum referred to in this rule shall be conducted as follows:

   National Executive shall:

   Determine the question to be submitted to the members and the form of the ballot paper.

   Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

   Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

   No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

   In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy. Provided further if the office of National Secretary becomes vacant the National Executive shall appoint a person, eligible under the rules to be elected to the office, to perform the functions and obligations of the office of National Secretary until such time as the National Secretary's office can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS/MEMBERS

1. The following sets out the duties of the National Officers outlined herein.

2. National President:

   The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

   The National President shall have a deliberative vote only.

   The National President shall perform all duties assigned to him/her by the National Conference or National Executive and shall be responsible with the National Secretary for the allocation of duties and responsibilities arising from decisions of the National Conference or the National Executive.

3. National Secretary:

   The costs of the office of the National Secretary shall be borne by the Union.

   The National Secretary shall be responsible for the general correspondence of the Union, National finance, filing of documents, industrial returns and the carrying out of decisions made by National Conference or National Executive.

   The National Secretary shall have the power, subject to decisions of the National Executive and/or National Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the National Office and allocate duties and responsibilities within the National Office.

   The National Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the National Office, together with a statement of the assets and liabilities of the National Office for the year ending 31st December in each year.

   Such financial statement shall be presented to the National Executive for its approval and be published within the journal of the National Union.

   The National Secretary shall carry out such other functions as shall be determined from time to time by the National Conference or National Executive.

The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

The National Secretary is responsible for the keeping of minute books in which are recorded proceedings and resolutions of meetings of the National Executive Committee, National Executive and National Conference,

4. [Deleted]

5. [Deleted]

6. National Vice-Presidents:

The National Vice-Presidents may assist the National President in the conduct of meetings and in the absence of the President, one of their number as determined by the National Executive may act as President.

A National Vice-President shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

7. Members of National Executive and Delegates to National Conference:

Members of National Executive and delegates to National Conference shall attend meetings of those bodies when summoned so to do.

8. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

9. No officers, employees, delegates or members shall be required to do, or required to omit to do, any act in breach of legislation applicable to the Union.

10. Except as provided for by resolution of a committee of management of the Union (including any committee of management of a Division, Branch, Divisional or District Branch thereof), it shall not be part of the duties of any delegate/steward, officer or employee, including organisers, whether temporary or not, to threaten, initiate, counsel, procure, induce, be involved in, engage in or be party to industrial action as defined by the Act or the BCI(IP) Act or unlawful picketing within the meaning of the BCI(IP) Act.

23 - FUNDS AND PROPERTY

(i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

Provided that each Division/Divisional Branch is responsible to meet all costs associated with the operation of its Division/Divisional Branch, including all costs associated with the attendance and participation by their representatives at meetings, including National Conference, National Executive Committee unless decided otherwise by the National Executive Committee.

(ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.

(iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.

(iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. All cheques shall be signed by two (2) persons who are a National Secretary, National President or two (2) National Executive members as nominated by National Executive resolution. All authorisations for the transfer and/or disbursement of funds shall be approved by two (2) persons who are a National Secretary, National President or two (2) National Executive members as nominated by National Executive resolution.

(v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and the National President or two National Executive members as nominated by National Executive resolution. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.

(vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

(vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.

(viii) Any fines, penalties, damages, costs or other sum(s) ordered by a court against the Union is, if the conduct of a Division's officers, employees, agents or members made the Union liable for such amount(s), to be funded by that Division.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

The Auditor shall, in the report, draw attention of the National Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Union.

For the purpose of this Rule a competent person shall have the same meaning as in the RO Act and the RO Regulations made thereunder.

Upon receipt by the National Secretary of a petition, signed by not less than 5% of the members of the Union, requesting that a general meeting of members of the Union be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the National Office, the National Secretary shall convene such meeting as soon as is practicable.

24A - POLICIES AND PROCEDURES - EXPENDITURE

(a) The Union shall develop and implement internal control policies and procedures relating to the expenditure of the Union, to ensure that the Union is conducted in accordance with the principles of good governance and to ensure accountability to members of the Union.

(b) Such policies and procedures shall be adopted by the National Executive and once adopted, shall be binding on all officers and members of the Union. Such policies and procedures must be identified in the resolutions of the National Executive as Rule 24A policies and procedures.

(c) Rule 24A policies and procedures must be published on the website of the Union with fourteen (14) days of their adoption.

(d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Branch, Division and Divisional/District Branch of the Union.

25 - ALTERATION OF RULES

(a) The rules of the Union, or any of them, may be altered, rescinded, varied or made by the National Conference and/or National Executive. Proposals for alterations of rules may be forwarded by Divisions, Branches or any member of the National Executive or delegate to the National Conference and shall be forwarded to members and/or delegates with the notice calling the National Conference or National Executive, as the case may be, or so soon thereafter as is practicable. Provided that National Conference or National Executive may, in session, alter rules of which previous notice has not been given.

(b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.

(c) Notwithstanding the foregoing provisions of this rule, the rules of the Union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Act , the RO Act or the Regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the RO Act.

(d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

These National Rules and all the rules of the Union, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisions, Branches, and Divisional Branches and all sections of the Union and on all members who now, or who may hereafter, belong to the Union until they are made or become null and void according to the law.

26A - COMPLAINTS BY MEMBERS

1. Any financial member of the Union may raise a complaint over the actions of another member or members (including officers).

2. The complaint may be about a member or members:

   a. refusing to obey the rules of the Union;

   b. refusing to obey a policy of the Union;

   c. refusing to abide by a resolution carried at a properly constituted meeting of a management committee which has relevant control or management over the member;

   d. obstructing any properly constituted meeting of a management committee;

   e. obstructing any officer or employee of the union in the course of his/her duties;

   f. Misappropriation of the funds of the Union;

g. engaging in gross misbehaviour;

h. engaging in gross neglect of duty;

i. wrongfully and unreasonably holding out that he or she holds an office or position in the Union;

j. making a false charge or complaint against a fellow member, including a complaint under this rule; or

k. aiding or encouraging any other member or members in any of the matters referred to above.

3. Members shall not subject a member who has made a complaint under this rule to adverse treatment.

4. The complaint must be raised in writing to the National Secretary. The complaint must clearly identify the member or members the subject of the complaint and the relevant action or actions that gave rise to the complaint. If the complaint is about the conduct of the National Secretary then the complaint may be raised with another National Officer.

5. The National Secretary (or if another National Officer receives the complaint, that National Officer) and the National President may refuse to accept a complaint if he or she considers the complaint to be trivial.

6. The National Secretary must refer the complaint to the National Executive Committee for the purpose of appointing an Investigator.

7. The National Executive Committee shall appoint an Investigator. The Investigator must be a member of the National Executive. The Investigator must not be an officer from the same Division as the member or members the subject of the complaint.

8. The Investigator shall investigate the complaint and provide a report to the National Executive Committee.

9. During the course of the investigation the Investigator may:

a. interview members or officers for the purpose of the investigation, and
b. require members or officers to provide documents relevant to the investigation.

10. Members will cooperate with the Investigator by attending interviews and providing all documents requested.

11. No one is entitled to legal representation during the investigation.

12. In the report the Investigator shall include his or her findings on the matters the subject of the complaint and include recommendations for action to be taken by the National Executive Committee. The Investigator may conclude that no action is necessary.

13. A copy of the Investigator's report shall be provided to the member who raised the complaint and to the member or members the subject of the complaint. Where the report recommends action against any member or members the member or members shall be given the opportunity to respond to the Report before the National Executive Committee considers any action.

14. Upon receipt of the Investigators report the National Executive Committee may take action in accordance with the recommendations of the Investigator's or take other action, as it considers appropriate.

15. Any decision of the National Executive Committee to take action against a member or members may be appealed to the National Executive.

16. The procedure in this rule shall apply in addition to any other procedure in the rules dealing with complaints about the conduct of members

27 - DIVISIONS

(i) There shall be Divisions of the Union established, in accordance with the Rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

There shall be two (2) Divisions of the Union as follows:

(a) the Construction and General Division; and
(b) The Maritime Union of Australia Division.

(ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another Division without any interference by any other body within the Union, including but not limited to:

(a) The industrial interests of its members.

(b) The election of officers within the Division.

(c) Matters arising from the Objects of the Division.

(d) Structure of the Division.

(iii) Each Division shall have autonomy in relation to its funds and property.

(iv) Each Division shall have rules and have power to make, alter or rescind such rules, to be called Divisional Rules. Without limiting the generality of the foregoing paragraph, each Division shall have power to determine policy for that Division, not inconsistent with the rules and policy of the Union as decided by National Conference or National Executive.

(v) If there is any environmental matter that directly affects the employment of members of one Division only, then that Division whose members are so affected shall have the power to determine the policy of the Union on that matter.

(vi) Divisions shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.

(vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.

(viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

(i) There shall be branches of the Union in the States of Queensland (including the Northern Territory), New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Provided that it shall be open to the National Conference or the National Executive to abolish any Branch.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

(ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

(iii) A Branch shall be bound by

(a) the decisions of the National Conference,

(b) National Executive and,

(c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

(iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

(i) The Union, any Branch thereof may make agreements under s.151 of the RO Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.

(ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of State Unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

(a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President or a National Vice-President.

(b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.

(c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.

(d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

(a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or any person authorised by a National Secretary or National President so to do.

(b) A Divisional Secretary or Divisional Assistant Secretary or any person authorised by a Divisional Secretary or Divisional Assistant Secretary may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary emanates.

(c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.

(d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, Divisional Secretary or Divisional Assistant Secretary, or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests issued by a Divisional Secretary or Divisional Assistant Secretary or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

(e) The National Secretary, National President, Divisional Secretary and/or Divisional Assistant Secretary shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.

(f) [deleted]

(g) The taking of industrial action (within the meaning of the Act) or picketing or unlawful industrial action or unlawful picketing within the meaning of the BCI(IP) Act by members is not authorised by the Union without the consent of a committee of management of the Union (including any committee of management of a Division, Branch, Divisional or District Branch thereof).

Provided however that the preceding paragraph shall not restrict the right of a person or body duly authorised by such a committee of management to authorise industrial action in accordance with the Act.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 500 Swanston Street, Carlton in the State of Victoria, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

(i) Without limiting the powers conferred by any State or Commonwealth law, the Union shall, while it remains corporate, sue and be sued by its corporate name and style.

(ii) The proper officer of the Union shall, for all purposes, be the National Secretary.

(iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

Where a Division ceases to exist and the Union continues, the property of that defunct Division shall be vested in the Division to which the members of the defunct Division are allocated.

Where the Union is dissolved the property of the Union shall be vested in the trustees of each existing Division at the time of dissolution for the benefit of the members thereof on the basis that each such Division will continue to hold its own property and funds and any property or funds not vested at the time of dissolution in a Division shall be divided between the existing Divisions on a basis proportionate to the membership of each such Division.

35 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members may be sued for in the name of the Union by the National Secretary or by the Divisional Secretary, or Divisional Branch Secretary to which the member is attached, or by any other person or body authorised by the rules of the Union including the rules of any Divisional Branch or the Rules of any Division.

36 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.

(ii) The amount of any levy shall be decided by a majority of the National Conference or National Executive and shall not exceed $50.00 and when so decided shall be binding on all members or sections of members as National Conference or National Executive may decide.

(iii) A Division or Divisional Branch may impose a levy on its members.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

37 - VOTING OF NATIONAL CONFERENCE OTHERWISE THAN AT MEETINGS ASSEMBLED

(a) If the National Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a rule, to a vote of National Conference at any time when it is inconvenient to call National Conference together, the National Secretary may submit a resolution dealing with the matter to the delegates or members, by letter, telephone, email, in writing, by computer link and/or by any other means of communication or a mixture of these means.

(b) For ballots of the National Conference, a copy of such resolution shall, as soon as practicable thereafter, be sent to each Branch Secretary and each Divisional Secretary. The votes on such resolution shall be returnable to the National Secretary at such time as the National Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.

(c) Provided that where no record can be kept of the vote and/or decision, such a record shall be created and a copy of that record sent to each person entitled to vote or, in the case of computer linkages, the record is such that it can be viewed and/or copied by the person entitled to vote.

(d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

(e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.

(f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National Executive and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

1. All motions shall be of an affirmative character and must be moved and seconded by delegates or members. Such motions become the property of Conference or Executive and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates or members present agree to an extension of time.

2. Unless a delegate or member rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.

3. A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.

4. A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

5. Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

6. All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chairperson's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

   If the votes are equal the question is resolved in the negative.

7. A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates or members present agree to an extension of time.

8. Right of Speaker: Any delegate desiring to speak shall rise and address the chairperson. If two or more delegates or members rise at the same time the chairperson shall call upon the one who, in the Chairperson's opinion, first rose. Provided that no delegates or members can speak more than once upon any question (which shall include the original motion and all amendments thereto) before Conference or Executive, except -

(a) In reply as the mover of the original motion.
(b) In explanation or correction of some matter during the debate.
(c) Upon a point of order raised during the debate.
(d) Upon a resolution being carried "that the delegate now be heard".

9. A delegate or member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by that delegate or member.

10. No more than two delegates or members shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.

11. Any delegate or member speaking shall at once resume their seat -

(a) If the chairperson rises to speak; or
(b) If a point of order is raised.
and shall not resume their speech until the point of order is decided.

12. No delegate or member may speak to any question after it has been put by the chairman or during the taking of the vote.

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of Conference.

CHAIRPERSON'S RULINGS

The chairperson's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by Conference or Executive. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the delegates or members present for Conference or Executive to suspend the order of business.

SITTING AS A COMMITTEE

Conference or Executive may at any time, by a resolution agreed to by a majority of delegates or members present, resolve itself into a committee of the whole. The rules governing the business of Conference or Executive shall be observed when in Committee.

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the Union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

The National Executive, the State Executive, a Divisional Executive or a Divisional Branch Management/Executive Committee may, in their absolute discretion, summon meetings of members over which they have authority and/or responsibility from time to time.

If such meeting is called notice shall be given in a union journal circulating in the area covering the members to which the meeting relates or in a mass circulation daily newspaper circulating in the area in which the meeting is to be held and such publication shall be issued at least fourteen days before the date of the meeting. The notice of such meeting shall specify the day, the date, the time and the place of such meeting.

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the RO Act, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS – ORIGINAL AMALGAMATION

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

(vi) deleted

(vii) deleted

(viii) deleted

(ix) deleted

(x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.

(xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.

(xii) deleted

(xiii) deleted

(xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry and Maritime Employees Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPWF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

(xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.

(b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.

(c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.

(d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:

* The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;

* The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;

* The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;

* The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;

* The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

* The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

* The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.

(e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.

(xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;

(ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;

(iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - DELETED

42B - MERGER WITH ABCE & BLF

(i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

(ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

(iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.

(iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.

(v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.

(vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).

(vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

(i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.

(ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

(iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

(iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.

(v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.

(vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DELETED

42E - TRANSITIONAL RULE – MUA AND TCFUA

(i) The provisions of this Rule shall apply notwithstanding anything elsewhere contained in the Rules of the Union.

(ii) This Rule is intended to enable the amalgamation of the Union with The Maritime Union of Australia ("MUA") and the Textile, Clothing and Footwear Union of Australia ("TCFUA").

(iii) For the purposes of this Rule, "amalgamation date" shall mean the date fixed in accordance with section 73 of the RO Act as the day on which the amalgamation of the Union, the MUA and the TCFUA takes effect.

(iv) This Rule shall take effect on the amalgamation date.

(v) On and from the amalgamation date, the Forestry, Furnishing, Building Products and Manufacturing Division shall be known as the Manufacturing Division.

(vi) This Rule shall be read in conjunction with Rule 68 of the Rules of The Maritime Union of Australia Division and Rule 44 of the Rules of the Manufacturing Division.

(vii) (a) On the amalgamation date, the National Officers of the Union shall be those National Officers holding office on the date preceding the amalgamation date together with one (1) International President the office of which shall be held by the Divisional National Secretary of The Maritime Union of Australia Division and two (2) additional National Vice Presidents. The office of one (1) additional National Vice President shall be held by the Divisional National Presiding Officer of The Maritime Union of Australia Division and the office of the other additional National Vice President shall be held by the TCF National Secretary.

(b) Provided that (other than the office of National Vice President referred to in paragraph (a) above held by the Divisional National Presiding Officer of The Maritime Union of Australia Division and the additional office of National Vice President referred to in paragraph (a) above held by the TCF National Secretary), the National Officers shall, unless they resign or are removed from office in accordance with the Rules of the Union, continue to hold office until 31 December 2018.

(c) The National Officers (other than the office of National Vice President referred to in paragraph (a) above held by the Divisional National Presiding Officer of The Maritime Union of Australia Division and the office of the additional National Vice President referred to in paragraph (a) above held by the TCF National Secretary) elected in 2018 shall commence office on 1 January 2019.

(viii) On the amalgamation date, the National Executive Committee shall consist of the National Officers referred to in sub-rule (vii)(a) above, those members of the National Executive Committee who were members of the National Executive Committee on the day preceding the amalgamation date and four (4) additional National Executive Committee members of The Maritime Union of Australia Division being the Divisional Deputy National Secretary, the two (2) Divisional Assistant National Secretaries and the Divisional Deputy National Presiding Officer.

(ix) On the amalgamation date, the National Executive shall consist of the National Officers referred to in sub-rule (vii)(a) above; the other members of the National Executive Committee referred to in sub-rule (viii) above, the other members of the National Executive who were members of the National Executive on the day preceding the amalgamation date together with the principal officers of each Divisional Branch of The Maritime Union of Australia Division that is not otherwise a member of the National Executive Committee and, in the case of Manufacturing Division, the Senior Vice President (TCF) and the additional Divisional Assistant Secretary established pursuant to Rule 44 the Rules of the Manufacturing Division.

(x) Casual vacancy

Any casual vacancy arising in respect of any office referred to in sub-rules (vii), (viii) and (ix) above shall be dealt with in accordance with Rule 16 (vii).

(xi) MUA Membership

On the amalgamation date, any period of membership and/or financial membership in the MUA in accordance with that Union's Rules prior to the amalgamation date, shall be deemed to be for all purposes a period of membership and/or financial membership of the Union. Any period of unfinancial membership in the MUA in accordance with that Union's Rules prior to the amalgamation date shall be deemed to be for all purposes a period of unfinancial membership of the Union.

(xii) TCFUA Membership

On the amalgamation date, any period of membership and/or financial membership in the TCFUA in accordance with that Union's Rules prior to the amalgamation date, shall be deemed to be for all purposes a period of membership and/or financial membership of the Union. Any period of unfinancial membership in the TCFUA in accordance with that Union's Rules prior to the amalgamation date shall be deemed to be for all purposes a period of unfinancial membership of the Union.

42F - TRANSITIONAL RULE – WITHDRAWAL OF THE MINING & ENERGY DIVISION

(i) Following withdrawal from amalgamation of the former Mining & Energy Division, there shall be a restructuring to remove that Division. The remaining divisions of the union will continue as provided for above.

(ii) The date of withdrawal will be the date that the Federal Court determines is the day on which the withdrawal is to take effect pursuant to section 109(1)(a) of the *Fair Work (Registered Organisations) Act 2009*.

(iii) For the avoidance of doubt, on and from the date of withdrawal all offices within the Union shall be held by the persons holding those offices immediately prior to the date of withdrawal and those persons shall continue to hold office for the period that equals the unexpired part of the term of office held by the person immediately before the date of withdrawal

(iv) Any casual vacancy arising in respect of any office shall be dealt with in accordance with Rule 16 (vii)).

42G - TRANSITIONAL RULE – WITHDRAWAL OF THE MANUFACTURING DIVISION

(i) Following withdrawal from amalgamation of the former Manufacturing Division, there shall be a restructuring to remove that Division. The remaining divisions of the Union will continue as provided for above.

(ii) The date of withdrawal will be the date that the Federal Court determines is the day on which the withdrawal is to take effect pursuant to section 109(1)(a) of the *Fair Work (Registered Organisations) Act 2009*.

(iii) For the avoidance of doubt, on and from the date of withdrawal all offices within the Union shall be held by the persons holding those offices immediately prior to the date of withdrawal and those persons shall continue to hold office for the period that equals the unexpired part of the term of office held by the person immediately before the date of withdrawal

(iv) Any casual vacancy arising in respect of any office shall be dealt with in accordance with Rule 16 (vii)).

BRANCH RULES

43 - NAME

The name of the branch shall be the " CFMEU, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "CFMEU" and the name of the Branch on the inside.

46 - STATE CONFERENCE

(i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

(ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

(iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

(iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.

(v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.

(vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

(vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

(viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.

(ix) (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.

(b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:

(A) perform such functions referred to it by the Divisional Branches.

(B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;

(C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;

(D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.

(c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.

(x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

(i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

(ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

(iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

(iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such

State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

(v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS – OTHER THAN NSW AND QUEENSLAND STATE BRANCHES

(i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

(ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.

(iiA) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the State Executive to which the office or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office.

(iii) The term of office of officers of a Branch of the union shall be four (4) years.

(iv) This rule does not apply to the NSW or Queensland Branches upon commencement of rules 48A and 48B.

48A – ELECTION OF STATE OFFICERS NSW STATE BRANCH

(i) From the time of the commencement of this rule, the State Officers in the New South Wales Branch will be as contained in the table below and will be filled on an ex officio basis by the holders of the corresponding Divisional Office.

STATE OFFICER	**DIVISIONAL OFFICE**
State Secretary	Divisional Branch Secretary – Construction & General Division (NSW)
State Assistant Secretary (MUA)	*Sydney Divisional Branch Secretary (Sydney Divisional Branch - MUA)*
State President	*Divisional Branch Assistant Secretary - Construction & General Division (NSW)*
State Senior Vice President	*Divisional Branch President – Construction & General Division (NSW)*
State Joint Vice President (*C&G*)	*Divisional Branch Assistant Secretary – Construction & General Division (NSW)*
State Joint Vice President (*MUA*)	*Newcastle Divisional Branch Secretary (MUA)*
State Assistant Joint Vice President (*MUA*)	*Southern New South Wales Divisional Branch Secretary (MUA)*

(ii) As the above offices for State Officer are held on an ex-officio basis, where a person commences or ceases to hold the Divisional Office position referred to in the second column, they also commence or cease, as the case may be, to hold office as a State Officer in the State Branch.

(iii) For the avoidance of doubt, the terms of office for the above State Branch Offices are determined by the term of office of the Divisional Office referred to in the second column, however, such terms of office may be for no longer four (4) years.

48B – ELECTION OF STATE OFFICERS QUEENSLAND STATE BRANCH

(i) On, and from, the commencement of this rule, the State Officers in the Queensland Branch will be as contained in the table below and will be filled on an ex officio basis by the holders of the corresponding Divisional Branch Office set out opposite:

STATE OFFICE	DIVISIONAL BRANCH OFFICE
State President	
State Senior Vice President	MUA Division, Queensland Branch Deputy Branch Secretary
State Secretary	Construction and General Division, Queensland Northern Territory Divisional Branch Secretary
State Assistant Secretary	Construction and General Division, Queensland Northern Territory Divisional Branch Assistant Secretary (General)
State Joint Vice President (C&G)	Construction and General Division, Queensland Northern Territory Divisional Branch President
State Joint Vice President (MUA)	MUA Division, Northern Territory Branch Secretary

(ii) As the above offices for State Officer are held on an ex-officio basis, where a person commences or ceases to hold the Divisional Office position referred to in the second column, they also commence or cease, as the case may be, to hold office as a State Officer in the State Branch.

(iii) For the avoidance of doubt, the terms of office for the above State Branch Offices are determined by the term of office of the Divisional Office referred to in the second column, however, such terms of office shall be no longer four (4) years.

49 - FUNDS OF THE BRANCH

(i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.

(ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.

(iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

(iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

Nothing in this Rule prevents the Branch from entering into an agreement with a Trade or Industrial Union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or on a basis on which the funds are held in common or jointly so long as the funds are treated, for all purposes, insofar as they relate to members of the Branch, as funds of the Branch.

(v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

(vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

The Auditor shall, in the aforesaid report, draw attention of the State Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Branch.

For the purpose of this Rule a competent person shall have the same meaning as in the RO Act and the Regulations made pursuant thereto.

Upon receipt by the State Branch Secretary of a petition, signed by not less than 5% of the members of the State Branch, requesting that a general meeting of members of the State Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the State Branch, the State Branch Secretary shall convene such meeting as soon as is practicable.

50A - POLICIES AND PROCEDURES - EXPENDITURE

(a) Each Branch shall develop and implement internal control policies and procedures relating to the expenditure of the Branch, to ensure that the Branch is conducted in accordance with the principles of good governance and to ensure accountability to members of the Branch.

(b) Such policies and procedures shall be adopted by the State Executive and once adopted, shall be binding on all officers and members of the Branch. Such policies and procedures must be identified in the resolutions of the State Executive as Rule 50A policies and procedures.

(c) Rule 50A policies and procedures must be published on the website of the Branch with fourteen (14) days of their adoption.

(d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Division and Divisional/District Branch of the Union.

51 - OFFICERS

(i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.

(ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

(i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

(ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

(iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

(a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.

(b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

END OF RULES

Commission of Inquiry into the CFMEU and Misconduct in the Construction Industry

D. CFMEU Forestry, Furnishing, Building Products and Manufacturing Division

RULES BUNDLE
FINANCIAL MISCONDUCT CASE STUDY

16 JUNE 2026

[105N-ATAI: Incorporates alterations of 19/07/2002 in matters R2002/5 and R2002/118]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 52 both inclusive contain a true and correct copy of the registered rules of Construction, Forestry, Mining and Energy Union, The Forestry, Furnishing, Building Products and Manufacturing Division and Forestry Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU, Forestry,Furnishing, Building Products and Manufacturing Division and Forestry Divisional Branches

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THE FORESTRY, FURNISHING, BUILDING PRODUCTS AND MANUFACTURING DIVISION RULES

1 - NAME

The name of the Division shall be "The Forestry, Furnishing, Building Products and Manufacturing Division". (FFPD)

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-Rule (C) of the National Rules shall belong to this Division.

3 - SEAL OF FFPD DIVISION

1. The seal of the FFPD Division shall be oval in shape inscribed on the outer edge the name of the Union and the words "FFPD Division" on the inside.

2. The Seal shall be kept in the custody of the Divisional Secretary.

3. Any document required or permitted by the Workplace Relations Act or any document required or permitted by law to be under seal of the Division shall be executed on behalf of the Division by affixing the Seal of the Division thereto and by being signed by the Divisional Secretary or, in the absence of the Divisional Secretary, either the Divisional President or Divisional Assistant Secretary.

4 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"FFPD DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to FFPD Division is a member of this Division.

"MEMBER" shall mean a member of FFPD Division and membership shall have a corresponding meaning.

"MANAGEMENT COMMITTEE" or "EXECUTIVE" shall be synonymous and shall mean in relation to a division or divisional branch the controlling and administrative body of such Division or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

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If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then the candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

5 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which the candidate resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for the Forestry and FFTS Divisions or their predecessors.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Branch Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which the member resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

6 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Applicants for membership of the FFPD Division shall pay on application an entrance fee in accordance with the Divisional Branch rules. Such entrance fee if applicable shall not exceed $50.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

(ii) The contribution payable by each member shall be fixed by the Divisional Branch in accordance with the rules thereof to which the member is attached. Provided also that the Divisional Executive

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shall have the power to review and alter any such increases or decreases or alterations made in the contributions or entrance fees of any Divisional Branch in accordance with the rules thereof if in its opinion it is in the interests of the Union to do so.

(iii) The Divisional Executive or Divisional Branch in accordance with the rules thereof may if, in its opinion it is desirable or necessary for financial or any other reason that the aforesaid entrance fees or contributions should be altered, waived or suspended, the said Divisional Executive or Divisional Branch in accordance with the rules thereof may make such decision as it deems desirable or necessary, and the altered, waived or suspended entrance fee and/or contribution payable in that Divisional Branch or Divisional Branch Sub-Branch shall be applicable to the member(s), group or class of members concerned.

(iv) Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch Rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

(v) A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

(vi) Contributions shall be paid to and collected by the Divisional Secretary, Divisional Branch Secretary, or an authorised agent of the Division or Divisional Branch.

(vii) The Division shall allow to the Divisional Branches, for the purpose of the Branch, the whole of the contributions collected by the Branch, except such sum as may be fixed by the Divisional Conference from time to time.

7 - SPECIAL MEMBERS

The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rule 6 be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference which shall meet at least every two (2) years.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter.

(iii) Each Divisional Branch shall be entitled to one (1) representative up to 500 members, one (1) additional representative between 500 members and 1,000 members, based on the aggregate income received by each Divisional Branch (union contributions only) divided by the amount of

the yearly contribution fixed by the rules from time to time, for the financial year ending on the 31st December in the year preceding the quadrennial election of representatives to act as its representatives at the Divisional Conference.

The Divisional Branch Secretary of each Branch shall, ipso facto, be one of that Branch's representatives to the Divisional Conference. The number of representatives to which each Divisional Branch is entitled shall remain unaltered throughout the period between the quadrennial elections.

(iv) Representatives of the Divisional Branches to the Divisional Conference shall be elected by secret postal ballot of all members of their respective Divisional Branches eligible to vote each four (4) years in accordance with the provisions of Rule 17 of the National Rules.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the delegate is a member may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the delegates predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

(vii) Where one or more representatives of a Divisional Branch is or are unable to attend a meeting of the Divisional Conference the Executive Committee of that Divisional Branch may itself select a proxy representative or representatives to act on its behalf at that meeting. Such representative or representatives shall vote in accordance with the instructions of the Executive Committee.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules. Full time Divisional Officers, (Divisional Secretary and Divisional Assistant Secretaries), may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify of the intention in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that Divisional Branch entitlement to delegates shall be increased by the number of full-time Divisional Officers nominating as Divisional Conference delegates in that Divisional Branch in accordance with this sub-clause.

(ix) A majority of delegates eligible to attend the Divisional Conference shall form a quorum.

(x) All expenses of representatives to the Divisional Conference shall be borne by the Divisional Branch by which the representatives are elected unless otherwise determined by the Divisional Conference.

(xi) No alteration of the personnel of the representatives at a meeting of the Divisional Conference shall be permitted after the credentials of the representatives have been received and accepted by the Divisional Conference, unless such alteration is rendered necessary by death or serious illness.

(xii) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of $100, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members, organisers or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate concerned has been afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

A period of suspension imposed under this rule shall not exceed six (6)months.

(d) To hear and decide any appeal from the Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division or Divisional Executive.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish new Divisional Branches and amalgamate existing Divisional Branches, to close or disband Divisional Branches in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the No. 7 Divisional Branch without its consent), and generally to control Divisional Branches and the members thereof including the power to disallow By-Laws made by any Divisional Branch in conflict with these Rules.

(i) When establishing a new Divisional Branch the Divisional Conference shall have power to make rules providing for the admission of members of that new Divisional Branch, the establishment of a Management Committee of that new Divisional Branch, the election of officers of that new Divisional Branch and all such matters as may be necessary.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To deal with any Divisional Branch not working in conformity with the Rules and policy of the Union.

(m) To appoint and remove organisers.

(n) To vote moneys and pass accounts.

(o) To fix salaries and allowances for Officers, Conference delegates and representatives.

(p) To appoint a Returning Officer, who shall conduct any plebiscite upon any question submitted to the whole of the membership for determination, and who shall have power to appoint Deputy Returning Officers.

(q) To elect, appoint and remove officers and members of the Divisional Executive of the Union.

(r) To establish any special fund to achieve any of the objects of the Union.

(s) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference,together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one(1) week before the date of such meeting but no failure to notify will of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

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(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, email, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit by the Divisional Secretary conduct a postal, telephonic, telegraphic, facsimile, email and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter.

(xvii) The Divisional Conference shall be the Management Committee of the Division for the purposes of the Act and rules and regulations thereunder.

(xviii) All meetings of the Divisional Conference shall be held at such time and place as the Conference shall from time to time determine, and in case of default, or of special meetings, as the Divisional Executive shall determine.

(xix) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Conference -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of the Divisional President, one (1) Divisional Senior Vice President, two (2) Divisional Vice Presidents, Divisional Secretary, up to three (3) Divisional Assistant Secretaries and four (4) Trustees who shall be the officers and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive. Provided that no Divisional Branch shall be entitled to have more than five (5) representatives elected as officers of the Divisional Executive.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

3. (i) Notwithstanding the provisions of rule 9. 2, where an officer who was elected to hold an office, the duties of which are of a full-time nature, is due to retire within twelve (12) months after the expiration of the period for which the officer was elected, the officer may remain in that office without being re-elected until retirement, provided that the following shall apply:-

(ii) Nominations shall not be called for filling that position held by that officer until the retirement is to take place.

(iii) The date of retirement of that officer shall be within twelve (12) months after the expiration of the term of office.

(iv) The term of office of the officer elected to fill the office held by the retiring officer shall be until the election of a successor at the next scheduled quadrennial election.

(v) Where a member being a candidate duly nominated for election to a full-time office is a person who, if elected, will hold that office for a period in excess of the normal term of office of 4 years by virtue of this sub rule, the ballot papers for the election shall indicate the maximum period for which, if elected, the member may so hold office.

4. Preceding such conferences the Divisional Executive shall appoint a Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers in accordance with these rules.

5. Nominations unless otherwise determined by the Divisional Executive shall be called for on the second day of the Divisional Conference. Where practicable the ballot shall be conducted also on that day. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

6. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the two Divisional Vice Presidents shall be dealt with and completed. The ballot for the four (4) Trustees shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

7. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive.

8. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

9. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall

represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

10. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where the delegate can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until the Returning Officer has given such delegates a reasonable opportunity to vote.

11. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

12. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly holding such office.

13. (a) A Divisional Executive member shall hold office until a successor is elected.

(b) The retirement age for a full time officer shall be at the end of the term of office during which the officer attains the age of 65 years.

14. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14(a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

15. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, powers, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch or member. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with any Divisional Branch not working in conformity with the Rules and policy of the Union.

(g) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(h) To confirm, over-rule or otherwise deal with decisions of the Divisional Branches of this Division.

(i) To make, alter and recind rules of this Division or any Divisional Branch of this Division.

(j) To appoint and remove organisers or specialist officers.

(k) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(l) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(m) Submit any matter to the members for decision by ballot.

(n) Ensure that officers, committee members, organisers, delegates or members of the Division and Divisional Branches comply with the rules, policies and decisions of the union and subject to Rule 11 impose penalties [i.e., fines not exceeding the sum of $100, suspension, expulsion or dismissal from office,] on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules, policies or the decisions of the Divisional Executive. Provided that the rules, policies or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(o) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division, take such action as may be necessary to ensure the adherence to the rules of the Union and decisions and policies of the Divisional Conference and/or Divisional Executive by any Divisional Branch and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(p) Control and supervise the work of the Divisional Officers.

(q) To establish new Divisional Branches and amalgamate existing Divisional Branches, to close or disband Divisional Branches in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the No. 7 Divisional Branch without its consent), and generally to control Divisional Branches and the members thereof including the power to disallow By-Laws made by any Divisional Branch in conflict with these Rules.

(r) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

16. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, telegram, telex, facsimile, email or otherwise in writing, telephone or verbally, provided that in the latter two instances such is confirmed by letter, telegram, facsimile, email or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches, or Divisional Branches whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, the Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(b) Should any officer be removed from office the Divisional Executive shall appoint a member to fill the vacancy until the next elections are held in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive. In the event of the appeal being upheld the Divisional Conference or National Executive may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of the Divisional Conference, Executive and meetings convened by the Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where the Divisional President is a full time officer the Divisional President shall be under the control of the Divisional Secretary.

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(ii) Divisional Secretary:

The Divisional Secretary shall summon all meetings of the Divisional Conference and Divisional Executive, issue all necessary notices to members of the Divisional Conference or Divisional Executive or to Divisional Branches in connection with such meetings.

The Divisional Secretary shall sign all cheques in addition to one of the Trustees and shall be the signatory to all documents on behalf of the Division.

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the carrying out of decisions made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive or Divisional Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.

Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall have the authority to initiate any proceedings and/or actions to advance or defend the interests or objectives of the Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive or Divisional Conference and allocate the duties of Officers.

The Divisional Secretary shall be an ex officio member of all Divisional Branch Committees, but shall not be entitled to vote in respect of the decisions of those committees.

(iii) Divisional Assistant Secretary (s):

The Divisional Assistant Secretary(s) shall perform all duties assigned by the Divisional Executive. The Divisional Assistant Secretary(s) shall be under the control of the Divisional Secretary and shall attend all meetings of Divisional Executive, Divisional Conference and National Executive. The Divisional Assistant Secretary may exercise any and all of the powers and duties of the Divisional Secretary on the delegation of the Divisional Secretary and shall exercise such powers and duties while the Divisional Secretary is absent from duty.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(v) Divisional Vice-President(s):

The Divisional Vice-President(s) shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

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The Divisional Vice-President(s) shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of the Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be determined from time to time by the Divisional Executive.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, and one (1) Divisional Trustee or on absence on leave of the Divisional Secretary, by the Assistant Secretary or Divisional President and one (1) Divisional Trustee.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the Divisional Office, may be disbursed by decision of the Divisional Secretary.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive or Divisional Conference.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Division. Where this is not possible, investments shall be made in the name of the Divisional Trustees. The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The Divisional Executive shall have the authority to hold, purchase, lease, sell, mortgage or otherwise deal in property on behalf of the Division and/or Branches which shall be executed on the Divisional Executive's behalf by the Divisional Secretary.

(vi) The property of the Division shall be under the control of the Divisional Executive.

15 - AUDITOR

The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

The auditor shall, in the auditors report, draw attention of the Divisional Executive, Divisional Conference to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

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16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice to the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter,including rules,otherwise than at a meeting assembled.

Provided that any such rescission, alteration or amendment which affects in any way the existence, structure or position under these rules of the Divisional No. 7 Branch, shall be of no effect unless endorsed by a resolution of the Divisional Branch Management Committee of that Divisional Branch.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(i) The following Divisional branches of the Union are hereby constituted:

(a) No. 1 Branch known as the New South Wales Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of New South Wales and the Australian Capital Territory (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(b) No. 2 Branch known as the Victorian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Victoria (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(c) No. 3 Branch known as the South Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of South Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(d) No. 4 Branch known as the West Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Western Australia. Provided that, notwithstanding any other rule to the contrary, any member of the United Timber Yards, Sawmills and Woodworkers Employees Union of Western Australia or any organisation that replaces that organisation shall be admitted as a member thereof, without the signing of an admission card or payment of an entrance fee, upon the payment of dues in accordance with the other divisional rules hereof.

(e) No. 6 Branch known as the Tasmanian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Tasmania (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(f) No 7 Branch known as the Pulp & Paper Workers Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members eligible for membership of the Union pursuant to Rule 2 (C) (ii) and those persons who are appointed to any office in the No. 7 Branch and are thereby eligible for membership of the Union pursuant to Rule 2 (C) (iii).

(g) No 8 Branch known as the Queensland Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Queensland (other than those persons who are eligible for membership of the No 7 Branch pursuant to the previous paragraph of this sub-rule).

(ii) The Divisional Conference or Divisional Executive shall have the power to constitute such other Divisional Branches or Sub Branches as it may determine appropriate from time to time.

(iii) A Divisional State Branch Principal Office shall be located in the Capital City of the State in which a State Branch is constituted in accordance with this rule unless otherwise determined by the National Divisional Conference or National Divisional Executive. The Divisional Branch Secretary shall attend to the effective operation and business of the Branch from the State Branch of the Division unless otherwise determined by the National Divisional Conference or National Divisional Executive.

(iv) A Divisional Branch shall have autonomy in matters affecting members of the Divisional Branch only.

19 - DIVISIONAL BRANCH RULES

Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the FFPD Divisional Branch Rules make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

20 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute may be submitted to the appropriate industrial Tribunal, Court or Commission, upon a resolution in favour of so submitting such dispute carried by a majority of the members of the Divisional Executive.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such submission.

In the case of an emergency or necessity however, such proceedings may be initiated and matters may be submitted by the authority of the Divisional Secretary, who may also authorise a Divisional Branch Secretary to initiate such proceedings and submit such matters on behalf of the Division.

The aforesaid power shall extend to cases of defending and/or responding to any proceedings or matters instituted or submitted by any other person, corporation, association or organisation. The Divisional Secretary and Divisional Branch Secretary shall be subject to the control of the Divisional Executive on all matters connected with such legal proceedings and matters.

21 - INDUSTRIAL AGREEMENTS

Industrial agreements and other instruments may be made by or on behalf of the Union as follows:-

An industrial agreement, and any instrument not required by law to be under seal, may be executed by the Divisional Secretary.

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Any instrument required by law to be under seal may be executed under the Common Seal of the Division by the Divisional Secretary.

22 - INDUSTRIAL DISPUTES

(1) In the event of an Industrial dispute taking place in any Divisional Branch the officers of such Divisional Branch shall try, by conciliation to settle the dispute. In the event of the Divisional Branch officers concerned being unable to secure a satisfactory settlement the matter may be referred to the Divisional Branch Executive who shall seek to resolve the dispute.

(2) In the event of no satisfactory settlement of such dispute being secured the Divisional Branch Secretary shall immediately report the matter to the Divisional Secretary who shall on behalf of the Division take charge of such dispute and shall consult with the Division President and shall if necessary convene a meeting of the Divisional Executive to deal with the matter.

(3) (a) The Division Secretary or a person authorised to act on behalf of the Division Secretary shall make any submission to a tribunal.

The Division Secretary or a person authorised to act on behalf of the Division Secretary shall be the person to sign or issue any document necessary for such submission.

(b) The Division may be represented in any proceedings before any Commonwealth or State Industrial Tribunal by the Division Secretary or by such other officers or persons authorised by the Division Secretary and subject to any authorisation vested by State Legislation.

(4) Notwithstanding anything contained elsewhere in this Rule, Divisional Branch No. 7 shall have autonomy in industrial matters affecting its members only and no action will be taken in relation to such matters by the Divisional Conference or Divisional Executive unless authorised and requested by the Divisional Branch Management Committee of the No. 7 Branch.

23 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at Trades Hall, Adelaide, or such place as the Divisional Executive shall decide.

24 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

25 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

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26 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Division or body having objects similar in whole or in part to those of this Division.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $10.00 per week and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $10.00 per week.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

27 - LIFE MEMBERSHIP

The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may, at their entire discretion, constitute a member a Life Member, provided that the member has been a member for a period of at least 20 years, has retired from the industry, and was financial at the time of retirement. Life members shall not be liable to pay dues of any kind to the Division, and shall not be entitled to nominate for or to hold any office, but shall be entitled to vote at the Division elections. The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may reduce the qualifying period of membership in special circumstances.

28 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time the Divisional Secretary may submit a resolution dealing with such matter to the members by letter, facsimile, email, telephone, telegram, verbally and/or any other means of communications or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in the Divisional Secretary's absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

29 - BRANCH INFORMATION

It shall be the duty of the Divisional Branch Secretary of each Divisional Branch to transmit to the Divisional Secretary, on written request from the Divisional Secretary, a true copy of the minutes of each meeting of the Divisional Management Committee or Executive of such Divisional Branch or of any special meeting thereof.

30 - RULES OF DEBATE

MOTIONS, HOW DEALT WITH:

(a) All motions shall be of an affirmative character and must be moved and seconded by members. Such motions become the property of the Union, and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless two-thirds of the members present agree to an extension of time.

(b) Unless a member opposes the motion or proposes an amendment thereto, the motion shall be immediately put to the meeting for decision.

(c) A motion may be superseded at any time by another motion "that it be discharged from the notice paper" or "that the next business be proceeded with" being resolved in the affirmative.

(d) A motion may be amended at any time during the debate thereon by -

(i) striking out certain words
(ii) adding certain words, or
(iii) striking out certain words and inserting others in their place.

Always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(e) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(f) (i) At meetings other than meetings of the membership of a Branch or of a sub-branch all motions shall be put to the meeting by the chairperson in a clear manner. Any member present may demand that the vote be by ballot and the Chairperson shall thereupon conduct a ballot. In the absence of such a demand all motions shall be put to the meeting by the Chairperson by asking for the "ayes" to vote first and then the "noes". The Chairperson's decision as to which has the majority will be final unless any member present demands a show of hands. Upon such a demand being made the chairperson shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(ii) At meetings of the membership of a Branch or of a Sub-Branch all motions shall be put to the meeting by the Chairpeson in a clear manner by asking "ayes" to vote first and then the "noes".

The Chairperson's decision as to which has the majority will be final unless a member supported by one quarter of the number of members present demands a show of hands.

Upon such a demand being made the Chairperson shall appoint tellers to count the votes and shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(iii) If the votes are equal the question is resolved in the negative.

(g) No member shall be allowed to vote who was not present when the question was first put.

(h) A mover of a motion to be allowed 10 minutes to introduce and 5 minutes to reply. Other speakers 5 minutes unless two-thirds of the members present agree to an extension of time.

(i) Any member desiring to move to change a decision of the Union or of a Branch must submit notice in writing of such intention to the Divisional Secretary or the Divisional Branch Secretary of the Union as the case may be fourteen (14) days prior to the date of the meeting at which they will move for such change.

(j) During the course of a meeting any resolution which has been the business of that meeting may be recommitted at the hearing.

RIGHT TO SPEAK

(a) Any member desiring to speak shall rise and address the chairperson. If two (2) or more delegates begin to address the chairperson at the same time, the Chairperson shall call upon the one who, in the Chairpersons opinion, began to speak first. Provided that no member can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(i) In reply as the mover of the original motion.

(ii) In explanation or correction of some matter during the debate.

(iii) Upon a point of order raised during the debate.

(iv) Upon a resolution being carried "that a member be now heard".

(b) A member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by the member.

(c) Not more than two members shall be allowed to speak in succession for or against any question. If at the conclusion of the second speaker's remarks no member speaks on the other side, the motion or amendment shall be put to the vote.

(d) Any member speaking shall at once stop:-

(i) If the chairperson begins to speak; or

(b) If a point of order is raised;

and shall not resume speaking until the point of order is decided.

(e) No member may speak to any question after it has been put by the chairperson, or during a division.

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REPORTS

(a) A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of the Conference/Executive thereon.

(b) If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

SITTING AS A COMMITTEE

Divisional Conference or Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Conference or Executive shall be observed when in Committee.

DEFINITION

In this rule "member" shall include any person attending a meeting.

CHAIRPERSON'S RULING

(a) The chairperson's rulings on all points of order shall be final, unless at the time a motion is carried that such ruling be disagreed with.

(b) When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

THE FORESTRY, FURNISHING, BUILDING PRODUCTS AND MANUFACTURING DIVISIONAL BRANCH RULES

31 - DIVISIONAL BRANCH NAME

(i) The following Divisional Branches of the Union are hereby constituted;

(a) No. 1 Branch known as the New South Wales Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of New South Wales and the Australian Capital Territory (other than those persons who are

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eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(b) No. 2 Branch known as the Victorian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Victoria (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(c) No. 3 Branch known as the South Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of South Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(d) No. 4 Branch known as the Western Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members residing in the State of Western Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule). Provided that, notwithstanding any other rule to the contrary, any member of the United Timber Yards, Sawmills and Woodworkers Employees Union of Western Australia or any organisation that replaces that organisation shall be admitted as a member thereof, without the signing of an admission card or payment of an entrance fee, upon the payment of dues in accordance with the other divisional rules thereof.

(e) No. 6 Branch known as the Tasmanian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Tasmania (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(f) No. 7 Branch known as the Pulp & Paper Workers Branch of the Forestry Furnishing, Building Products and Manufacturing Division consisting of all members eligible for membership of the Union pursuant to Rule 2 (c)(ii) of the National Rules and those persons who are appointed to any office in the No. 7 Branch and are thereby eligible for membership of the Union pursuant to Rule 2 (c)(iii) of the National Rules.

(g) No. 8 Branch known as the Queensland Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Queensland (other than those persons who are eligible for membership of the No 7 Branch pursuant to the previous paragraph of this sub-rule).

(ii) The Divisional Conference and Divisional Executive shall have the power to constitute such other Divisional Branch or Branches as it may determine appropriate from time to time.

(iii) A Divisional Branch shall have autonomy in matters affecting members of the Divisional Branch only.

32 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the FFPD Division of the Union residing or employed in the State, Territory or Industry sector concerned shall be and remain members of that Divisional Branch.

33 - SEAL OF DIVISIONAL BRANCH

The seal of the Divisional Branch shall be oval in shape, inscribed on the outer edge shall be the words "The Construction, Forestry, Mining and Energy Union" and on the inner space shall have the words "FFPD Division" and under that shall have the name of the Divisional Branch.

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It shall be in the custody of the Divisional Branch Secretary, and shall be used or affixed to any document by the Branch Secretary where necessary or desirable and where that document has been made with the authority of the Divisional Branch.

34 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant and a financial member of the Divisional Branch.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) All applications for membership of the Divisional Branch shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Management Committee.

Applications for membership shall be dealt with by the Divisional Branch Management Committee or Divisional Branch Executive, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit the applicant to membership of the Divisional Branch and the Union.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the FFPD Division, the Divisional Branch, and the Union.

(d) A new member shall pay on application for membership all moneys required to be paid by a new member.

(e) Applicants for membership shall be workers of good character, and shall when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

35 - ENTRANCE FEE

(i) All applicants for membership of the Division shall pay an entrance fee if determined by the Divisional Branch Management Committee, such entrance fee shall not exceed $10.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

(ii) Applicants joining on clearances or transfers in accordance with the rules of Union or who have previously been members of the Union shall not be required to pay an entrance fee.

36 - CONTRIBUTIONS

(i) Each member shall pay a yearly contribution of not less than $10.00 said amount payable in one sum on or before the 30th June in each year, or within one week of becoming a member, provided that Branches shall be allowed to issue half-yearly tickets at not less than $5.00 per half-year, said amount payable in advance on the 1st January and the 1st July in each year, and quarterly tickets at not less than $2.50 per quarter, said amount payable in advance on the 1st January, the 1st April, the 1st July and the 1st October in each year. Any person joining during the currency of any quarter shall pay for the full quarter.

Provided further that the Management Committee or Executive of any Divisional Branch may, if in its opinion it is desirable or necessary for financial or other good reasons that the aforesaid

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Entrance fees or Contributions should be increased, reduced, altered or waived, the said Management Committee or Executive Committee may make such decision as it deems desirable or necessary, and any such increase, reduction, alteration or waiver shall as far as that Divisional Branch is concerned, be the Entrance fee and/or Contribution payable in that Divisional Branch of the Union by the members of that Divisional Branch or Divisional Sub-Branch of the Union.

Provided also that the Divisional Conference or Executive shall have power to review and alter any such increases or decreases or alterations made in the contributions of any Divisional Branch if in its opinion it is in the interests of the Division to do so.

(ii) Notwithstanding anything contained elsewhere in these Rules the Division may through its Branches make an arrangement with an employer or employers employing members of the Division that the employer will on receipt of an authorisation acceptable to the Divisional Branch, deduct from the wages, or monies, payable to the members so employed amounts by way of contributions, fees, levies, fines, dues or monies owing by the member of the Union. If a member to whom any such arrangement is applicable, lodges such an authorisation with the Union or the employer, that member shall be deemed to be a financial member, as from the first pay day in respect of which deductions are made, pursuant to the authorisation, and shall remain a financial member, so long as the authorisation remains in force.

Provided that any member who at the time of the first deduction, pursuant to the authorisation, was an unfinancial member shall continue to be so until all arrears, in contributions, fees, levies, etc. are paid.

Provided further, that if a member ceases to be employed by an employer, who has been making deductions pursuant to such an arrangement, the amount of the contributions, fees levies etc., then unpaid by the member, shall become due and payable on the first day of the quarter next ensuing after the member ceases to be employed.

(iii) Such contributions shall be paid to and collected by the Divisional Branch Secretary or an authorised agent of the Divisional Branch.

Levies

(iv) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by the Divisional Branch Management Committee or the Divisional Branch Executive Committee.

Fines

(v) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by the Divisional Branch Management Committee or the Divisional Branch Executive Committee.

All moneys paid by a member shall be credited in the following order:

(a) In payment of any levies due; and

(b) In payment of any fines due, and

(c) In payment of any contributions due

Unfinancial Member

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(vi) Any member who has failed to pay all contributions, levies and fines imposed in accordance with the Rules of the Union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any deliberations, nominate for official positions, propose any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

37 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of the Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $5.00 per copy.

38 - UNEMPLOYED MEMBERS

(i) When, in the opinion of the Divisional Branch Management Committee, a condition of unemployment in the industry exists the following conditions may be applied:

(ii) Members becoming unemployed, ie, being employed under the terms of the Award or Agreement covered by this Division for less than one month in any quarter, may apply to be placed on an unemployed members list if any.

(iii) This list shall be kept at the Divisional Branch office under the control and supervision of the Divisional Branch Management Committee.

(iv) Members wishing to be placed on the unemployed list must apply in writing to the Divisional Branch Secretary, and shall attend at the Divisional Branch Office or such place as may be decided by the Divisional Branch Management Committee, or give satisfactory proof of their inability to attend.

(v) All applications for inclusion on the unemployed members' list shall be dealt with by the Divisional Branch Management Committee Executive Committee or other authorised committee who shall, if satisfied that the application is genuine, include them on the list.

(vi) Members placed on the list shall be exempt from the payment of contributions for the period specified in this Rule. They shall be entitled to all rights under these rules, but shall only qualify for funeral benefit applicable at the discretion, or upon conditions determined by the Divisional Branch Management Committee.

(vii) Exemption from payment of contributions shall operate for a period of twelve months from the date of inclusion on the unemployed members' list, or until again employed, whichever is the lesser.

(viii) On expiration of the 12 months' period, unemployed members may make further application to be again placed on the unemployed list. Each further application may be approved by the Divisional Branch Management Committee who may require payment of such amount of contributions as may be considered reasonable.

(ix) Any member commencing employment without notifying the Divisional Branch Secretary and continuing to receive the benefits of this unemployed clause while in employment shall be deemed to have committed a breach of the Rules. Such member(s) shall be required to pay full contributions for the period of employment and in addition, may be dealt with under the provisions relating to misconduct.

(x) Continuous membership for the purpose of this Rule, and wherever encountered in these Rules, means continuous membership without any break in the continuity of membership from the last date of acceptance into the Branch.

39 - FUNDS OF THE DIVISIONAL BRANCH

(i) The Divisional Branch shall raise funds by entrance fees, contributions, levies and fines, which funds, together with any other monies received, shall be applied for the following purposes:-

(a) Defraying the cost of administering the affairs of the Divisional Branch;

(b) Subscribing on a pro rata basis to any organisation or Labor Council with which the Union may become affiliated and to which affiliation the Divisional Branch agrees;

(c) Defraying any expenses incurred in any legal proceedings;

(d) Assisting any members out of work through any trade dispute;

(e) Making all necessary payments as determined by the Divisional Branch Committee in connection with any matters affecting members in regard to:-

(i) Preservation of life and limb;
(ii) Compensation for injuries and death;
(iii) The hours of labour;
(iv) The remuneration of labour;
(v) Protection of salaries and wages;
(vi) Other conditions affecting employment of members;
(vii) For the furtherance of any of the matters as set forth in the objects of the Union;
(viii) And any other matters when the Divisional Executive or Divisional Branch Management Committee determines the best interests of members require it.

(ii) The Divisional Branch Fund which shall be managed and controlled by each Divisional Branch Management Committee shall consist of:-

(a) Any real or personal property of which the Divisional Branch by the Rules or by any established practice not inconsistent with the Rules has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;

(b) All entrance fees and all contributions collected in accordance with the Rules save and except such part of the contributions as are fixed by the Divisional Conference from time to time and are Divisional Funds in accordance with Sub-Rule (vii) of Rule 6 of the Division Rules.

(i) Shall pay such moneys required by the Rules of the Union or in accordance with the rules of the Union.

(c) All fines and levies raised pursuant to Divisional Branch Rules;

(d) Any interest, rents or dividends derived from the investment of the Fund;

(e) Any superannuation or long service leave fund operated or controlled by the Divisional Branch for the benefit of its officers or employees;

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(f) Any sick pay fund, accident pay fund, mortuary or funeral fund, tool benefit fund or like fund operated or controlled by the Divisional Branch for the benefit of its members;

(g) Any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and

(h) The proceeds of any disposal of parts of the Fund.

40 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Management Committee who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

(b) The auditor shall have full and complete access to the books and documents of the Branch.

41 - MANAGEMENT COMMITTEE AND OFFICERS

The business of each Divisional Branch shall be conducted in accordance with these Rules by a Management Committee consisting of a President, a Senior Vice President, two (2) Vice Presidents - one (1) of which will be designated an affirmative action position to be filled by a woman member, Secretary, Assistant Secretary/ies (the number, if any, to be decided by the Divisional Branch Management Committee prior to the calling of nominations), and four (4) Trustees - one (1) of which will be designated an affirmatve action position to be filled by a woman member who shall be the Officers of the Management Committee and who shall form the Executive, and not more than ten (10) other members - two (2) of which will be designated affirmative action positions to be filled by women members, who shall with the Executive, form the Management Committee. In respect to the NSW Divisional Branch there shall be an additional President (full-time) and one (1) additional Trustee who shall be officers of the Management Committee and who shall also form the Executive Committee of the Divisional Branch.

Nominations for the designated affirmative action positions will be called from women members only, although this does not preclude women members from holding any other Management Committee, Executive or Officer positions.

The failure to fill the designated affirmative action positions shall not prevent a Divisional Branch carrying out or conducting the business of a Divisional Branch.

42 - DUTIES OF MANAGEMENT COMMITTEE

(i) The Divisional Branch Management Committee shall be the highest deliberative body of the Divisional Branch and shall subject to the Rules manage and superintend the affairs of the Divisional Branch protect the funds and perform all the duties allotted to them by the Rules. The Divisional Branch Management Committee shall have the power subject to these rules to:-

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the

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Union and to raise or spend such funds as are necessary to carry out the objects and to employ such assistance as it may deem necessary.

(b) Direct the policy of the Divisional Branch.

(c) Subject to rules 16 and 60, amend or add to the Rules.

(d) Hear and determine all appeals that are submitted in accordance with the Rules.

(e) Fix the salaries, allowances, conditions of employment and/or entitlements of the Divisional Branch Officers, employees, delegates and members as it deems to be appropriate and to appoint and/or remove and/or suspend officers, organisers and employees of the Divisional Branch.

(f) Fine, suspend or expel Committee members, delegates and/or members for knowingly refusing to comply with the Rules or the decisions or policy of the Divisional Conference, Divisional Branch Management Committee or Divisional Branch Executive.

(g) All Divisional Branch Officials and assistants shall be under the control of the Management Committee and Executive, subject to the Rules.

(h) Investigate, report and take such action in accordance with these rules upon all grievances and disputes of officials, officers and members that are placed before them.

(i) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated and to select persons as delegates to represent the Divisional Branch at meetings and committees.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $10.00 per week provided that in no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

(l) Subject to Rule 40 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Executive Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers (if any) under the provisions of the Rules.

(s) Appoint Temporary Organisers under the provisions of the Rules.

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(t) Appoint a Divisional Branch Returning Officer for the conduct of any elections as may be necessary.

(1) The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(2) The Divisional Branch Returning Officer so appointed:

(i) may not be a member of the Union; and

(ii) shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(ii) The Management Committee shall meet at least twice per annum, five (5) members shall form a quorum. The Executive Officers shall pass accounts, subject to the review of the Management Committee and deal with applications for membership.

(iii) Each member of the Committee shall be paid the sum of not less than $4.00 or the expenses and loss of time for each meeting the Committee member attends.

(iv) Each Divisional Branch shall hold General Meetings as may be deemed necessary.

(v) The Divisional Branch Management Committee shall ensure the Divisional Branch and its officers and members carry out the decisions and policies determined by the Divisional Conference and/or Divisional Executive and the rules of the Union are complied with.

43 - DIVISIONAL BRANCH EXECUTIVE COMMITTEE

(a) The Divisional Branch Executive Committee shall meet at least six (6) times in a calendar year and subject to a review of their actions by the Divisional Branch Management Committee, shall have the care, control, superintendence, management, administration, powers and responsibility in all respects of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee.

(b) A quorum for any meeting shall be a majority of the Executive Officers as set out in Rule 41 hereof.

(c) The Divisional Branch Executive shall meet at a time and place determined by the Executive when special meetings are required to be convened wherein the time and place shall be determined by the Divisional Branch Secretary and the Divisional Branch President. The Divisional Branch Secretary and the Divisional Branch President may determine the time and place of any meeting of the Divisional Branch Executive and shall notify the members of the Divisional Branch Executive of such time and place as soon as is convenient and the Divisional Branch Executive and/or the Divisional Branch Secretary and Divisional Branch President may determine the time and place of the meeting of the Divisional Branch Management Committee and shall notify the members of the Divisional Branch Management Committee as soon as is convenient of such time and place.

(d) The Divisional Branch Executive shall carry out any duties which they have been directed to perform by the Divisional Branch Management Committee.

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44 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President (which shall mean the honorary Divisional Branch President in NSW) shall preside at meetings of the Divisional Branch Management Committee or Divisional Branch Executive Committee and meetings convened by the Divisional Branch Management Committee or Divisional Branch Executive.

(b) The Divisional Branch President(s) shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee or Divisional Branch Executive.

(c) The Divisional Branch President(s) shall conduct business in accordance with Rules laid down for guidance. The President shall not enter debate on any question, but shall endeavour to bring the business to a satisfactory conclusion, and shall have a deliberate vote only.

(d) The Divisional Branch President(s) shall sign the minutes of proceedings of all meetings convened by the Divisional Branch Management Committee or Divisional Branch Executive Committee when same have been duly confirmed.

(e) The Divisional Branch President(s) may be required by resolution of the Divisional Branch Management Committee or Divisional Branch Executive Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Management Committee, Divisional Branch Executive Committee or any Committees established in accordance with these Rules and shall if so required submit a report in writing of the findings to the Divisional Branch Management Committee or Divisional Branch Executive Committee members.

(f) The Divisional Branch President(s) shall be an ex-officio member of all Committees.

45 - DUTIES OF DIVISIONAL BRANCH VICE PRESIDENTS

The Divisional Branch Vice Presidents shall attend all meetings of the Divisional Branch, and assist the Divisional Branch President in the duties of the Divisional Branch President's office. The Divisional Branch Senior Vice President shall officiate in the Divisional Branch President's absence, with all the powers conferred on the chair. In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, a Divisional Branch Vice President shall officiate, with all the powers conferred on the chair. In the absence of the Divisional Branch President and Divisional Branch Vice Presidents the meeting shall elect one of its number to preside.

46 - DUTIES OF DIVISIONAL BRANCH TRUSTEES

(1) Divisional Branch Trustees shall be elected in accordance with Rule 51.

(2) Such Divisional Branch Trustees:-

(a) Shall be responsible for the safe custody of the Common Seal, documents and securities of the Divisional Branch of the Union. Documents and securities shall be deposited in the name of the Divisional Branch of the Union, countersigned by the Divisional Branch Trustees on behalf of the Divisional Branch.

(b) Shall act only on resolution of the Divisional Branch Management Committee or Executive, certified under the hands of the Divisional Branch Secretary.

(c) Shall, subject to the directions of the Divisional Branch Management Committee or Executive, have custody of all property of the Divisional Branch.

(d) Shall be signatory for any accumulated funds invested in securities allowed by law as the Divisional Branch Management Committee or Executive may direct;

(e) Shall sign cheques or warrant for the withdrawal of funds which shall be countersigned by the Divisional Branch Secretary.

47 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Management Committee and the Divisional Branch Executive Committee and shall be employed in a full time capacity (unless otherwise determined by the Divisional Executive) and shall among other things conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Management Committee or Divisional Branch Executive Committee.

(c) The Divisional Branch Secretary shall prepare and forward to the Industrial Registrar returns as required by law.

(d) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Management Committee and Executive meeting; and shall attend meetings of the Divisional Branch Management Committee, Divisional Branch Executive Committee and other meetings called by the Divisional Branch Management Committee or Divisional Branch Executive Committee.

(e) Be in charge of the office and subject to Rule 42 shall direct the labours of the officials and employees of the Union.

(f) Keep a correct account of all monies received and expended.

(g) The Divisional Branch Secretary shall sign all cheques in addition to one of the Trustees and shall be the signatory to all documents on behalf of the Divisional Branch and be responsible for the affixing of the official seal of the Divisional Branch.

(h) Be permitted to hold petty cash to the amount of $500.00.

(i) Be paid incidental and travelling expenses.

(j) Generally conduct all financial transactions of the Branch.

(k) Draw up a report and balance sheet, to be submitted to the Divisional Branch Management Committee as directed, and submit the books and accounts annually to the auditors.

(l) Keep a record of the names and addresses of all members of the Union, the names, addresses and occupations of all officers of the Branch, with the dates when they were admitted, died or left, their financial position in the Union and all other particulars necessary to enable the Rules to be enforced.

(m) Receive all monies, and pay same into such Bank as the Divisional Branch Management Committee may direct, to the credit of the Union within seven (7) days after the receipt of same.

(n) When vacating office, deliver to the successor in office, in the presence of the Divisional Branch Management Committee or Executive, all books, documents and other property of the Divisional Branch in the Divisional Branch Secretary's possession.

(o) Produce for audit at least once a year, and at such other times as the Divisional Branch Management Committee may direct, all books and documents of the Divisional Branch appertaining to finance.

(p) Forward to the Divisional Secretary when requested a true copy of the minutes of each meeting of the Divisional Branch Management Committee or Executive or any special meeting thereof.

(q) The Divisional Branch Secretary shall summon all meetings of the Divisional Branch Management Committee and Divisional Branch Executive, issue all necessary notices to members of the Divisional Branch Management Committee or Divisional Branch Executive in connection with such meetings. In consultation with the Divisional Branch President the Divisional Branch Secretary shall be authorised to convene any extraordinary meeting as deemed necessary.

(r) The Divisional Branch Secretary shall be ex officio member of all committees of the Divisional Branch.

(s) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of the Divisional Branch Secretary office.

(t) The Divisional Branch Secretary shall be responsible for the carrying out of decisions and compliance with policies determined by the Divisional Conference or Divisional Executive by the Divisional Branch of which the Divisional Branch Secretary was elected.

48 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY/IES

(If Required)

(a) The Divisional Branch Assistant Secretary/ies shall be under the control of the Divisional Branch Management Committee and the Divisional Branch Executive Committee and shall, under the direction and authority of the Divisional Branch Secretary, carry out all responsibilities allocated to the position.

(b) The Assistant Secretary shall in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary.

(c) The Assistant Secretary shall attend meetings of the Divisional Branch Management Committee, Divisional Branch Executive Committee and other meetings called by the Divisional Branch Management Committee or Divisional Branch Executive Committee.

49 - DUTIES OF ORGANISERS

The Divisional Branch Management Committee may determine the number (if any) of Organisers of the Divisional Branch and the number (if any) to be appointed by it or elected pursuant to Rule 51 and shall determine the duties to be performed by any such Organisers.

50 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any position in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wages and conditions as shall be determined at a properly constituted meeting of the Divisional Branch Management Committee/ Executive Committee.

(b) Full-time paid officers shall be under the control of the Divisional Branch Executive Committee between Divisional Branch Management Committee meetings and shall carry out all instructions of the Divisional Branch Management Committee or Divisional Branch Executive Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of the intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Management Committee first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Executive Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Executive Committee a medical certificate setting out that the officer has recovered and is capable to carry out the duties in accordance with the Rules.

51 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who is financial as provided for in Rule 6, at the time of nominations and has financial membership of the Divisional Branch in accordance with the scale set out in this rule, may nominate for such positions according to this scale.

(ii) Provided that any member who has reached the age of 65 years may not nominate for any Divisional Branch Management Committee member or Divisional Conference position or any office provided for in these Rules.

(iii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iv) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member a decision as to which position the member wishes to contest.

(v) Where no decision is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-

Secretary, Assistant Secretary, President, Organiser.

(vi) The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Assistant Secretary/ies	) 3 years'
Divisional Branch President(s)	) financial
Divisional Branch Delegate to	) membership
Divisional Conference	)
Divisional Branch Senior Vice President	) 1 year's
Divisional Branch Vice Presidents	) financial

Divisional Branch Trustees	) membership
Divisional Branch Management Committee	)
and	)
Organiser	)

Provided that for the purposes of this sub-rule financial membership of the State Registered union being the United Timber Yards, Sawmills and Woodworkers Employees' Union of Western Australia or its successor shall be for all purposes continuous with and counted as financial membership of this Division.

(b) The term of office for the above positions shall be four years and such term shall commence from the 2nd January, following the election.

(c) Nominations for the above positions, shall be called by the Divisional Returning Officer by notification in the union journal if one is due to be published and in one daily newspaper circulating in the Divisional Branch area on or before the last day of August of every fourth year commencing on and from the last day of August, 1993.

Provided that such advertisements shall clearly indicate that the Divisional Executive Committee members and the full-time Divisional Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the last Friday of September, 1993 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

(f) A member having nominated for any office in accordance with these Rules may withdraw the nomination by notifying the returning officer in writing of an intention to do so at any time up to 14 days after the closing of nominations. The returning officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the members name from the ballot papers prior to their distribution.

(g) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Management Committee member 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(h) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(i) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers report to the Divisional Branch Secretary.

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(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or a nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable the supply of a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by prepaid post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary and that envelope shall contain only the following documents -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(ii) an empty unsealed pre-paid post envelope addressed to the Divisional Branch Returning Officer, c/- the numbered mail box referred to in this rule;

(iii) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Branch Returning Officer may consider necessary;

(iv) the candidates statement provided for in accordance with sub-rule (g) of this rule.

(v) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail each relevant ballot paper.

(o) For the purpose of the election the books of the Divisional Branches shall be deemed to have closed as at 30 September in the year of the election. Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines prior to the 30th September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the
Divisional Branch Returning Officer that they have paid all contributions, levies and fines prior to the 30 September in the year of the election shall be entitled to receive a ballot paper and the Divisional Branch Returning Officer shall send by post, a ballot paper in accordance with sub-rule (m) of this rule.

(p) The opening date of the ballot shall be the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the

Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(q) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box until the commencement of the count of the ballot which will take place no later than the first working day following the closing of the ballot and shall be completed as soon as is practicable.

(r) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(s) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 68, Definitions, and the candidate or candidates receiving the necessary votes shall be deemed elected.

(t) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

(u) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Secretary of the result of the ballot and the Divisional Branch Management Committee or Divisional Branch Executive shall issue instructions for the publication of same in their minutes. The Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

(v) The Divisional Branch Returning Officer's report to the Divisional Branch Secretary shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposes.

(w) The successful candidates shall take up their respective duties at a date determined by the Divisional Branch Executive which shall be a date between the 1st day and the 14th day of January following the election held in the preceding year and shall remain elected until their successors take up office.

(x) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(y) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(z) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in this sub-clause, the Divisional Branch Returning Officer shall conduct an election in accordance with this rule with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(aa) Following election in 1993 the elections of Divisional Branch officers shall be held in accordance with the timetable prescribed for delegates to Divisional Conference (see National Rule 17). Provided that in 1993 the timetable for the election shall be in accordance with National Rule 17(ff).

52 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Management Committee.

53 - EXTRAORDINARY VACANCIES

(1) An Officer of a Divisional Branch including a Member of the Divisional Branch Management Committee shall cease to hold office and such office shall thereupon become vacant if and when:-

(a) an officer/member dies, or has by reason of physical or mental disability become incapable of carrying out the duties of the office;

(b) the officer/member resigns from office or membership of the Union;

(c) the officer/member is dismissed from office in accordance with Rule 54;

(d) the officer/member ceases to be a member of the Divisional Branch in which the officer/member holds office.

(e) the officer/member becoming unfinancial in accordance with these Rules.

(2) Any extraordinary vacancy which occurs in the office of any officer including a member of the Divisional Branch Management Committee shall be filled by the holding of an election in accordance with Rule 51, with the necessary changes, and the member so elected shall hold office for the remainder of the term for which the predecessor to the office was elected provided that where the remainder of the term does not exceed

(a) twelve months, or

(b) three-quarters of the term of the office whichever is the greater - the Divisional Branch Management Committee may select by resolution any eligible member of the Divisional Branch to fill the office for the remainder of the term.

54 - REMOVAL OF OFFICERS AND MANAGEMENT COMMITTEE MEMBERS

(a) Any officer/member of a Divisional Branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross

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misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(b) Any officer/member of the Divisional Branch Management Committee charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of the rules. The officer or Divisional Branch Management Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in their defence, or if the officer prefers, may answer the charges in writing.

In the case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to the Divisional Conference or Executive whichever is appropriate as soon as it is conveniently possible from the date of the decision. Rule 71 - Appeals of Members shall apply.

55 - DUTIES OF MEMBERS AND OFFENCES

A. DUTIES

(a) To adhere strictly to the Rules of the Union, Division and its Divisional Branches.

(b) To promote the industrial welfare of every other member.

(c) To attend the meetings of the Divisional Branch as often as possible and to assist the Officers to the best of the members' ability.

(d) To supply the Divisional Branch Secretary with information as to where work is procurable for members.

(e) Not to knowingly divulge any portion of the Union's business to any non-member or to discuss it with members in the presence or within the hearing of non-members.

(f) When joining the Union to furnish the Divisional Branch with an address and notify any change of address within fourteen (14) days of such change.

(g) Not to defraud other members.

(h) To render every assistance to Shop Stewards/Job Delegates in their respective work places in the carrying out of their duties.

(i) To answer or cause to answer any correspondence received from the Divisional Branch Secretary and to supply any information that may be required.

(j) To report to the Divisional Branch Secretary or the Divisional Secretary any member believed to be guilty of a breach of the Rules.

B. OFFENCES

(1) Any member may charge any other member with;

(a) Committing any breach of the Rules.

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(b) Failing to comply with any lawful resolution or direction passed or given under any Rule of the Union after having been given notice thereof.

(c) Committing any fraudulent act or unlawful act in relation to funds or property of the Union or in relation to any election held under its Rules.

(d) Wrongfully holding themselves out as occupying any office or position in the Union or any Divisional Branch thereof, or as being entitled to represent the Union or any Divisional Branch in any capacity.

(e) Behaving in a drunken, disorderly or offensive manner towards an officer of the union or at any meeting held under the Rules of the Union or in the office of the Union or of any Divisional Branch.

(f) Knowingly giving false information to any officer, representative or employee of the Union or any person acting as or on behalf of a Returning Officer conducting any election under its Rules relating to any Union business or election or any matter affecting the interest of the Union or its members, or refusing to give information to such persons when reasonably requested to do so.

(g) Aiding or encouraging any other member in any offence under these Rules.

(h) Doing any act calculated to injure or destroy the Union or making any wilful false statement concerning the administration of its affairs.

(i) Failing to report to the Divisional Branch Management Committee or the Divisional Conference a member believed to be guilty of a breach of the Rules.

(j) being the holder of any office within the Union

(i) misappropriation of the funds of the Union;

(ii) a substantial breach of the Rules of the Union; or

(iii) gross misbehaviour or gross neglect of duty.

(2) Any charge must be made in writing and shall be made to the Divisional Secretary or the Divisional Branch Secretary. Such Officer shall, if directed by the Divisional Branch Management or Executive Committee or the Divisional Conference or the Divisional Executive, summon the member charged. Such summons shall be in writing and shall state the time and place of the hearing and the substance of the charge. The member's fares to and from the place of the meeting shall be paid. The member shall on written request, be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is charged.

(3) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be investigated, whether or not the person charged is present, unless a satisfactory explanation of the absence has been received.

(4) At the hearing the member charged must be given a reasonable opportunity to present a defence to the charges including a reasonable opportunity to call any witness upon whose evidence the member wishes to rely, and if necessary to tender a written submission.

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(5) If the Divisional Conference or the Divisional Executive or Divisional Branch Management Committee or Divisional Branch Executive finds the member concerned so charged guilty it may:

(a) Impose a fine of a sum not exceeding $100.00, and/or

(b) Suspend the member from membership; and/or

(c) Remove the member from any office or position; and/or

(d) Expel the member from membership of the Union.

(6) Suspension from membership shall deprive a member of the rights and benefits of membership, but shall not relieve the member of the obligations of membership and shall not exceed six months for any one offence.

(7) An appeal under this Rule shall lie in respect of any decision from a Divisional Branch to the Divisional Conference, or the Divisional Executive, provided that Notice of Appeal shall be given in writing to the Divisional Secretary within twenty-one days from the date of the member being notified of the Divisional Branch decision and shall set forth in full all matters which the appellant desires to be considered.

(8) The Divisional Conference or the Divisional Executive shall decide the appeal at its next meeting after the appeal is made and the appellant shall have the right to attend the meeting and state a case on the appeal.

(9) Notwithstanding anything to the contrary in these Rules a person elected to any office within the Union shall not be dismissed from office unless found guilty of misappropriation of the funds of the Union a substantial breach of the Rules of the Union or of gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold the office.

56 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's union subscriptions.

57 - SHOP STEWARDS/JOB DELEGATES

(1) A majority of members in each workplace or where appropriate department of the workplace present may select from amongst their number a person or persons to act as Steward or Stewards, Job Delegate or Job Delegates who shall as far as possible perform the following duties:-

(a) To see that these Rules are strictly adhered to.

(b) To investigate and if possible rectify any complaints or disputes and if unsuccessful to refer any such matters to the Divisional Branch Secretary for resolution.

(c) To report any infringement of any award or agreement affecting the Union to the Divisional Branch Secretary at once.

(d) To attend all meetings as regularly as possible.

(e) To notify the Divisional Branch Secretary when possible within twenty-four hours, of all accidents to members of the Union. All such information shall be supplied where possible on a form furnished by the Divisional Branch Secretary.

(g) It shall be the duty of all Shop Stewards/Job Delegates to endeavour to enrol appropriate workers in their respective workplace or jobs into the Union.

(h) On the start of every job where two or more workers are working there shall be a show of cards and also at any time the Shop Steward/Job Delegate may determine.

(i) Any member refusing to show their card when required by a Shop Steward/Job Delegate shall be liable to be fined up to $100 by the Divisional Branch Management Committee.

(j) It shall be the duty of Shop Stewards/Job Delegates to interest themselves in the welfare of the worker probationers, indentured apprentices and trainees.

(k) On direction of the Divisional Branch Management Committee or at the request of one third of the members on the job, they shall be required to call a meeting as soon as convenient.

(2) The Divisional Branch Secretary shall be advised of the appointment of Shop Stewards/Job Delegates in accordance with paragraph (1) and approved by the Divisional Branch Management Committee or Executive. In the event of failure of the members to appoint a Steward/Job Delegate in accordance with paragraph (1) the Divisional Branch Secretary or an officer authorised by the Divisional Branch Secretary shall have the power to appoint a Steward/Job Delegate or Stewards/Job Delegates.

(3) Where no alternative arrangements for the payment of Union contributions have been determined by the Union, the Steward/Job Delegate shall collect all contributions, fines and levies due to the Union by members in the work place where the Steward/Job Delegate is employed, the same to be paid to the Secretary within 14 days. The Steward/Job Delegate may be paid a Commission to be fixed by the Divisional Branch Management Committee on all monies (except levies) collected, and shall be paid quarterly.

(4) If the Divisional Branch Secretary is advised by members in any work place of their dissatisfaction with the performance of a Shop Steward/Job Delegate then a meeting of members will be convened to consider the complaints.

58 - VICTIMISATION

Should any Shop Steward or Job Delegate be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee/Executive Committee shall take all necessary steps to see that the Shop Steward/Job Delegate interests are protected.

59 - ALLOWANCES

The Divisional Branch Management Committee/Executive Committee may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

61 - LOANS, GRANTS AND DONATIONS

A loan, grant or donation of an amount exceeding $1,000.00 shall not be made by any Divisional Branch, unless the Divisional Branch Management Committee or the Branch Executive Committee, as the case may be:

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the other Rules of the Union or of the Divisional Branch, as the case may be; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory, and

(b) has approved the making of the loan, grant or donation.

62 - FUNDS - HOW COLLECTED

All entrance fees, contributions, levies, fines, fees and dues payable by members shall be paid to and collected by the Divisional Branch Secretaries, or their authorised agents, or any other authorised agent of the Divisional Executive.

63 - CHANGE OF RESIDENCE

Any member changing residence shall report the same to the Divisional Branch Secretary within fourteen (14) days and in default shall be liable to a fine of up to $100.

64 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary.

65 - SETTLEMENT OF INDUSTRIAL DISPUTES

(1) Whenever a dispute arises between any employer and a member or members, such member or members shall report the same to the Divisional Branch Secretary, who shall endeavour to settle same, failing which:-

(2) The Divisional Branch Secretary may call a meeting of the Divisional Branch Executive and such Executive Committee shall consider such dispute and endeavour to settle the same amicably.

(3) Failing a settlement being obtained, the Divisional Branch Secretary shall, if the Divisional Branch Executive Committee so direct, refer the dispute to the Divisional Secretary.

66 - ACCIDENT AND MORTUARY FUNDS

Divisional Branches may establish Accident and Mortuary Funds in accordance with By-Laws approved by the Divisional Conference.

67 - LIFE MEMBERSHIP

The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may, at their entire discretion, constitute a member a Life Member, provided that member has been a member for a period of at least 20 years, has retired from the industry, and was financial at the time of retirement. Life members shall not be liable to pay dues of any kind to the Union, and shall not be entitled to nominate for or to hold any office, but shall be entitled to vote at the Union elections. The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may reduce the qualifying period of membership in special circumstances.

68 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter votes as the first preference, and shall place the number 2,3,4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the voters preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

69 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

In addition to powers elsewhere provided in the Rules, a Divisional Branch Management Committee member shall have the powers of a shop Steward.

70 - REFERENDA

(a) (i) On receipt of a petition signed by not less than 10% financial members of the union, the Divisional Branch Management Committee shall take a referendum of the whole of the

financial members of the Divisional Branch in respect of any matter determined by the Divisional Branch Management Committee and/or Executive.

(ii) The petition shall have set out the members full name, address, signature and the date the said petition was signed by the member. In determining the 10% requirement of financial members for a referendum to be conducted, the petition shall be presented to the Divisional Branch Secretary within 30 days of the first financial member signing the aforesaid petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 10% financial members.

(iii) Such referendum shall take place within 2 months of the receipt of the petition.

(iv) The decision reached by a majority of the actual votes recorded shall be binding on the Divisional Branch Management Committee and the members of the Divisional Branch and on the Divisional Branch Executive.

(b) The Divisional Branch Management or Executive Committee may at any time, by its own motion, take a referendum of the whole of the financial members of the Divisional Branch upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Management Committee shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

71 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Divisional Branch may make a written appeal to the Divisional Branch Executive Committee for redress, who shall in the case of appeals on any matter that does not relate to the Divisional Branch Executive forward the appeal to the Divisional Branch Executive Committee within one (1) month.

(b) Any members dissatisfied with the decision of the Divisional Branch Executive Committee may appeal to the Divisional Branch Management Committee within one (1) month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Executive within one (1) month after the hearing of the case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Executive or Divisional Executive may confirm, annul or modify

the penalty or finding. Should the appellant desire to appear in person the appellant member shall be afforded the opportunity to do so.

72 - SPECIAL RULE - NO.7 BRANCH PULP AND PAPER WORKERS BRANCH

The following provisions shall apply in respect of the No. 7 Branch - Pulp and Paper Workers' Branch of the Division (in this Rule called "the Pulp and Paper Workers' Branch")

(1) Nothing in this Rule shall affect the application of the Rules to the No 7 Branch - Pulp and Paper Workers' Branch - and to the holders of offices within and to the members of that Branch except insofar as this Rule may be inconsistent with another rule in which event the provisions of this Rule shall prevail to the extent of such inconsistency.

(2) The word "Branch" in the Rules shall include a "Sub-Branch of the No. 7 Branch" unless the context indicates otherwise.

DIVISIONAL SUB-BRANCH PROVISIONS

(3) The business of the Divisional Branch shall be conducted by the Divisional Branch Management Committee which shall consist of the Divisional Branch Secretary and Sub-Branch Delegates.

(4) The powers of the Divisional Branch Management Committee shall include the following powers:-

(a) To establish new Sub-Branches and amalgamate existing Sub-Branches, to close or disband Sub-Branches in accordance with the Rules, and generally to control Sub-Branches and the members thereof including the power to disallow By-Laws made by any Sub-Branch in conflict with the Rules.

(b) When establishing a new Sub-Branch to make Rules providing for the admission of members to that new Sub-Branch, the establishment of a Management Committee of that new Sub-Branch, the election of officers of that new Sub-Branch and all such matters as may be necessary.

(c) To fix the amount of per capita payments by the Sub-Branches to the Divisional Branch Management Committee - such payments not to exceed 75% of the members' contributions unless agreed by a majority of the Sub-Branches.

(d) To establish and or operate a Superannuation Fund for the benefit of the members of the Divisional Branch and others.

(4A) The Divisional Branch shall hold an Annual General Meeting and such other meetings as may be necessary. Such meetings shall consist of a series of meetings of the members of each Sub-Branch held at times, places and dates to be decided by the Divisional Branch Management Committee. Members entitled to attend the meetings shall be notified thereof by circular or advertisement, or by printed notices or by such other similar means as the Divisional Branch Management Committee may deem reasonable. Any proposed resolution put to the series of meetings shall have been passed if it receives on the aggregate of all meetings held in the series, the majority of votes.

(5) The Divisional Conference or Divisional Branch Management Committee shall have the power to suspend any Sub-Branch Management Committee and/or all or any officers, committee members and delegates of a Sub-Branch if it is satisfied after due enquiry and after giving it or them the opportunity of being heard:-

(a) That the Rules of the Divisional Branch or Sub-Branch have not been bona fide observed or enforced by the Sub-Branch.

(b) That any lawful decision of the Divisional Branch Management Committee has not, after notification, been bona fide observed and enforced by the Sub-Branch.

(c) That the Sub-Branch is wilfully neglecting to provide for the collection of fees, levies, fines or contributions.

(d) That the accounts of the Sub-Branch have not been duly audited or that the accounts of the Sub-Branch or the Auditor do not disclose the true financial position of the Sub-Branch.

(e) That for any reason the Sub-Branch cannot or fails to meet in accordance with the Rules.

(f) That the officers of the Management Committee of the Sub-Branch refuse to disclose to the Divisional Branch Management Committee information concerning the Sub-Branch or the Management Committee.

(6) If a Sub-Branch or a Sub-Branch Management Committee fails to comply with any lawful direction of the Divisional Branch and incurs legal costs or has imposed upon it a fine and/or legal costs arising from the conduct of the Sub-Branch, the Sub-Branch Management Committee or members of the Sub-Branch, which conduct is in contravention of the lawful direction of the Divisional Branch Management Committee then the Divisional Conference or Divisional Branch Management Committee shall have the power to direct that the amount of legal costs, fine and/or legal costs so incurred by and/or imposed upon the Divisional Branch shall be paid to the Divisional Branch Management Committee from the funds of the Sub-Branch.

(7) The Divisional Branch Management Committee shall call a meeting upon the requisition of three (3) Sub-Branches.

(8) The Sub-Branch Delegates to the Divisional Branch Management Committee shall be the Sub-Branch Secretary together with the additional Delegates who shall be elected quadrennially by the membership of each Sub-Branch in accordance with Rule 51. The additional Delegates shall be elected on the following basis:-

(a) Each Sub-Branch with a membership of less than 100 members - the Sub-Branch Secretary only.

(b) Each Sub-Branch with a membership of 100 members or more but less than 400 members - the Sub-Branch Secretary together with one (1) additional Delegate.

(c) Each Sub-Branch with a membership of 400 members or more but less than 1,000 members - the Sub-Branch Secretary together with two (2) additional Delegates.

(d) Each Sub-Branch with a membership of 1,000 members or more but less than 2,000 - the Sub-Branch Secretary together with three (3) additional Delegates.

(e) Each Sub-Branch with a membership of 2,000 members or more but less than 3,000 members - the Sub-Branch Secretary together with four (4) additional delegates.

(f) Each Sub-Branch with a membership of 3,000 members or more - the Sub-Branch Secretary together with five (5) additional Delegates.

(9) The Sub-Branch Management Committee may appoint a proxy delegate to any meeting of the Divisional Branch Management Committee when the delegate or delegates of the Sub-Branch to

the Divisional Branch Management Committee (being either the Sub-Branch Secretary or additional Delegate or Delegates) is or are unable to attend that meeting: Provided that such proxy delegate shall be entitled to speak and vote on any matter except that such proxy delegate shall not participate in any step in any election for an office conducted amongst members of the Divisional Branch Management Committee.

(10) The Divisional Branch Secretary and Divisional Conference Delegates shall be elected quadrennially by the members of the Branch in accordance with the provisions of Rule 51.

(11) The Divisional Branch President, Senior Divisional Branch Vice President, Junior Divisional Branch Vice President and three (3) Trustees shall be elected by secret ballot after nominations have been called for by the Returning Officer at the meeting of the Divisional Branch Management Committee held next after the declaration of the quadrennial elections by and from the members of the Divisional Branch Management Committee in accordance with the provisions of Rule 51 with the necessary changes.

(12) In the event of a member being elected to the office of Divisional Branch Secretary and as an Additional Delegate of a Sub-Branch to the Divisional Branch Management Committee such position of Additional Delegate shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 51 with the necessary changes.

(13) In the event of a member being elected to the offices of Divisional Branch Secretary and Sub-Branch Secretary the office of Sub-Branch Secretary shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 51

(14) (a) In the event of an industrial dispute taking place in any Sub-Branch the officers of such Sub-Branch shall try, by conciliation, to settle the dispute. In the event of the Sub-Branch officers concerned being unable to secure a satisfactory settlement the matter shall be referred to the Divisional Branch Secretary who shall, on behalf of the Divisional Branch Management Committee take charge of such dispute and shall consult with the Divisional Branch President and shall, if necessary, convene a meeting of the Branch Management Committee to deal with the matter.

(b) (i) A majority of the Sub-Branches shall, at special meetings of the Sub-Branch Management Committees called for that purpose, decide whether an industrial dispute affecting members of the Divisional Branch is to be submitted by the Divisional Branch to the appropriate tribunal established under the Industrial Relations Act 1988.

(ii) The Divisional Branch President and Divisional Branch Secretary or such other person or persons as the Divisional Branch Management Committee may decide shall be empowered to make submissions on behalf of and represent the Divisional Branch before a Federal or State Industrial Tribunal and to sign or issue any document including any agreement for the Divisional Branch which is necessary in respect of any such submission or presentation.

(15) Any delegates representing the Divisional Branch or a Sub-Branch on the Australian Labor Party shall be a member of that party.

(15A) The Divisional Branch Secretary shall be ex-officio a member of all committees of the Sub-Branches but shall not be entitled to exercise a vote on matters appertaining exclusively to only one Sub-Branch.

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SUB-BRANCH PROVISIONS

(16) (a) The following Sub-Branches are and shall be deemed to have been established as from the several dates on which they began to function:-

Melbourne, Maryvale, Broadford, Millicent, Sydney, Nowra, Wesley Vale, Boyer, Albury, Burnie and Myrtleford.

(b) The Sub-Branches shall consist of members of the Divisional Branch as follows:-

(i) The Melbourne Sub-Branch shall consist of members who are employed within a radius of forty (40) kilometres of the General Post Office.

(ii) The Maryvale Sub-Branch shall consist of members employed within a radius of forty (40) kilometres from either the Traralgon or the Morwell Post Office.

(iii) The Broadford Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Broadford Post Office, but not including the districts covered by the Melbourne Sub-Branch.

(iv) the Millicent Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Millicent Post Office.

(v) The Sydney Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Sydney Post Office.

(vi) The Nowra Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Nowra Post Office.

(vii) The Burnie Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Burnie Post Office

(viii) The Myrtleford Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Myrtleford Post Office.

(ix) The Wesley Vale Sub Branch shall consist of members employed within a radius of forty (40) kilometres of the Devonport Post Office

(x) The Boyer Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Hobart Post Office

(xi) The Albury Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Albury Post Office.

(16) (c) Additional Sub-Branches may be established by resolution of the Branch Committee of Management.

(d) Any member not employed within a Sub-Branch area shall be attached to the Sub-Branch nearest to where he is employed.

(17) (a) Officers of the Sub-Branches shall be the President, two (2) Vice-Presidents (a Senior and Junior Vice President) and a Secretary such officers shall also be officers of the Union. These officers together with such number of other members which shall not be less than three (3) or exceed ten (10) as the Sub-Branch shall determine shall form the Sub-Branch

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Committee of Management. The Sub-Branch Secretary shall also mean the Sub-Branch Secretary-Treasurer.

(b) Delegates to the Branch Committee of Management shall be ex-officio members of all Committees and Sub-Committees of the Sub-Branch to which they belong.

(c) The Officers of the Sub-Branch together with the other members of the Sub-Branch Committee of Management shall be elected quadrennially by the members of the Sub-Branch in accordance with the provisions of Rule 51.

(18) (a) No member shall hold more than one of the offices of Sub-Branch President, Sub-Branch Senior Vice-President, Sub-Branch Junior Vice-President, Sub-Branch Committeeman, or Sub-Branch Secretary. If a member is elected to any two or more of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch Secretary signify which one of the said offices such member elects to hold. The member shall thereupon be deemed to have resigned from the other office or offices and the vacancy shall be filled in accordance with the provisions of Rule 51 mutatis mutandis.

(b) No member shall hold the office of Sub-Branch Secretary and Sub-Branch Additional Delegate from the Sub-Branch to the Branch Committee of Management. If a member is elected to each of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch President signify which one of the said offices such member elects to hold and shall thereupon be deemed to have resigned from the other office. The vacancy so occurring in the other office shall be filled in accordance with the provisions of Rule 51 mutatis mutandis.

(19) Entrance fees and contributions shall be paid to and collected by the Sub-Branch Secretary or by an authorised agent of the Sub-Branch.

(20) The Sub-Branch Fund which shall be managed and controlled by each Sub-Branch Management Committee shall consist of:-

(i) Any real or personal property of which the Sub-Branch by the rules or by any established practice not inconsistent with the Rules has, or in the absence of any limited term lease, bailment or arrangement, would have, the of right custody, control or management;

(ii) All entrance fees and all contributions collected in accordance with the Rules save and except such part of the contributions as are fixed by the Divisional Branch Management Committee from time to time and are part of the Divisional Branch Funds pursuant to Rule 42 (4)(c) hereof;

(iii) All fines and levies raised pursuant to Divisional Branch Rules;

(iv) Any interest, rents or dividends derived from the investment of the Fund;

(v) Any superannuation or long service leave fund operated or controlled by the Sub-Branch for the benefit of its officers or employees;

(vi) Any sick pay fund, accident pay fund, mortuary or funeral fund or like fund operated or controlled by the Sub-Branch for the benefit of its members;

(vii) Any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and

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(viii)The proceeds of any disposal of parts of the Fund.

(21) The per capita payments fixed by the Divisional Branch Management Committee pursuant to Rule 42 (4)(c) hereof shall be the first charge on the gross income of each Sub-Branch.

(22) Each Sub-Branch shall fix the salaries and/or allowances and/or honorariums and/or appropriate conditions of service of Officers of the Sub-Branches.

(23) Each Sub-Branch shall elect delegates to represent it on any body with which the Sub-Branch is affiliated. The election shall be conducted amongst members of the Sub-Branch Management Committee and be held at the next Sub-Branch Management Committee meeting following Sub-Branch elections. Nominees are required to be a member of the Sub-Branch Management Committee.

(24) Times and places of meetings of a Sub-Branch shall be fixed by the Sub-Branch Management Committee and shall be notified to members by being posted on work place notice boards at least three (3) days prior to the date of such meetings. At least one meeting shall be carried quarterly.

(25) Each Sub-Branch shall decide the starting and finishing times of its meetings and no extension shall exceed thirty (30) minutes beyond the time of normal finishing.

(26) The Sub-Branch President and Sub-Branch Secretary may call a meeting of the Sub-Branch Management Committee at any time by giving the membership of such Committee three (3) days notice in writing of the date, time and place of such meeting. The Sub-Branch President and Sub-Branch Secretary shall call a meeting of the Sub-Branch Management Committee. The Sub-Branch Management Committee if required to do so, by a written request of a majority of members of the Sub-Branch Management Committee may, at any meeting held of such Management Committee, decide the date, time and place of future meetings.

(27) A quorum for a Sub-Branch meeting shall consist of five (5) members (not including officers or members of the Branch Management Committee) where the Sub-Branch has a membership of 100 or less members; a quorum for a Sub-Branch meeting shall consist of ten (10) members (not including officers or members of the Sub-Branch Management Committee) where the Sub-Branch has a membership of over 100 members. If no such quorum is present at a meeting of a Sub-Branch thirty (30) minutes after the normal starting time of such meeting that meeting shall lapse.

(28) If due to the absence of a quorum at a meeting, a Sub-Branch is unable to conduct its business, the Sub-Branch Management Committee shall conduct such business with the full authority of a properly constituted Sub-Branch meeting.

(29) The Sub-Branch President and the Sub-Branch Secretary may call a Special Meeting of the Sub-Branch at any time. Special Meetings of the Sub-Branch shall be called by the President on receipt of a requisition in writing by twenty-five (25) financial members of the Sub-Branch. Such requisition must set out the purpose for which it is desired the meeting shall be called. No other business may be transacted unless urgent and by resolution of the meeting. Such Special Meetings shall be called with twenty-one (21) days of the receipt of such requisition and the time, place and purpose of such Special Meeting shall be notified to members by being posted on the workplace notice boards at least three (3) days prior to the date of the meeting.

(30) MORTUARY FUND

(a) For the purposes of this Rule "spouse" includes the defacto husband or wife of a member.

(b) There shall be established a Mortuary Fund of the Pulp & Paper Workers Branch from which Mortuary Benefits shall be paid upon the death of members of the Branch or the

dependent spouse of members of the Branch towards the cost of burial as hereinafter provided.

(c) The Mortuary Fund shall be administered by the Divisional Branch Management Committee.

(d) Each member of the Divisional Branch shall nominate on a form to be provided by the Divisional Branch the full name and address of the person to whom the Mortuary Benefit is to be paid in the event of death. Members shall return completed forms to their Sub-Branch Secretary who shall forward them to the Divisional Branch Secretary.

(e) Upon the death of a member in respect of whom a Mortuary Benefit is payable such payment shall be made to the person nominated by the member irrespective of the number or status of the claimants. Where there is no nominee of the deceased member the Mortuary Benefit may be paid to whomsoever the Divisional Branch President and Divisional Branch Secretary in their absolute discretion may determine and their decision shall be final.

(f) Upon the death of the dependant spouse of a member of the Branch in respect of whom a Mortuary Benefit is payable such payment shall be made to the member.

(g) When a claim for Mortuary Benefit is made it shall be accompanied by a Death Certificate or a photostat copy of the Certificate.

(h) The amount of the Mortuary Benefit shall be as determined from time to time by the Divisional Branch Management Committee.

(i) There shall be paid into the Mortuary Fund the proceeds of the winding up of the Excess Bonus Funds in the mills of the Australian Paper Manufacturers Ltd. and monies raised by such levies on the members of the Branch as are determined by the Divisional Branch Management Committee to be necessary to operate the Fund. All property of whatsoever kind in the Mortuary Fund is and shall remain the property of the Branch.

(j) Notwithstanding anything contained elsewhere in the Rules of the Union the funds of the Mortuary Fund may be invested in Government Bond Fixed Bank Deposit or Debentures, Shares of Companies who are parties or signatories of the Pulp & Paper Industry Consent Award or Industry Agreement or in other investment as the Divisional Branch Management Committee in its absolute discretion may determine.

(k) The Mortuary Fund of the Divisional Branch alone shall be liable to meet payments of Mortuary Benefits in respect of the death of members or their dependant spouses and no other Fund Account or Assets of the Union shall be so liable to any extent whatsoever.

(l) The Divisional Branch Secretary shall submit annually to members of the Divisional Branch a report of operation of the Mortuary Fund and an audited balance sheet of the accounts including trading, investment interest and outgoings for the period 1st January to 31st December.

(m) If in the future significant benefits become payable on or in respect of the death of members or their dependent spouses either by Government legislation, industrial award or in any other manner the Divisional Branch Management Committee may recommend to members of the Branch that the Mortuary Fund be wound up and all assets in the Fund transferred to the General Account of the Divisional Branch.

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(n) The Mortuary Fund shall be wound up within twelve (12) months after a majority of the members of the Divisional Branch have voted for its termination at Special Meetings of each Sub-Branch called for the purpose. In this event all property of whatsoever kind in the Mortuary Fund Account of the Divisional Branch shall be transferred to the General Account of the Divisional Branch.

END OF RULES

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[105N-ATAI: Incorporates alterations of 24/2/2004 in matter R2004/140]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 52 both inclusive contain a true and correct copy of the registered rules of Construction, Forestry, Mining and Energy Union, The Forestry, Furnishing, Building Products and Manufacturing Division and Forestry Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU, Forestry,Furnishing, Building Products and Manufacturing Division and Forestry Divisional Branches

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THE FORESTRY, FURNISHING, BUILDING PRODUCTS AND MANUFACTURING DIVISION RULES

1 - NAME

The name of the Division shall be "The Forestry, Furnishing, Building Products and Manufacturing Division". (FFPD)

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-Rule (C) and (F) of the National Rules shall belong to this Division.

3 - SEAL OF FFPD DIVISION

1. The seal of the FFPD Division shall be oval in shape inscribed on the outer edge the name of the Union and the words "FFPD Division" on the inside.

2. The Seal shall be kept in the custody of the Divisional Secretary.

3. Any document required or permitted by the Workplace Relations Act or any document required or permitted by law to be under seal of the Division shall be executed on behalf of the Division by affixing the Seal of the Division thereto and by being signed by the Divisional Secretary or, in the absence of the Divisional Secretary, either the Divisional President or Divisional Assistant Secretary.

4 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"FFPD DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to FFPD Division is a member of this Division.

"MEMBER" shall mean a member of FFPD Division and membership shall have a corresponding meaning.

"MANAGEMENT COMMITTEE" or "EXECUTIVE" shall be synonymous and shall mean in relation to a division or divisional branch the controlling and administrative body of such Division or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

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If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then the candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

5 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which the candidate resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for the Forestry and FFTS Divisions or their predecessors.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Branch Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which the member resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

6 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Applicants for membership of the FFPD Division shall pay on application an entrance fee in accordance with the Divisional Branch rules. Such entrance fee if applicable shall not exceed $50.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

(ii) The contribution payable by each member shall be fixed by the Divisional Branch in accordance with the rules thereof to which the member is attached. Provided also that the Divisional Executive

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shall have the power to review and alter any such increases or decreases or alterations made in the contributions or entrance fees of any Divisional Branch in accordance with the rules thereof if in its opinion it is in the interests of the Union to do so.

(iii) The Divisional Executive or Divisional Branch in accordance with the rules thereof may if, in its opinion it is desirable or necessary for financial or any other reason that the aforesaid entrance fees or contributions should be altered, waived or suspended, the said Divisional Executive or Divisional Branch in accordance with the rules thereof may make such decision as it deems desirable or necessary, and the altered, waived or suspended entrance fee and/or contribution payable in that Divisional Branch or Divisional Branch Sub-Branch shall be applicable to the member(s), group or class of members concerned.

(iv) Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch Rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

(v) A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

(vi) Contributions shall be paid to and collected by the Divisional Secretary, Divisional Branch Secretary, or an authorised agent of the Division or Divisional Branch.

(vii) The Division shall allow to the Divisional Branches, for the purpose of the Branch, the whole of the contributions collected by the Branch, except such sum as may be fixed by the Divisional Conference from time to time.

7 - SPECIAL MEMBERS

The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rule 6 be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference which shall meet at least every two (2) years.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter.

(iii) Each Divisional Branch shall be entitled to one (1) representative up to 500 members, one (1) additional representative between 500 members and 1,000 members, based on the aggregate income received by each Divisional Branch (union contributions only) divided by the amount of

the yearly contribution fixed by the rules from time to time, for the financial year ending on the 31st December in the year preceding the quadrennial election of representatives to act as its representatives at the Divisional Conference.

The Divisional Branch Secretary of each Branch shall, ipso facto, be one of that Branch's representatives to the Divisional Conference. The number of representatives to which each Divisional Branch is entitled shall remain unaltered throughout the period between the quadrennial elections.

(iv) Representatives of the Divisional Branches to the Divisional Conference shall be elected by secret postal ballot of all members of their respective Divisional Branches eligible to vote each four (4) years in accordance with the provisions of Rule 17 of the National Rules.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the delegate is a member may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the delegates predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

(vii) Where one or more representatives of a Divisional Branch is or are unable to attend a meeting of the Divisional Conference the Executive Committee of that Divisional Branch may itself select a proxy representative or representatives to act on its behalf at that meeting. Such representative or representatives shall vote in accordance with the instructions of the Executive Committee.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules. Full time Divisional Officers, (Divisional Secretary and Divisional Assistant Secretaries), may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify of the intention in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that Divisional Branch entitlement to delegates shall be increased by the number of full-time Divisional Officers nominating as Divisional Conference delegates in that Divisional Branch in accordance with this sub-clause.

(ix) A majority of delegates eligible to attend the Divisional Conference shall form a quorum.

(x) All expenses of representatives to the Divisional Conference shall be borne by the Divisional Branch by which the representatives are elected unless otherwise determined by the Divisional Conference.

(xi) No alteration of the personnel of the representatives at a meeting of the Divisional Conference shall be permitted after the credentials of the representatives have been received and accepted by the Divisional Conference, unless such alteration is rendered necessary by death or serious illness.

(xii) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of $100, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members, organisers or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate concerned has been afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

A period of suspension imposed under this rule shall not exceed six (6)months.

(d) To hear and decide any appeal from the Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division or Divisional Executive.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish new Divisional Branches and amalgamate existing Divisional Branches, to close or disband Divisional Branches in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the No. 7 Divisional Branch without its consent), and generally to control Divisional Branches and the members thereof including the power to disallow By-Laws made by any Divisional Branch in conflict with these Rules.

(i) When establishing a new Divisional Branch the Divisional Conference shall have power to make rules providing for the admission of members of that new Divisional Branch, the establishment of a Management Committee of that new Divisional Branch, the election of officers of that new Divisional Branch and all such matters as may be necessary.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To deal with any Divisional Branch not working in conformity with the Rules and policy of the Union.

(m) To appoint and remove organisers.

(n) To vote moneys and pass accounts.

(o) To fix salaries and allowances for Officers, Conference delegates and representatives.

(p) To appoint a Returning Officer, who shall conduct any plebiscite upon any question submitted to the whole of the membership for determination, and who shall have power to appoint Deputy Returning Officers.

(q) To elect, appoint and remove officers and members of the Divisional Executive of the Union.

(r) To establish any special fund to achieve any of the objects of the Union.

(s) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference,together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one(1) week before the date of such meeting but no failure to notify will of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, email, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit by the Divisional Secretary conduct a postal, telephonic, telegraphic, facsimile, email and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter.

(xvii) The Divisional Conference shall be the Management Committee of the Division for the purposes of the Act and rules and regulations thereunder.

(xviii) All meetings of the Divisional Conference shall be held at such time and place as the Conference shall from time to time determine, and in case of default, or of special meetings, as the Divisional Executive shall determine.

(xix) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Conference -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of the Divisional President, one (1) Divisional Senior Vice President, two (2) Divisional Vice Presidents, Divisional Secretary, up to three (3) Divisional Assistant Secretaries and four (4) Trustees who shall be the officers and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive. Provided that no Divisional Branch shall be entitled to have more than five (5) representatives elected as officers of the Divisional Executive.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

3. Preceding such conferences the Divisional Executive shall appoint a Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers in accordance with these rules.

4. Nominations unless otherwise determined by the Divisional Executive shall be called for on the second day of the Divisional Conference. Where practicable the ballot shall be conducted also on that day. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

5. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the two Divisional Vice Presidents shall be dealt with and completed. The ballot for the four (4) Trustees shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

6. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive.

7. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

8. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

9. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where the delegate can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until the Returning Officer has given such delegates a reasonable opportunity to vote.

10. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

11. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and

dealing with nominations or the conduct of the ballot shall be recognised as validly holding such office.

12. A Divisional Executive member shall hold office until a successor is elected.

13. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14(a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

14. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, powers, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch or member. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with any Divisional Branch not working in conformity with the Rules and policy of the Union.

(g) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(h) To confirm, over-rule or otherwise deal with decisions of the Divisional Branches of this Division.

(i) To make, alter and recind rules of this Division or any Divisional Branch of this Division.

(j) To appoint and remove organisers or specialist officers.

(k) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(l) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(m) Submit any matter to the members for decision by ballot.

(n) Ensure that officers, committee members, organisers, delegates or members of the Division and Divisional Branches comply with the rules, policies and decisions of the union and subject to Rule 11 impose penalties [i.e., fines not exceeding the sum of $100, suspension, expulsion or dismissal from office,] on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules, policies or the decisions of the Divisional Executive. Provided that the rules, policies or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(o) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division, take such action as may be necessary to ensure the adherence to the rules of the Union and decisions and policies of the Divisional Conference and/or Divisional Executive by any Divisional Branch and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(p) Control and supervise the work of the Divisional Officers.

(q) To establish new Divisional Branches and amalgamate existing Divisional Branches, to close or disband Divisional Branches in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the No. 7 Divisional Branch without its consent), and generally to control Divisional Branches and the members thereof including the power to disallow By-Laws made by any Divisional Branch in conflict with these Rules.

(r) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

15. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, telegram, telex, facsimile, email or otherwise in writing, telephone or verbally, provided that in the latter two instances such is confirmed by letter, telegram, facsimile, email or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches, or Divisional Branches whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, the Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(b) Should any officer be removed from office the Divisional Executive shall appoint a member to fill the vacancy until the next elections are held in accordance with the rules, but no person shall be

appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive. In the event of the appeal being upheld the Divisional Conference or National Executive may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of the Divisional Conference, Executive and meetings convened by the Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where the Divisional President is a full time officer the Divisional President shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall summon all meetings of the Divisional Conference and Divisional Executive, issue all necessary notices to members of the Divisional Conference or Divisional Executive or to Divisional Branches in connection with such meetings.

The Divisional Secretary shall sign all cheques in addition to one of the Trustees and shall be the signatory to all documents on behalf of the Division.

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the implementation and compliance by the Division and Divisional Branches of the decisions, rules and policies made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive or Divisional Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.

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Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall have the authority to initiate any proceedings and/or actions to advance or defend the interests or objectives of the Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive or Divisional Conference and allocate the duties of Officers.

The Divisional Secretary shall be an ex officio member of all Divisional Branch Committees, but shall not be entitled to vote in respect of the decisions of those committees.

(iii) Divisional Assistant Secretary (s):

The Divisional Assistant Secretary(s) shall perform all duties assigned by the Divisional Executive. The Divisional Assistant Secretary(s) shall be under the control of the Divisional Secretary and shall attend all meetings of Divisional Executive, Divisional Conference and National Executive. The Divisional Assistant Secretary may exercise any and all of the powers and duties of the Divisional Secretary on the delegation of the Divisional Secretary and shall exercise such powers and duties while the Divisional Secretary is absent from duty.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(v) Divisional Vice-President(s):

The Divisional Vice-President(s) shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President(s) shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of the Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be determined from time to time by the Divisional Executive.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, and one (1) Divisional Trustee or on absence on leave of the Divisional Secretary, by the Assistant Secretary or Divisional President and one (1) Divisional Trustee.

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(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the Divisional Office, may be disbursed by decision of the Divisional Secretary.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive or Divisional Conference.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Division. Where this is not possible, investments shall be made in the name of the Divisional Trustees. The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The Divisional Executive shall have the authority to hold, purchase, lease, sell, mortgage or otherwise deal in property on behalf of the Division and/or Branches which shall be executed on the Divisional Executive's behalf by the Divisional Secretary.

(vi) The property of the Division shall be under the control of the Divisional Executive.

15 - AUDITOR AND AUDITOR'S REPORT

(i) The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

(ii) The auditor shall, in the auditor's report, draw attention of the Divisional Executive, Divisional Conference to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

(iii) For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

(iv) On receipt of a petition signed by not less than 5% of the financial members of the union, the Divisional Secretary shall convene a general meeting of financial members to present the Auditor's Report, the general purpose financial report and the operating report.

(v) The petition shall have set out the members full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of financial members for a general meeting to be held, the petition shall be presented to the Divisional Secretary within 30 days of the first financial member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% financial members.

(vi) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice to the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter,including rules,otherwise than at a meeting assembled.

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Provided that any such rescission, alteration or amendment which affects in any way the existence, structure or position under these rules of the Divisional No. 7 Branch, shall be of no effect unless endorsed by a resolution of the Divisional Branch Management Committee of that Divisional Branch.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(i) The following Divisional branches of the Union are hereby constituted:

(a) No. 1 Branch known as the New South Wales Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of New South Wales and the Australian Capital Territory (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(b) No. 2 Branch known as the Victorian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Victoria (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(c) No. 3 Branch known as the South Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of South Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(d) No. 4 Branch known as the West Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Western Australia. Provided that, notwithstanding any other rule to the contrary, any member of the United Timber Yards, Sawmills and Woodworkers Employees Union of Western Australia or any organisation that replaces that organisation shall be admitted as a member thereof, without the signing of an admission card or payment of an entrance fee, upon the payment of dues in accordance with the other divisional rules hereof.

(e) No. 6 Branch known as the Tasmanian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Tasmania (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(f) No 7 Branch known as the Pulp & Paper Workers Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members eligible for membership of the Union pursuant to Rule 2 (C) (ii) and those persons who are appointed to any office in the No. 7 Branch and are thereby eligible for membership of the Union pursuant to Rule 2 (C) (iii).

(g) No 8 Branch known as the Queensland Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Queensland (other than those persons who are eligible for membership of the No 7 Branch pursuant to the previous paragraph of this sub-rule).

(ii) The Divisional Conference or Divisional Executive shall have the power to constitute such other Divisional Branches or Sub Branches as it may determine appropriate from time to time.

(iii) A Divisional State Branch Principal Office shall be located in the Capital City of the State in which a State Branch is constituted in accordance with this rule unless otherwise determined by the National Divisional Conference or National Divisional Executive. The Divisional Branch Secretary shall attend to the effective operation and business of the Branch from the State Branch of the Division unless otherwise determined by the National Divisional Conference or National Divisional Executive.

(iv) A Divisional Branch shall have autonomy in matters affecting members of the Divisional Branch only.

19 - DIVISIONAL BRANCH RULES

Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the FFPD Divisional Branch Rules make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

20 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute may be submitted to the appropriate industrial Tribunal, Court or Commission, upon a resolution in favour of so submitting such dispute carried by a majority of the members of the Divisional Executive.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such submission.

In the case of an emergency or necessity however, such proceedings may be initiated and matters may be submitted by the authority of the Divisional Secretary, who may also authorise a Divisional Branch Secretary to initiate such proceedings and submit such matters on behalf of the Division.

The aforesaid power shall extend to cases of defending and/or responding to any proceedings or matters instituted or submitted by any other person, corporation, association or organisation. The Divisional Secretary and Divisional Branch Secretary shall be subject to the control of the Divisional Executive on all matters connected with such legal proceedings and matters.

21 - INDUSTRIAL AGREEMENTS

Industrial agreements and other instruments may be made by or on behalf of the Union as follows:-

An industrial agreement, and any instrument not required by law to be under seal, may be executed by the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the Common Seal of the Division by the Divisional Secretary.

22 - INDUSTRIAL DISPUTES

(1) In the event of an Industrial dispute taking place in any Divisional Branch the officers of such Divisional Branch shall try, by conciliation to settle the dispute. In the event of the Divisional Branch officers concerned being unable to secure a satisfactory settlement the matter may be referred to the Divisional Branch Executive who shall seek to resolve the dispute.

(2) In the event of no satisfactory settlement of such dispute being secured the Divisional Branch Secretary shall immediately report the matter to the Divisional Secretary who shall on behalf of the Division take charge of such dispute and shall consult with the Division President and shall if necessary convene a meeting of the Divisional Executive to deal with the matter.

(3) (a) The Division Secretary or a person authorised to act on behalf of the Division Secretary shall make any submission to a tribunal.

The Division Secretary or a person authorised to act on behalf of the Division Secretary shall be the person to sign or issue any document necessary for such submission.

(b) The Division may be represented in any proceedings before any Commonwealth or State Industrial Tribunal by the Division Secretary or by such other officers or persons authorised by the Division Secretary and subject to any authorisation vested by State Legislation.

(4) Notwithstanding anything contained elsewhere in this Rule, Divisional Branch No. 7 shall have autonomy in industrial matters affecting its members only and no action will be taken in relation to such matters by the Divisional Conference or Divisional Executive unless authorised and requested by the Divisional Branch Management Committee of the No. 7 Branch.

23 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at Trades Hall, Adelaide, or such place as the Divisional Executive shall decide.

24 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

25 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

26 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Division or body having objects similar in whole or in part to those of this Division.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $10.00 per week and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $10.00 per week.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

27 - LIFE MEMBERSHIP

The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may, at their entire discretion, constitute a member a Life Member, provided that the member has been a member for a period of at least 20 years, has retired from the industry, and was financial at the time of retirement. Life members shall not be liable to pay dues of any kind to the Division, and shall not be entitled to nominate for or to hold any office, but shall be entitled to vote at the Division elections. The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may reduce the qualifying period of membership in special circumstances.

28 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time the Divisional Secretary may submit a resolution dealing with such matter to the members by letter, facsimile, email, telephone, telegram, verbally and/or any other means of communications or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in the Divisional Secretary's absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

29 - BRANCH INFORMATION

It shall be the duty of the Divisional Branch Secretary of each Divisional Branch to transmit to the Divisional Secretary, on written request from the Divisional Secretary, a true copy of the minutes of each meeting of the Divisional Management Committee or Executive of such Divisional Branch or of any special meeting thereof.

30 - RULES OF DEBATE

MOTIONS, HOW DEALT WITH:

(a) All motions shall be of an affirmative character and must be moved and seconded by members. Such motions become the property of the Union, and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless two-thirds of the members present agree to an extension of time.

(b) Unless a member opposes the motion or proposes an amendment thereto, the motion shall be immediately put to the meeting for decision.

(c) A motion may be superseded at any time by another motion "that it be discharged from the notice paper" or "that the next business be proceeded with" being resolved in the affirmative.

(d) A motion may be amended at any time during the debate thereon by -

(i) striking out certain words
(ii) adding certain words, or
(iii) striking out certain words and inserting others in their place.

Always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(e) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(f) (i) At meetings other than meetings of the membership of a Branch or of a sub-branch all motions shall be put to the meeting by the chairperson in a clear manner. Any member present may demand that the vote be by ballot and the Chairperson shall thereupon conduct a ballot. In the absence of such a demand all motions shall be put to the meeting by the Chairperson by asking for the "ayes" to vote first and then the "noes". The Chairperson's decision as to which has the majority will be final unless any member present demands a show of hands. Upon such a demand being made the chairperson shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(ii) At meetings of the membership of a Branch or of a Sub-Branch all motions shall be put to the meeting by the Chairpeson in a clear manner by asking "ayes" to vote first and then the "noes".

The Chairperson's decision as to which has the majority will be final unless a member supported by one quarter of the number of members present demands a show of hands.

Upon such a demand being made the Chairperson shall appoint tellers to count the votes and shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(iii) If the votes are equal the question is resolved in the negative.

(g) No member shall be allowed to vote who was not present when the question was first put.

(h) A mover of a motion to be allowed 10 minutes to introduce and 5 minutes to reply. Other speakers 5 minutes unless two-thirds of the members present agree to an extension of time.

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(i) Any member desiring to move to change a decision of the Union or of a Branch must submit notice in writing of such intention to the Divisional Secretary or the Divisional Branch Secretary of the Union as the case may be fourteen (14) days prior to the date of the meeting at which they will move for such change.

(j) During the course of a meeting any resolution which has been the business of that meeting may be recommitted at the hearing.

RIGHT TO SPEAK

(a) Any member desiring to speak shall rise and address the chairperson. If two (2) or more delegates begin to address the chairperson at the same time, the Chairperson shall call upon the one who, in the Chairpersons opinion, began to speak first. Provided that no member can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(i) In reply as the mover of the original motion.

(ii) In explanation or correction of some matter during the debate.

(iii) Upon a point of order raised during the debate.

(iv) Upon a resolution being carried "that a member be now heard".

(b) A member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by the member.

(c) Not more than two members shall be allowed to speak in succession for or against any question. If at the conclusion of the second speaker's remarks no member speaks on the other side, the motion or amendment shall be put to the vote.

(d) Any member speaking shall at once stop:-

(i) If the chairperson begins to speak; or

(b) If a point of order is raised;

and shall not resume speaking until the point of order is decided.

(e) No member may speak to any question after it has been put by the chairperson, or during a division.

REPORTS

(a) A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of the Conference/Executive thereon.

(b) If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An

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amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

SITTING AS A COMMITTEE

Divisional Conference or Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Conference or Executive shall be observed when in Committee.

DEFINITION

In this rule "member" shall include any person attending a meeting.

CHAIRPERSON'S RULING

(a) The chairperson's rulings on all points of order shall be final, unless at the time a motion is carried that such ruling be disagreed with.

(b) When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

THE FORESTRY, FURNISHING, BUILDING PRODUCTS AND MANUFACTURING DIVISIONAL BRANCH RULES

31 - DIVISIONAL BRANCH NAME

(i) The following Divisional Branches of the Union are hereby constituted;

(a) No. 1 Branch known as the New South Wales Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of New South Wales and the Australian Capital Territory (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(b) No. 2 Branch known as the Victorian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Victoria (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(c) No. 3 Branch known as the South Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of South Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

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(d) No. 4 Branch known as the Western Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members residing in the State of Western Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule). Provided that, notwithstanding any other rule to the contrary, any member of the United Timber Yards, Sawmills and Woodworkers Employees Union of Western Australia or any organisation that replaces that organisation shall be admitted as a member thereof, without the signing of an admission card or payment of an entrance fee, upon the payment of dues in accordance with the other divisional rules thereof.

(e) No. 6 Branch known as the Tasmanian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Tasmania (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(f) No. 7 Branch known as the Pulp & Paper Workers Branch of the Forestry Furnishing, Building Products and Manufacturing Division consisting of all members eligible for membership of the Union pursuant to Rule 2 (c)(ii) of the National Rules and those persons who are appointed to any office in the No. 7 Branch and are thereby eligible for membership of the Union pursuant to Rule 2 (c)(iii) of the National Rules.

(g) No. 8 Branch known as the Queensland Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Queensland (other than those persons who are eligible for membership of the No 7 Branch pursuant to the previous paragraph of this sub-rule).

(ii) The Divisional Conference and Divisional Executive shall have the power to constitute such other Divisional Branch or Branches as it may determine appropriate from time to time.

(iii) A Divisional Branch shall have autonomy in matters affecting members of the Divisional Branch only.

32 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the FFPD Division of the Union residing or employed in the State, Territory or Industry sector concerned shall be and remain members of that Divisional Branch.

33 - SEAL OF DIVISIONAL BRANCH

The seal of the Divisional Branch shall be oval in shape, inscribed on the outer edge shall be the words "The Construction, Forestry, Mining and Energy Union" and on the inner space shall have the words "FFPD Division" and under that shall have the name of the Divisional Branch.

It shall be in the custody of the Divisional Branch Secretary, and shall be used or affixed to any document by the Branch Secretary where necessary or desirable and where that document has been made with the authority of the Divisional Branch.

34 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant and a financial member of the Divisional Branch.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) All applications for membership of the Divisional Branch shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Management Committee.

Applications for membership shall be dealt with by the Divisional Branch Management Committee or Divisional Branch Executive, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit the applicant to membership of the Divisional Branch and the Union.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the FFPD Division, the Divisional Branch, and the Union.

(d) A new member shall pay on application for membership all moneys required to be paid by a new member.

(e) Applicants for membership shall be workers of good character, and shall when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

35 - ENTRANCE FEE

(i) All applicants for membership of the Division shall pay an entrance fee if determined by the Divisional Branch Management Committee, such entrance fee shall not exceed $10.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

(ii) Applicants joining on clearances or transfers in accordance with the rules of Union or who have previously been members of the Union shall not be required to pay an entrance fee.

36 - CONTRIBUTIONS

(i) Each member shall pay a yearly contribution of not less than $10.00 said amount payable in one sum on or before the 30th June in each year, or within one week of becoming a member, provided that Branches shall be allowed to issue half-yearly tickets at not less than $5.00 per half-year, said amount payable in advance on the 1st January and the 1st July in each year, and quarterly tickets at not less than $2.50 per quarter, said amount payable in advance on the 1st January, the 1st April, the 1st July and the 1st October in each year. Any person joining during the currency of any quarter shall pay for the full quarter.

Provided further that the Management Committee or Executive of any Divisional Branch may, if in its opinion it is desirable or necessary for financial or other good reasons that the aforesaid

Entrance fees or Contributions should be increased, reduced, altered or waived, the said Management Committee or Executive Committee may make such decision as it deems desirable or necessary, and any such increase, reduction, alteration or waiver shall as far as that Divisional Branch is concerned, be the Entrance fee and/or Contribution payable in that Divisional Branch of the Union by the members of that Divisional Branch or Divisional Sub-Branch of the Union.

Provided also that the Divisional Conference or Executive shall have power to review and alter any such increases or decreases or alterations made in the contributions of any Divisional Branch if in its opinion it is in the interests of the Division to do so.

(ii) Notwithstanding anything contained elsewhere in these Rules the Division may through its Branches make an arrangement with an employer or employers employing members of the Division that the employer will on receipt of an authorisation acceptable to the Divisional Branch, deduct from the wages, or monies, payable to the members so employed amounts by way of contributions, fees, levies, fines, dues or monies owing by the member of the Union. If a member to whom any such arrangement is applicable, lodges such an authorisation with the Union or the employer, that member shall be deemed to be a financial member, as from the first pay day in respect of which deductions are made, pursuant to the authorisation, and shall remain a financial member, so long as the authorisation remains in force.

Provided that any member who at the time of the first deduction, pursuant to the authorisation, was an unfinancial member shall continue to be so until all arrears, in contributions, fees, levies, etc. are paid.

Provided further, that if a member ceases to be employed by an employer, who has been making deductions pursuant to such an arrangement, the amount of the contributions, fees levies etc., then unpaid by the member, shall become due and payable on the first day of the quarter next ensuing after the member ceases to be employed.

(iii) Such contributions shall be paid to and collected by the Divisional Branch Secretary or an authorised agent of the Divisional Branch.

Levies

(iv) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by the Divisional Branch Management Committee or the Divisional Branch Executive Committee.

Fines

(v) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by the Divisional Branch Management Committee or the Divisional Branch Executive Committee.

All moneys paid by a member shall be credited in the following order:

(a) In payment of any levies due; and

(b) In payment of any fines due, and

(c) In payment of any contributions due

Unfinancial Member

(vi) Any member who has failed to pay all contributions, levies and fines imposed in accordance with the Rules of the Union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any deliberations, nominate for official positions, propose any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

37 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of the Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $5.00 per copy.

38 - UNEMPLOYED MEMBERS

(i) When, in the opinion of the Divisional Branch Management Committee, a condition of unemployment in the industry exists the following conditions may be applied:

(ii) Members becoming unemployed, ie, being employed under the terms of the Award or Agreement covered by this Division for less than one month in any quarter, may apply to be placed on an unemployed members list if any.

(iii) This list shall be kept at the Divisional Branch office under the control and supervision of the Divisional Branch Management Committee.

(iv) Members wishing to be placed on the unemployed list must apply in writing to the Divisional Branch Secretary, and shall attend at the Divisional Branch Office or such place as may be decided by the Divisional Branch Management Committee, or give satisfactory proof of their inability to attend.

(v) All applications for inclusion on the unemployed members' list shall be dealt with by the Divisional Branch Management Committee Executive Committee or other authorised committee who shall, if satisfied that the application is genuine, include them on the list.

(vi) Members placed on the list shall be exempt from the payment of contributions for the period specified in this Rule. They shall be entitled to all rights under these rules, but shall only qualify for funeral benefit applicable at the discretion, or upon conditions determined by the Divisional Branch Management Committee.

(vii) Exemption from payment of contributions shall operate for a period of twelve months from the date of inclusion on the unemployed members' list, or until again employed, whichever is the lesser.

(viii) On expiration of the 12 months' period, unemployed members may make further application to be again placed on the unemployed list. Each further application may be approved by the Divisional Branch Management Committee who may require payment of such amount of contributions as may be considered reasonable.

(ix) Any member commencing employment without notifying the Divisional Branch Secretary and continuing to receive the benefits of this unemployed clause while in employment shall be deemed to have committed a breach of the Rules. Such member(s) shall be required to pay full contributions for the period of employment and in addition, may be dealt with under the provisions relating to misconduct.

(x) Continuous membership for the purpose of this Rule, and wherever encountered in these Rules, means continuous membership without any break in the continuity of membership from the last date of acceptance into the Branch.

39 - FUNDS OF THE DIVISIONAL BRANCH

(i) The Divisional Branch shall raise funds by entrance fees, contributions, levies and fines, which funds, together with any other monies received, shall be applied for the following purposes:-

(a) Defraying the cost of administering the affairs of the Divisional Branch;

(b) Subscribing on a pro rata basis to any organisation or Labor Council with which the Union may become affiliated and to which affiliation the Divisional Branch agrees;

(c) Defraying any expenses incurred in any legal proceedings;

(d) Assisting any members out of work through any trade dispute;

(e) Making all necessary payments as determined by the Divisional Branch Committee in connection with any matters affecting members in regard to:-

(i) Preservation of life and limb;
(ii) Compensation for injuries and death;
(iii) The hours of labour;
(iv) The remuneration of labour;
(v) Protection of salaries and wages;
(vi) Other conditions affecting employment of members;
(vii) For the furtherance of any of the matters as set forth in the objects of the Union;
(viii) And any other matters when the Divisional Executive or Divisional Branch Management Committee determines the best interests of members require it.

(ii) The Divisional Branch Fund which shall be managed and controlled by each Divisional Branch Management Committee shall consist of:-

(a) Any real or personal property of which the Divisional Branch by the Rules or by any established practice not inconsistent with the Rules has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;

(b) All entrance fees and all contributions collected in accordance with the Rules save and except such part of the contributions as are fixed by the Divisional Conference from time to time and are Divisional Funds in accordance with Sub-Rule (vii) of Rule 6 of the Division Rules.

(i) Shall pay such moneys required by the Rules of the Union or in accordance with the rules of the Union.

(c) All fines and levies raised pursuant to Divisional Branch Rules;

(d) Any interest, rents or dividends derived from the investment of the Fund;

(e) Any superannuation or long service leave fund operated or controlled by the Divisional Branch for the benefit of its officers or employees;

(f) Any sick pay fund, accident pay fund, mortuary or funeral fund, tool benefit fund or like fund operated or controlled by the Divisional Branch for the benefit of its members;

(g) Any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and

(h) The proceeds of any disposal of parts of the Fund.

40 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Management Committee who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

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A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

(b) The auditor shall have full and complete access to the books and documents of the Branch.

(c) On receipt of a petition signed by not less than 5% of the financial members of the union, the Divisional Branch Secretary shall convene a general meeting of financial members to present the Auditor's Report, the general purpose financial report and the operating report.

(d) The petition shall have set out the members full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of financial members for a general meeting to be held, the petition shall be presented to the Divisional Branch Secretary within 30 days of the first financial member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% financial members.

(e) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

41 - MANAGEMENT COMMITTEE AND OFFICERS

The business of each Divisional Branch shall be conducted in accordance with these Rules by a Management Committee consisting of a President, a Senior Vice President, two (2) Vice Presidents - one (1) of which will be designated an affirmative action position to be filled by a woman member, Secretary, Assistant Secretary/ies (the number, if any, to be decided by the Divisional Branch Management Committee prior to the calling of nominations), and four (4) Trustees - one (1) of which will be designated an affirmatve action position to be filled by a woman member who shall be the Officers of the Management Committee and who shall form the Executive, and not more than ten (10) other members - two (2) of which will be designated affirmative action positions to be filled by women members, who shall with the Executive, form the Management Committee. In respect to the NSW Divisional Branch there shall be an additional President (full-time) and one (1) additional Trustee who shall be officers of the Management Committee and who shall also form the Executive Committee of the Divisional Branch.

Nominations for the designated affirmative action positions will be called from women members only, although this does not preclude women members from holding any other Management Committee, Executive or Officer positions.

The failure to fill the designated affirmative action positions shall not prevent a Divisional Branch carrying out or conducting the business of a Divisional Branch.

42 - DUTIES OF MANAGEMENT COMMITTEE

(i) The Divisional Branch Management Committee shall be the highest deliberative body of the Divisional Branch and shall subject to the Rules manage and superintend the affairs of the Divisional Branch protect the funds and perform all the duties allotted to them by the Rules. The Divisional Branch Management Committee shall have the power subject to these rules to:-

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the

Union and to raise or spend such funds as are necessary to carry out the objects and to employ such assistance as it may deem necessary.

(b) Direct the policy of the Divisional Branch.

(c) Subject to rules 16 and 60, amend or add to the Rules.

(d) Hear and determine all appeals that are submitted in accordance with the Rules.

(e) Fix the salaries, allowances, conditions of employment and/or entitlements of the Divisional Branch Officers, employees, delegates and members as it deems to be appropriate and to appoint and/or remove and/or suspend officers, organisers and employees of the Divisional Branch.

(f) Fine, suspend or expel Committee members, delegates and/or members for knowingly refusing to comply with the Rules or the decisions or policy of the Divisional Conference, Divisional Branch Management Committee or Divisional Branch Executive.

(g) All Divisional Branch Officials and assistants shall be under the control of the Management Committee and Executive, subject to the Rules.

(h) Investigate, report and take such action in accordance with these rules upon all grievances and disputes of officials, officers and members that are placed before them.

(i) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated and to select persons as delegates to represent the Divisional Branch at meetings and committees.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $10.00 per week provided that in no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

(l) Subject to Rule 40 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Executive Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers (if any) under the provisions of the Rules.

(s) Appoint Temporary Organisers under the provisions of the Rules.

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(t) Appoint a Divisional Branch Returning Officer for the conduct of any elections as may be necessary.

(1) The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(2) The Divisional Branch Returning Officer so appointed:

(i) may not be a member of the Union; and

(ii) shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(ii) The Management Committee shall meet at least twice per annum, five (5) members shall form a quorum. The Executive Officers shall pass accounts, subject to the review of the Management Committee and deal with applications for membership.

(iii) Each member of the Committee shall be paid the sum of not less than $4.00 or the expenses and loss of time for each meeting the Committee member attends.

(iv) Each Divisional Branch shall hold General Meetings as may be deemed necessary.

(v) The Divisional Branch Management Committee shall ensure the Divisional Branch and its officers and members carry out the decisions and policies determined by the Divisional Conference and/or Divisional Executive and the rules of the Union are complied with.

43 - DIVISIONAL BRANCH EXECUTIVE COMMITTEE

(a) The Divisional Branch Executive Committee shall meet at least six (6) times in a calendar year and subject to a review of their actions by the Divisional Branch Management Committee, shall have the care, control, superintendence, management, administration, powers and responsibility in all respects of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee.

(b) A quorum for any meeting shall be a majority of the Executive Officers as set out in Rule 41 hereof.

(c) The Divisional Branch Executive shall meet at a time and place determined by the Executive when special meetings are required to be convened wherein the time and place shall be determined by the Divisional Branch Secretary and the Divisional Branch President. The Divisional Branch Secretary and the Divisional Branch President may determine the time and place of any meeting of the Divisional Branch Executive and shall notify the members of the Divisional Branch Executive of such time and place as soon as is convenient and the Divisional Branch Executive and/or the Divisional Branch Secretary and Divisional Branch President may determine the time and place of the meeting of the Divisional Branch Management Committee and shall notify the members of the Divisional Branch Management Committee as soon as is convenient of such time and place.

(d) The Divisional Branch Executive shall carry out any duties which they have been directed to perform by the Divisional Branch Management Committee.

44 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President (which shall mean the honorary Divisional Branch President in NSW) shall preside at meetings of the Divisional Branch Management Committee or Divisional Branch Executive Committee and meetings convened by the Divisional Branch Management Committee or Divisional Branch Executive.

(b) The Divisional Branch President(s) shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee or Divisional Branch Executive.

(c) The Divisional Branch President(s) shall conduct business in accordance with Rules laid down for guidance. The President shall not enter debate on any question, but shall endeavour to bring the business to a satisfactory conclusion, and shall have a deliberate vote only.

(d) The Divisional Branch President(s) shall sign the minutes of proceedings of all meetings convened by the Divisional Branch Management Committee or Divisional Branch Executive Committee when same have been duly confirmed.

(e) The Divisional Branch President(s) may be required by resolution of the Divisional Branch Management Committee or Divisional Branch Executive Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Management Committee, Divisional Branch Executive Committee or any Committees established in accordance with these Rules and shall if so required submit a report in writing of the findings to the Divisional Branch Management Committee or Divisional Branch Executive Committee members.

(f) The Divisional Branch President(s) shall be an ex-officio member of all Committees.

45 - DUTIES OF DIVISIONAL BRANCH VICE PRESIDENTS

The Divisional Branch Vice Presidents shall attend all meetings of the Divisional Branch, and assist the Divisional Branch President in the duties of the Divisional Branch President's office. The Divisional Branch Senior Vice President shall officiate in the Divisional Branch President's absence, with all the powers conferred on the chair. In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, a Divisional Branch Vice President shall officiate, with all the powers conferred on the chair. In the absence of the Divisional Branch President and Divisional Branch Vice Presidents the meeting shall elect one of its number to preside.

46 - DUTIES OF DIVISIONAL BRANCH TRUSTEES

(1) Divisional Branch Trustees shall be elected in accordance with Rule 51.

(2) Such Divisional Branch Trustees:-

(a) Shall be responsible for the safe custody of the Common Seal, documents and securities of the Divisional Branch of the Union. Documents and securities shall be deposited in the name of the Divisional Branch of the Union, countersigned by the Divisional Branch Trustees on behalf of the Divisional Branch.

(b) Shall act only on resolution of the Divisional Branch Management Committee or Executive, certified under the hands of the Divisional Branch Secretary.

(c) Shall, subject to the directions of the Divisional Branch Management Committee or Executive, have custody of all property of the Divisional Branch.

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(d) Shall be signatory for any accumulated funds invested in securities allowed by law as the Divisional Branch Management Committee or Executive may direct;

(e) Shall sign cheques or warrant for the withdrawal of funds which shall be countersigned by the Divisional Branch Secretary.

47 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Management Committee and the Divisional Branch Executive Committee and shall be employed in a full time capacity (unless otherwise determined by the Divisional Executive) and shall among other things conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Management Committee or Divisional Branch Executive Committee.

(c) The Divisional Branch Secretary shall prepare and forward to the Industrial Registrar returns as required by law.

(d) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Management Committee and Executive meeting; and shall attend meetings of the Divisional Branch Management Committee, Divisional Branch Executive Committee and other meetings called by the Divisional Branch Management Committee or Divisional Branch Executive Committee.

(e) Be in charge of the office and subject to Rule 42 shall direct the labours of the officials and employees of the Union.

(f) Keep a correct account of all monies received and expended.

(g) The Divisional Branch Secretary shall sign all cheques in addition to one of the Trustees and shall be the signatory to all documents on behalf of the Divisional Branch and be responsible for the affixing of the official seal of the Divisional Branch.

(h) Be permitted to hold petty cash to the amount of $500.00.

(i) Be paid incidental and travelling expenses.

(j) Generally conduct all financial transactions of the Branch.

(k) Draw up a report and balance sheet, to be submitted to the Divisional Branch Management Committee as directed, and submit the books and accounts annually to the auditors.

(l) Keep a record of the names and addresses of all members of the Union, the names, addresses and occupations of all officers of the Branch, with the dates when they were admitted, died or left, their financial position in the Union and all other particulars necessary to enable the Rules to be enforced.

(m) Receive all monies, and pay same into such Bank as the Divisional Branch Management Committee may direct, to the credit of the Union within seven (7) days after the receipt of same.

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(n) When vacating office, deliver to the successor in office, in the presence of the Divisional Branch Management Committee or Executive, all books, documents and other property of the Divisional Branch in the Divisional Branch Secretary's possession.

(o) Produce for audit at least once a year, and at such other times as the Divisional Branch Management Committee may direct, all books and documents of the Divisional Branch appertaining to finance.

(p) Forward to the Divisional Secretary when requested a true copy of the minutes of each meeting of the Divisional Branch Management Committee or Executive or any special meeting thereof.

(q) The Divisional Branch Secretary shall summon all meetings of the Divisional Branch Management Committee and Divisional Branch Executive, issue all necessary notices to members of the Divisional Branch Management Committee or Divisional Branch Executive in connection with such meetings. In consultation with the Divisional Branch President the Divisional Branch Secretary shall be authorised to convene any extraordinary meeting as deemed necessary.

(r) The Divisional Branch Secretary shall be ex officio member of all committees of the Divisional Branch.

(s) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of the Divisional Branch Secretary office.

(t) The Divisional Branch Secretary shall be responsible for the implementation and compliance of the decisions, rules and policies determined by the Divisional Conference or Divisional Executive by the Divisional Branch of which the Divisional Branch Secretary was elected.

48 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY/IES

(If Required)

(a) The Divisional Branch Assistant Secretary/ies shall be under the control of the Divisional Branch Management Committee and the Divisional Branch Executive Committee and shall, under the direction and authority of the Divisional Branch Secretary, carry out all responsibilities allocated to the position.

(b) The Assistant Secretary shall in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary.

(c) The Assistant Secretary shall attend meetings of the Divisional Branch Management Committee, Divisional Branch Executive Committee and other meetings called by the Divisional Branch Management Committee or Divisional Branch Executive Committee.

49 - DUTIES OF ORGANISERS

The Divisional Branch Management Committee may determine the number (if any) of Organisers of the Divisional Branch and the number (if any) to be appointed by it or elected pursuant to Rule 51 and shall determine the duties to be performed by any such Organisers.

50 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any position in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wages and conditions as shall be determined at a properly constituted meeting of the Divisional Branch Management Committee/ Executive Committee.

(b) Full-time paid officers shall be under the control of the Divisional Branch Executive Committee between Divisional Branch Management Committee meetings and shall carry out all instructions of the Divisional Branch Management Committee or Divisional Branch Executive Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of the intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Management Committee first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Executive Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Executive Committee a medical certificate setting out that the officer has recovered and is capable to carry out the duties in accordance with the Rules.

51 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who is financial as provided for in Rule 6, at the time of nominations and has financial membership of the Divisional Branch in accordance with the scale set out in this rule, may nominate for such positions according to this scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member a decision as to which position the member wishes to contest.

(iv) Where no decision is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-

Secretary, Assistant Secretary, President, Organiser.

(v) The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Assistant Secretary/ies	) 3 years'
Divisional Branch President(s)	) financial
Divisional Branch Delegate to	) membership
Divisional Conference	)
Divisional Branch Senior Vice President	) 1 year's
Divisional Branch Vice Presidents	) financial

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Divisional Branch Trustees	) membership
Divisional Branch Management Committee	)
and	)
Organiser	)

Provided that for the purposes of this sub-rule financial membership of the State Registered union being the United Timber Yards, Sawmills and Woodworkers Employees' Union of Western Australia or its successor shall be for all purposes continuous with and counted as financial membership of this Division.

(b) The term of office for the above positions shall be four years and such term shall commence from the 2nd January, following the election.

(c) Nominations for the above positions, shall be called by the Divisional Returning Officer by notification in the union journal if one is due to be published and in one daily newspaper circulating in the Divisional Branch area on or before the last day of August of every fourth year commencing on and from the last day of August, 1996.

Provided that such advertisements shall clearly indicate that the Divisional Executive Committee members and the full-time Divisional Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations shall open on the second Monday in September. Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

(f) A member having nominated for any office in accordance with these Rules may withdraw the nomination by notifying the returning officer in writing of an intention to do so at any time up to 14 days after the closing of nominations. The returning officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the members name from the ballot papers prior to their distribution.

(g) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Management Committee member 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(h) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(i) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers report to the Divisional Branch Secretary.

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(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or a nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable the supply of a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by prepaid post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary and that envelope shall contain only the following documents -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(ii) a declaration envelope and an empty unsealed pre-paid post envelope addressed to the Divisional Branch Returning Officer, c/- the numbered mail box referred to in this rule;

(iii) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Branch Returning Officer may consider necessary;

(iv) the candidates statement provided for in accordance with sub-rule (g) of this rule.

(v) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail each relevant ballot paper.

(o) For the purpose of the election the books of the Divisional Branches shall be deemed to have closed as at 1st September in the year of the election. Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines prior to the 1st September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Branch Returning Officer that they have paid all contributions, levies and fines prior to the 1st September in the year of the election shall be entitled to receive a ballot paper and the Divisional Branch Returning Officer shall send by post, a ballot paper in accordance with sub-rule (n) of this rule.

(p) The opening date of the ballot shall be the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the

Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(q) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box until the commencement of the count of the ballot which will take place no later than the first working day following the closing of the ballot and shall be completed as soon as is practicable.

(r) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(s) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 68, Definitions, and the candidate or candidates receiving the necessary votes shall be deemed elected.

(t) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

(u) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Secretary of the result of the ballot and the Divisional Branch Management Committee or Divisional Branch Executive shall issue instructions for the publication of same in their minutes. The Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

(v) The Divisional Branch Returning Officer's report to the Divisional Branch Secretary shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposes.

(w) The successful candidates shall take up their respective duties at a date determined by the Divisional Branch Executive which shall be a date between the 1st day and the 14th day of January following the election held in the preceding year and shall remain elected until their successors take up office.

(x) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(y) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(z) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in this sub-clause, the Divisional Branch Returning Officer shall conduct an election in accordance with this rule with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(aa) Following the election in 1993 the elections of Divisional Branch officers shall be held in accordance with the timetable prescribed for delegates to Divisional Conference (see National Rule 17). Provided that in 1993 the timetable for the election shall be in accordance with National Rule 17(ff).

52 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Management Committee.

53 - EXTRAORDINARY VACANCIES

(1) An Officer of a Divisional Branch including a Member of the Divisional Branch Management Committee shall cease to hold office and such office shall thereupon become vacant if and when:-

(a) an officer/member dies, or has by reason of physical or mental disability become incapable of carrying out the duties of the office;

(b) the officer/member resigns from office or membership of the Union;

(c) the officer/member is dismissed from office in accordance with Rule 54;

(d) the officer/member ceases to be a member of the Divisional Branch in which the officer/member holds office.

(e) the officer/member becoming unfinancial in accordance with these Rules.

(2) Any extraordinary vacancy which occurs in the office of any officer including a member of the Divisional Branch Management Committee shall be filled by the holding of an election in accordance with Rule 51, with the necessary changes, and the member so elected shall hold office for the remainder of the term for which the predecessor to the office was elected provided that where the remainder of the term does not exceed

(a) twelve months, or

(b) three-quarters of the term of the office whichever is the greater - the Divisional Branch Management Committee may select by resolution any eligible member of the Divisional Branch to fill the office for the remainder of the term.

54 - REMOVAL OF OFFICERS AND MANAGEMENT COMMITTEE MEMBERS

(a) Any officer/member of a Divisional Branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross

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misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(b) Any officer/member of the Divisional Branch Management Committee charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of the rules. The officer or Divisional Branch Management Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in their defence, or if the officer prefers, may answer the charges in writing.

In the case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to the Divisional Conference or Executive whichever is appropriate as soon as it is conveniently possible from the date of the decision. Rule 71 - Appeals of Members shall apply.

55 - DUTIES OF MEMBERS AND OFFENCES

A. DUTIES

(a) To adhere strictly to the Rules of the Union, Division and its Divisional Branches.

(b) To promote the industrial welfare of every other member.

(c) To attend the meetings of the Divisional Branch as often as possible and to assist the Officers to the best of the members' ability.

(d) To supply the Divisional Branch Secretary with information as to where work is procurable for members.

(e) Not to knowingly divulge any portion of the Union's business to any non-member or to discuss it with members in the presence or within the hearing of non-members.

(f) When joining the Union to furnish the Divisional Branch with an address and notify any change of address within fourteen (14) days of such change.

(g) Not to defraud other members.

(h) To render every assistance to Shop Stewards/Job Delegates in their respective work places in the carrying out of their duties.

(i) To answer or cause to answer any correspondence received from the Divisional Branch Secretary and to supply any information that may be required.

(j) To report to the Divisional Branch Secretary or the Divisional Secretary any member believed to be guilty of a breach of the Rules.

B. OFFENCES

(1) Any member may charge any other member with;

(a) Committing any breach of the Rules.

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(b) Failing to comply with any lawful resolution or direction passed or given under any Rule of the Union after having been given notice thereof.

(c) Committing any fraudulent act or unlawful act in relation to funds or property of the Union or in relation to any election held under its Rules.

(d) Wrongfully holding themselves out as occupying any office or position in the Union or any Divisional Branch thereof, or as being entitled to represent the Union or any Divisional Branch in any capacity.

(e) Behaving in a drunken, disorderly or offensive manner towards an officer of the union or at any meeting held under the Rules of the Union or in the office of the Union or of any Divisional Branch.

(f) Knowingly giving false information to any officer, representative or employee of the Union or any person acting as or on behalf of a Returning Officer conducting any election under its Rules relating to any Union business or election or any matter affecting the interest of the Union or its members, or refusing to give information to such persons when reasonably requested to do so.

(g) Aiding or encouraging any other member in any offence under these Rules.

(h) Doing any act calculated to injure or destroy the Union or making any wilful false statement concerning the administration of its affairs.

(i) Failing to report to the Divisional Branch Management Committee or the Divisional Conference a member believed to be guilty of a breach of the Rules.

(j) being the holder of any office within the Union

(i) misappropriation of the funds of the Union;

(ii) a substantial breach of the Rules of the Union; or

(iii) gross misbehaviour or gross neglect of duty.

(2) Any charge must be made in writing and shall be made to the Divisional Secretary or the Divisional Branch Secretary. Such Officer shall, if directed by the Divisional Branch Management or Executive Committee or the Divisional Conference or the Divisional Executive, summon the member charged. Such summons shall be in writing and shall state the time and place of the hearing and the substance of the charge. The member's fares to and from the place of the meeting shall be paid. The member shall on written request, be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is charged.

(3) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be investigated, whether or not the person charged is present, unless a satisfactory explanation of the absence has been received.

(4) At the hearing the member charged must be given a reasonable opportunity to present a defence to the charges including a reasonable opportunity to call any witness upon whose evidence the member wishes to rely, and if necessary to tender a written submission.

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(5) If the Divisional Conference or the Divisional Executive or Divisional Branch Management Committee or Divisional Branch Executive finds the member concerned so charged guilty it may:

(a) Impose a fine of a sum not exceeding $100.00, and/or

(b) Suspend the member from membership; and/or

(c) Remove the member from any office or position; and/or

(d) Expel the member from membership of the Union.

(6) Suspension from membership shall deprive a member of the rights and benefits of membership, but shall not relieve the member of the obligations of membership and shall not exceed six months for any one offence.

(7) An appeal under this Rule shall lie in respect of any decision from a Divisional Branch to the Divisional Conference, or the Divisional Executive, provided that Notice of Appeal shall be given in writing to the Divisional Secretary within twenty-one days from the date of the member being notified of the Divisional Branch decision and shall set forth in full all matters which the appellant desires to be considered.

(8) The Divisional Conference or the Divisional Executive shall decide the appeal at its next meeting after the appeal is made and the appellant shall have the right to attend the meeting and state a case on the appeal.

(9) Notwithstanding anything to the contrary in these Rules a person elected to any office within the Union shall not be dismissed from office unless found guilty of misappropriation of the funds of the Union a substantial breach of the Rules of the Union or of gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold the office.

56 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's union subscriptions.

57 - SHOP STEWARDS/JOB DELEGATES

(1) A majority of members in each workplace or where appropriate department of the workplace present may select from amongst their number a person or persons to act as Steward or Stewards, Job Delegate or Job Delegates who shall as far as possible perform the following duties:-

(a) To see that these Rules are strictly adhered to.

(b) To investigate and if possible rectify any complaints or disputes and if unsuccessful to refer any such matters to the Divisional Branch Secretary for resolution.

(c) To report any infringement of any award or agreement affecting the Union to the Divisional Branch Secretary at once.

(d) To attend all meetings as regularly as possible.

(e) To notify the Divisional Branch Secretary when possible within twenty-four hours, of all accidents to members of the Union. All such information shall be supplied where possible on a form furnished by the Divisional Branch Secretary.

(g) It shall be the duty of all Shop Stewards/Job Delegates to endeavour to enrol appropriate workers in their respective workplace or jobs into the Union.

(h) On the start of every job where two or more workers are working there shall be a show of cards and also at any time the Shop Steward/Job Delegate may determine.

(i) Any member refusing to show their card when required by a Shop Steward/Job Delegate shall be liable to be fined up to $100 by the Divisional Branch Management Committee.

(j) It shall be the duty of Shop Stewards/Job Delegates to interest themselves in the welfare of the worker probationers, indentured apprentices and trainees.

(k) On direction of the Divisional Branch Management Committee or at the request of one third of the members on the job, they shall be required to call a meeting as soon as convenient.

(2) The Divisional Branch Secretary shall be advised of the appointment of Shop Stewards/Job Delegates in accordance with paragraph (1) and approved by the Divisional Branch Management Committee or Executive. In the event of failure of the members to appoint a Steward/Job Delegate in accordance with paragraph (1) the Divisional Branch Secretary or an officer authorised by the Divisional Branch Secretary shall have the power to appoint a Steward/Job Delegate or Stewards/Job Delegates.

(3) Where no alternative arrangements for the payment of Union contributions have been determined by the Union, the Steward/Job Delegate shall collect all contributions, fines and levies due to the Union by members in the work place where the Steward/Job Delegate is employed, the same to be paid to the Secretary within 14 days. The Steward/Job Delegate may be paid a Commission to be fixed by the Divisional Branch Management Committee on all monies (except levies) collected, and shall be paid quarterly.

(4) If the Divisional Branch Secretary is advised by members in any work place of their dissatisfaction with the performance of a Shop Steward/Job Delegate then a meeting of members will be convened to consider the complaints.

58 - VICTIMISATION

Should any Shop Steward or Job Delegate be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee/Executive Committee shall take all necessary steps to see that the Shop Steward/Job Delegate interests are protected.

59 - ALLOWANCES

The Divisional Branch Management Committee/Executive Committee may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any Divisional Sub-Branch thereof.

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2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

61 - LOANS, GRANTS AND DONATIONS

A loan, grant or donation of an amount exceeding $1,000.00 shall not be made by any Divisional Branch, unless the Divisional Branch Management Committee or the Branch Executive Committee, as the case may be:

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the other Rules of the Union or of the Divisional Branch, as the case may be; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory, and

(b) has approved the making of the loan, grant or donation.

62 - FUNDS - HOW COLLECTED

All entrance fees, contributions, levies, fines, fees and dues payable by members shall be paid to and collected by the Divisional Branch Secretaries, or their authorised agents, or any other authorised agent of the Divisional Executive.

63 - CHANGE OF RESIDENCE

Any member changing residence shall report the same to the Divisional Branch Secretary within fourteen (14) days and in default shall be liable to a fine of up to $100.

64 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary.

65 - SETTLEMENT OF INDUSTRIAL DISPUTES

(1) Whenever a dispute arises between any employer and a member or members, such member or members shall report the same to the Divisional Branch Secretary, who shall endeavour to settle same, failing which:-

(2) The Divisional Branch Secretary may call a meeting of the Divisional Branch Executive and such Executive Committee shall consider such dispute and endeavour to settle the same amicably.

(3) Failing a settlement being obtained, the Divisional Branch Secretary shall, if the Divisional Branch Executive Committee so direct, refer the dispute to the Divisional Secretary.

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66 - ACCIDENT AND MORTUARY FUNDS

Divisional Branches may establish Accident and Mortuary Funds in accordance with By-Laws approved by the Divisional Conference.

67 - LIFE MEMBERSHIP

The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may, at their entire discretion, constitute a member a Life Member, provided that member has been a member for a period of at least 20 years, has retired from the industry, and was financial at the time of retirement. Life members shall not be liable to pay dues of any kind to the Union, and shall not be entitled to nominate for or to hold any office, but shall be entitled to vote at the Union elections. The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may reduce the qualifying period of membership in special circumstances.

68 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter votes as the first preference, and shall place the number 2,3,4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the voters preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

69 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

In addition to powers elsewhere provided in the Rules, a Divisional Branch Management Committee member shall have the powers of a shop Steward.

70 - REFERENDA

(a) (i) On receipt of a petition signed by not less than 10% financial members of the union, the Divisional Branch Management Committee shall take a referendum of the whole of the

financial members of the Divisional Branch in respect of any matter determined by the Divisional Branch Management Committee and/or Executive.

(ii) The petition shall have set out the members full name, address, signature and the date the said petition was signed by the member. In determining the 10% requirement of financial members for a referendum to be conducted, the petition shall be presented to the Divisional Branch Secretary within 30 days of the first financial member signing the aforesaid petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 10% financial members.

(iii) Such referendum shall take place within 2 months of the receipt of the petition.

(iv) The decision reached by a majority of the actual votes recorded shall be binding on the Divisional Branch Management Committee and the members of the Divisional Branch and on the Divisional Branch Executive.

(b) The Divisional Branch Management or Executive Committee may at any time, by its own motion, take a referendum of the whole of the financial members of the Divisional Branch upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Management Committee shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

71 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Divisional Branch may make a written appeal to the Divisional Branch Executive Committee for redress, who shall in the case of appeals on any matter that does not relate to the Divisional Branch Executive forward the appeal to the Divisional Branch Executive Committee within one (1) month.

(b) Any members dissatisfied with the decision of the Divisional Branch Executive Committee may appeal to the Divisional Branch Management Committee within one (1) month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Executive within one (1) month after the hearing of the case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Executive or Divisional Executive may confirm, annul or modify

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the penalty or finding. Should the appellant desire to appear in person the appellant member shall be afforded the opportunity to do so.

72 - SPECIAL RULE - NO.7 BRANCH PULP AND PAPER WORKERS BRANCH

The following provisions shall apply in respect of the No. 7 Branch - Pulp and Paper Workers' Branch of the Division (in this Rule called "the Pulp and Paper Workers' Branch")

(1) Nothing in this Rule shall affect the application of the Rules to the No 7 Branch - Pulp and Paper Workers' Branch - and to the holders of offices within and to the members of that Branch except insofar as this Rule may be inconsistent with another rule in which event the provisions of this Rule shall prevail to the extent of such inconsistency.

(2) The word "Branch" in the Rules shall include a "Sub-Branch of the No. 7 Branch" unless the context indicates otherwise.

DIVISIONAL SUB-BRANCH PROVISIONS

(3) The business of the Divisional Branch shall be conducted by the Divisional Branch Management Committee which shall consist of the Divisional Branch Secretary and Sub-Branch Delegates.

(4) The powers of the Divisional Branch Management Committee shall include the following powers:-

(a) To establish new Sub-Branches and amalgamate existing Sub-Branches, to close or disband Sub-Branches in accordance with the Rules, and generally to control Sub-Branches and the members thereof including the power to disallow By-Laws made by any Sub-Branch in conflict with the Rules.

(b) When establishing a new Sub-Branch to make Rules providing for the admission of members to that new Sub-Branch, the establishment of a Management Committee of that new Sub-Branch, the election of officers of that new Sub-Branch and all such matters as may be necessary.

(c) To fix the amount of per capita payments by the Sub-Branches to the Divisional Branch Management Committee - such payments not to exceed 75% of the members' contributions unless agreed by a majority of the Sub-Branches.

(d) To establish and or operate a Superannuation Fund for the benefit of the members of the Divisional Branch and others.

(4A) The Divisional Branch shall hold an Annual General Meeting and such other meetings as may be necessary. Such meetings shall consist of a series of meetings of the members of each Sub-Branch held at times, places and dates to be decided by the Divisional Branch Management Committee. Members entitled to attend the meetings shall be notified thereof by circular or advertisement, or by printed notices or by such other similar means as the Divisional Branch Management Committee may deem reasonable. Any proposed resolution put to the series of meetings shall have been passed if it receives on the aggregate of all meetings held in the series, the majority of votes.

(5) The Divisional Conference or Divisional Branch Management Committee shall have the power to suspend any Sub-Branch Management Committee and/or all or any officers, committee members and delegates of a Sub-Branch if it is satisfied after due enquiry and after giving it or them the opportunity of being heard:-

(a) That the Rules of the Divisional Branch or Sub-Branch have not been bona fide observed or enforced by the Sub-Branch.

(b) That any lawful decision of the Divisional Branch Management Committee has not, after notification, been bona fide observed and enforced by the Sub-Branch.

(c) That the Sub-Branch is wilfully neglecting to provide for the collection of fees, levies, fines or contributions.

(d) That the accounts of the Sub-Branch have not been duly audited or that the accounts of the Sub-Branch or the Auditor do not disclose the true financial position of the Sub-Branch.

(e) That for any reason the Sub-Branch cannot or fails to meet in accordance with the Rules.

(f) That the officers of the Management Committee of the Sub-Branch refuse to disclose to the Divisional Branch Management Committee information concerning the Sub-Branch or the Management Committee.

(6) If a Sub-Branch or a Sub-Branch Management Committee fails to comply with any lawful direction of the Divisional Branch and incurs legal costs or has imposed upon it a fine and/or legal costs arising from the conduct of the Sub-Branch, the Sub-Branch Management Committee or members of the Sub-Branch, which conduct is in contravention of the lawful direction of the Divisional Branch Management Committee then the Divisional Conference or Divisional Branch Management Committee shall have the power to direct that the amount of legal costs, fine and/or legal costs so incurred by and/or imposed upon the Divisional Branch shall be paid to the Divisional Branch Management Committee from the funds of the Sub-Branch.

(7) The Divisional Branch Management Committee shall call a meeting upon the requisition of three (3) Sub-Branches.

(8) The Sub-Branch Delegates to the Divisional Branch Management Committee shall be the Sub-Branch Secretary together with the additional Delegates who shall be elected quadrennially by the membership of each Sub-Branch in accordance with Rule 51. The additional Delegates shall be elected on the following basis:-

(a) Each Sub-Branch with a membership of less than 100 members - the Sub-Branch Secretary only.

(b) Each Sub-Branch with a membership of 100 members or more but less than 400 members - the Sub-Branch Secretary together with one (1) additional Delegate.

(c) Each Sub-Branch with a membership of 400 members or more but less than 1,000 members - the Sub-Branch Secretary together with two (2) additional Delegates.

(d) Each Sub-Branch with a membership of 1,000 members or more but less than 2,000 - the Sub-Branch Secretary together with three (3) additional Delegates.

(e) Each Sub-Branch with a membership of 2,000 members or more but less than 3,000 members - the Sub-Branch Secretary together with four (4) additional delegates.

(f) Each Sub-Branch with a membership of 3,000 members or more - the Sub-Branch Secretary together with five (5) additional Delegates.

(9) The Sub-Branch Management Committee may appoint a proxy delegate to any meeting of the Divisional Branch Management Committee when the delegate or delegates of the Sub-Branch to

the Divisional Branch Management Committee (being either the Sub-Branch Secretary or additional Delegate or Delegates) is or are unable to attend that meeting: Provided that such proxy delegate shall be entitled to speak and vote on any matter except that such proxy delegate shall not participate in any step in any election for an office conducted amongst members of the Divisional Branch Management Committee.

(10) The Divisional Branch Secretary and Divisional Conference Delegates shall be elected quadrennially by the members of the Branch in accordance with the provisions of Rule 51.

(11) The Divisional Branch President, Senior Divisional Branch Vice President, Junior Divisional Branch Vice President and three (3) Trustees shall be elected by secret ballot after nominations have been called for by the Returning Officer at the meeting of the Divisional Branch Management Committee held next after the declaration of the quadrennial elections by and from the members of the Divisional Branch Management Committee in accordance with the provisions of Rule 51 with the necessary changes.

(12) In the event of a member being elected to the office of Divisional Branch Secretary and as an Additional Delegate of a Sub-Branch to the Divisional Branch Management Committee such position of Additional Delegate shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 51 with the necessary changes.

(13) In the event of a member being elected to the offices of Divisional Branch Secretary and Sub-Branch Secretary the office of Sub-Branch Secretary shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 51

(14) (a) In the event of an industrial dispute taking place in any Sub-Branch the officers of such Sub-Branch shall try, by conciliation, to settle the dispute. In the event of the Sub-Branch officers concerned being unable to secure a satisfactory settlement the matter shall be referred to the Divisional Branch Secretary who shall, on behalf of the Divisional Branch Management Committee take charge of such dispute and shall consult with the Divisional Branch President and shall, if necessary, convene a meeting of the Branch Management Committee to deal with the matter.

(b) (i) A majority of the Sub-Branches shall, at special meetings of the Sub-Branch Management Committees called for that purpose, decide whether an industrial dispute affecting members of the Divisional Branch is to be submitted by the Divisional Branch to the appropriate tribunal established under the Industrial Relations Act 1988.

(ii) The Divisional Branch President and Divisional Branch Secretary or such other person or persons as the Divisional Branch Management Committee may decide shall be empowered to make submissions on behalf of and represent the Divisional Branch before a Federal or State Industrial Tribunal and to sign or issue any document including any agreement for the Divisional Branch which is necessary in respect of any such submission or presentation.

(15) Any delegates representing the Divisional Branch or a Sub-Branch on the Australian Labor Party shall be a member of that party.

(15A) The Divisional Branch Secretary shall be ex-officio a member of all committees of the Sub-Branches but shall not be entitled to exercise a vote on matters appertaining exclusively to only one Sub-Branch.

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SUB-BRANCH PROVISIONS

(16) (a) The following Sub-Branches are and shall be deemed to have been established as from the several dates on which they began to function:-

Melbourne, Maryvale, Broadford, Millicent, Sydney, Nowra, Wesley Vale, Boyer, Albury, Burnie and Myrtleford.

(b) The Sub-Branches shall consist of members of the Divisional Branch as follows:-

(i) The Melbourne Sub-Branch shall consist of members who are employed within a radius of forty (40) kilometres of the General Post Office.

(ii) The Maryvale Sub-Branch shall consist of members employed within a radius of forty (40) kilometres from either the Traralgon or the Morwell Post Office.

(iii) The Broadford Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Broadford Post Office, but not including the districts covered by the Melbourne Sub-Branch.

(iv) the Millicent Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Millicent Post Office.

(v) The Sydney Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Sydney Post Office.

(vi) The Nowra Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Nowra Post Office.

(vii) The Burnie Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Burnie Post Office

(viii) The Myrtleford Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Myrtleford Post Office.

(ix) The Wesley Vale Sub Branch shall consist of members employed within a radius of forty (40) kilometres of the Devonport Post Office

(x) The Boyer Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Hobart Post Office

(xi) The Albury Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Albury Post Office.

(16) (c) Additional Sub-Branches may be established by resolution of the Branch Committee of Management.

(d) Any member not employed within a Sub-Branch area shall be attached to the Sub-Branch nearest to where he is employed.

(17) (a) Officers of the Sub-Branches shall be the President, two (2) Vice-Presidents (a Senior and Junior Vice President) and a Secretary such officers shall also be officers of the Union. These officers together with such number of other members which shall not be less than three (3) or exceed ten (10) as the Sub-Branch shall determine shall form the Sub-Branch

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Committee of Management. The Sub-Branch Secretary shall also mean the Sub-Branch Secretary-Treasurer.

(b) Delegates to the Branch Committee of Management shall be ex-officio members of all Committees and Sub-Committees of the Sub-Branch to which they belong.

(c) The Officers of the Sub-Branch together with the other members of the Sub-Branch Committee of Management shall be elected quadrennially by the members of the Sub-Branch in accordance with the provisions of Rule 51.

(18) (a) No member shall hold more than one of the offices of Sub-Branch President, Sub-Branch Senior Vice-President, Sub-Branch Junior Vice-President, Sub-Branch Committeeman, or Sub-Branch Secretary. If a member is elected to any two or more of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch Secretary signify which one of the said offices such member elects to hold. The member shall thereupon be deemed to have resigned from the other office or offices and the vacancy shall be filled in accordance with the provisions of Rule 51 mutatis mutandis.

(b) No member shall hold the office of Sub-Branch Secretary and Sub-Branch Additional Delegate from the Sub-Branch to the Branch Committee of Management. If a member is elected to each of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch President signify which one of the said offices such member elects to hold and shall thereupon be deemed to have resigned from the other office. The vacancy so occurring in the other office shall be filled in accordance with the provisions of Rule 51 mutatis mutandis.

(19) Entrance fees and contributions shall be paid to and collected by the Sub-Branch Secretary or by an authorised agent of the Sub-Branch.

(20) The Sub-Branch Fund which shall be managed and controlled by each Sub-Branch Management Committee shall consist of:-

(i) Any real or personal property of which the Sub-Branch by the rules or by any established practice not inconsistent with the Rules has, or in the absence of any limited term lease, bailment or arrangement, would have, the of right custody, control or management;

(ii) All entrance fees and all contributions collected in accordance with the Rules save and except such part of the contributions as are fixed by the Divisional Branch Management Committee from time to time and are part of the Divisional Branch Funds pursuant to Rule 42 (4)(c) hereof;

(iii) All fines and levies raised pursuant to Divisional Branch Rules;

(iv) Any interest, rents or dividends derived from the investment of the Fund;

(v) Any superannuation or long service leave fund operated or controlled by the Sub-Branch for the benefit of its officers or employees;

(vi) Any sick pay fund, accident pay fund, mortuary or funeral fund or like fund operated or controlled by the Sub-Branch for the benefit of its members;

(vii) Any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and

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(viii)The proceeds of any disposal of parts of the Fund.

(21) The per capita payments fixed by the Divisional Branch Management Committee pursuant to Rule 42 (4)(c) hereof shall be the first charge on the gross income of each Sub-Branch.

(22) Each Sub-Branch shall fix the salaries and/or allowances and/or honorariums and/or appropriate conditions of service of Officers of the Sub-Branches.

(23) Each Sub-Branch shall elect delegates to represent it on any body with which the Sub-Branch is affiliated. The election shall be conducted amongst members of the Sub-Branch Management Committee and be held at the next Sub-Branch Management Committee meeting following Sub-Branch elections. Nominees are required to be a member of the Sub-Branch Management Committee.

(24) Times and places of meetings of a Sub-Branch shall be fixed by the Sub-Branch Management Committee and shall be notified to members by being posted on work place notice boards at least three (3) days prior to the date of such meetings. At least one meeting shall be carried quarterly.

(25) Each Sub-Branch shall decide the starting and finishing times of its meetings and no extension shall exceed thirty (30) minutes beyond the time of normal finishing.

(26) The Sub-Branch President and Sub-Branch Secretary may call a meeting of the Sub-Branch Management Committee at any time by giving the membership of such Committee three (3) days notice in writing of the date, time and place of such meeting. The Sub-Branch President and Sub-Branch Secretary shall call a meeting of the Sub-Branch Management Committee. The Sub-Branch Management Committee if required to do so, by a written request of a majority of members of the Sub-Branch Management Committee may, at any meeting held of such Management Committee, decide the date, time and place of future meetings.

(27) A quorum for a Sub-Branch meeting shall consist of five (5) members (not including officers or members of the Branch Management Committee) where the Sub-Branch has a membership of 100 or less members; a quorum for a Sub-Branch meeting shall consist of ten (10) members (not including officers or members of the Sub-Branch Management Committee) where the Sub-Branch has a membership of over 100 members. If no such quorum is present at a meeting of a Sub-Branch thirty (30) minutes after the normal starting time of such meeting that meeting shall lapse.

(28) If due to the absence of a quorum at a meeting, a Sub-Branch is unable to conduct its business, the Sub-Branch Management Committee shall conduct such business with the full authority of a properly constituted Sub-Branch meeting.

(29) The Sub-Branch President and the Sub-Branch Secretary may call a Special Meeting of the Sub-Branch at any time. Special Meetings of the Sub-Branch shall be called by the President on receipt of a requisition in writing by twenty-five (25) financial members of the Sub-Branch. Such requisition must set out the purpose for which it is desired the meeting shall be called. No other business may be transacted unless urgent and by resolution of the meeting. Such Special Meetings shall be called with twenty-one (21) days of the receipt of such requisition and the time, place and purpose of such Special Meeting shall be notified to members by being posted on the workplace notice boards at least three (3) days prior to the date of the meeting.

(30) MORTUARY FUND

(a) For the purposes of this Rule "spouse" includes the defacto husband or wife of a member.

(b) There shall be established a Mortuary Fund of the Pulp & Paper Workers Branch from which Mortuary Benefits shall be paid upon the death of members of the Branch or the

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dependent spouse of members of the Branch towards the cost of burial as hereinafter provided.

(c) The Mortuary Fund shall be administered by the Divisional Branch Management Committee.

(d) Each member of the Divisional Branch shall nominate on a form to be provided by the Divisional Branch the full name and address of the person to whom the Mortuary Benefit is to be paid in the event of death. Members shall return completed forms to their Sub-Branch Secretary who shall forward them to the Divisional Branch Secretary.

(e) Upon the death of a member in respect of whom a Mortuary Benefit is payable such payment shall be made to the person nominated by the member irrespective of the number or status of the claimants. Where there is no nominee of the deceased member the Mortuary Benefit may be paid to whomsoever the Divisional Branch President and Divisional Branch Secretary in their absolute discretion may determine and their decision shall be final.

(f) Upon the death of the dependant spouse of a member of the Branch in respect of whom a Mortuary Benefit is payable such payment shall be made to the member.

(g) When a claim for Mortuary Benefit is made it shall be accompanied by a Death Certificate or a photostat copy of the Certificate.

(h) The amount of the Mortuary Benefit shall be as determined from time to time by the Divisional Branch Management Committee.

(i) There shall be paid into the Mortuary Fund the proceeds of the winding up of the Excess Bonus Funds in the mills of the Australian Paper Manufacturers Ltd. and monies raised by such levies on the members of the Branch as are determined by the Divisional Branch Management Committee to be necessary to operate the Fund. All property of whatsoever kind in the Mortuary Fund is and shall remain the property of the Branch.

(j) Notwithstanding anything contained elsewhere in the Rules of the Union the funds of the Mortuary Fund may be invested in Government Bond Fixed Bank Deposit or Debentures, Shares of Companies who are parties or signatories of the Pulp & Paper Industry Consent Award or Industry Agreement or in other investment as the Divisional Branch Management Committee in its absolute discretion may determine.

(k) The Mortuary Fund of the Divisional Branch alone shall be liable to meet payments of Mortuary Benefits in respect of the death of members or their dependant spouses and no other Fund Account or Assets of the Union shall be so liable to any extent whatsoever.

(l) The Divisional Branch Secretary shall submit annually to members of the Divisional Branch a report of operation of the Mortuary Fund and an audited balance sheet of the accounts including trading, investment interest and outgoings for the period 1st January to 31st December.

(m) If in the future significant benefits become payable on or in respect of the death of members or their dependent spouses either by Government legislation, industrial award or in any other manner the Divisional Branch Management Committee may recommend to members of the Branch that the Mortuary Fund be wound up and all assets in the Fund transferred to the General Account of the Divisional Branch.

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(n) The Mortuary Fund shall be wound up within twelve (12) months after a majority of the members of the Divisional Branch have voted for its termination at Special Meetings of each Sub-Branch called for the purpose. In this event all property of whatsoever kind in the Mortuary Fund Account of the Divisional Branch shall be transferred to the General Account of the Divisional Branch.

END OF RULES

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[105N-ATAI: Incorporates alterations of 5/2/2004 in matter R2003/361]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 52 both inclusive contain a true and correct copy of the registered rules of Construction, Forestry, Mining and Energy Union, The Forestry, Furnishing, Building Products and Manufacturing Division and Forestry Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU, Forestry,Furnishing, Building Products and Manufacturing Division and Forestry Divisional Branches
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THE FORESTRY, FURNISHING, BUILDING PRODUCTS AND MANUFACTURING DIVISION RULES

1 - NAME

The name of the Division shall be "The Forestry, Furnishing, Building Products and Manufacturing Division". (FFPD)

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-Rule (C) and (F) of the National Rules shall belong to this Division.

3 - SEAL OF FFPD DIVISION

1. The seal of the FFPD Division shall be oval in shape inscribed on the outer edge the name of the Union and the words "FFPD Division" on the inside.

2. The Seal shall be kept in the custody of the Divisional Secretary.

3. Any document required or permitted by the Workplace Relations Act or any document required or permitted by law to be under seal of the Division shall be executed on behalf of the Division by affixing the Seal of the Division thereto and by being signed by the Divisional Secretary or, in the absence of the Divisional Secretary, either the Divisional President or Divisional Assistant Secretary.

4 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"FFPD DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to FFPD Division is a member of this Division.

"MEMBER" shall mean a member of FFPD Division and membership shall have a corresponding meaning.

"MANAGEMENT COMMITTEE" or "EXECUTIVE" shall be synonymous and shall mean in relation to a division or divisional branch the controlling and administrative body of such Division or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then the candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

5 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which the candidate resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for the Forestry and FFTS Divisions or their predecessors.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Branch Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which the member resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

6 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Applicants for membership of the FFPD Division shall pay on application an entrance fee in accordance with the Divisional Branch rules. Such entrance fee if applicable shall not exceed $50.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

(ii) The contribution payable by each member shall be fixed by the Divisional Branch in accordance with the rules thereof to which the member is attached. Provided also that the Divisional Executive

shall have the power to review and alter any such increases or decreases or alterations made in the contributions or entrance fees of any Divisional Branch in accordance with the rules thereof if in its opinion it is in the interests of the Union to do so.

(iii) The Divisional Executive or Divisional Branch in accordance with the rules thereof may if, in its opinion it is desirable or necessary for financial or any other reason that the aforesaid entrance fees or contributions should be altered, waived or suspended, the said Divisional Executive or Divisional Branch in accordance with the rules thereof may make such decision as it deems desirable or necessary, and the altered, waived or suspended entrance fee and/or contribution payable in that Divisional Branch or Divisional Branch Sub-Branch shall be applicable to the member(s), group or class of members concerned.

(iv) Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch Rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

(v) A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

(vi) Contributions shall be paid to and collected by the Divisional Secretary, Divisional Branch Secretary, or an authorised agent of the Division or Divisional Branch.

(vii) The Division shall allow to the Divisional Branches, for the purpose of the Branch, the whole of the contributions collected by the Branch, except such sum as may be fixed by the Divisional Conference from time to time.

7 - SPECIAL MEMBERS

The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rule 6 be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference which shall meet at least every two (2) years.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter.

(iii) Each Divisional Branch shall be entitled to one (1) representative up to 500 members, one (1) additional representative between 500 members and 1,000 members, based on the aggregate income received by each Divisional Branch (union contributions only) divided by the amount of

the yearly contribution fixed by the rules from time to time, for the financial year ending on the 31st December in the year preceding the quadrennial election of representatives to act as its representatives at the Divisional Conference.

The Divisional Branch Secretary of each Branch shall, ipso facto, be one of that Branch's representatives to the Divisional Conference. The number of representatives to which each Divisional Branch is entitled shall remain unaltered throughout the period between the quadrennial elections.

(iv) Representatives of the Divisional Branches to the Divisional Conference shall be elected by secret postal ballot of all members of their respective Divisional Branches eligible to vote each four (4) years in accordance with the provisions of Rule 17 of the National Rules.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the delegate is a member may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the delegates predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

(vii) Where one or more representatives of a Divisional Branch is or are unable to attend a meeting of the Divisional Conference the Executive Committee of that Divisional Branch may itself select a proxy representative or representatives to act on its behalf at that meeting. Such representative or representatives shall vote in accordance with the instructions of the Executive Committee.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules. Full time Divisional Officers, (Divisional Secretary and Divisional Assistant Secretaries), may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify of the intention in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that Divisional Branch entitlement to delegates shall be increased by the number of full-time Divisional Officers nominating as Divisional Conference delegates in that Divisional Branch in accordance with this sub-clause.

(ix) A majority of delegates eligible to attend the Divisional Conference shall form a quorum.

(x) All expenses of representatives to the Divisional Conference shall be borne by the Divisional Branch by which the representatives are elected unless otherwise determined by the Divisional Conference.

(xi) No alteration of the personnel of the representatives at a meeting of the Divisional Conference shall be permitted after the credentials of the representatives have been received and accepted by the Divisional Conference, unless such alteration is rendered necessary by death or serious illness.

(xii) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of $100, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members, organisers or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate concerned has been afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

A period of suspension imposed under this rule shall not exceed six (6)months.

(d) To hear and decide any appeal from the Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division or Divisional Executive.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish new Divisional Branches and amalgamate existing Divisional Branches, to close or disband Divisional Branches in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the No. 7 Divisional Branch without its consent), and generally to control Divisional Branches and the members thereof including the power to disallow By-Laws made by any Divisional Branch in conflict with these Rules.

(i) When establishing a new Divisional Branch the Divisional Conference shall have power to make rules providing for the admission of members of that new Divisional Branch, the establishment of a Management Committee of that new Divisional Branch, the election of officers of that new Divisional Branch and all such matters as may be necessary.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To deal with any Divisional Branch not working in conformity with the Rules and policy of the Union.

(m) To appoint and remove organisers.

(n) To vote moneys and pass accounts.

(o) To fix salaries and allowances for Officers, Conference delegates and representatives.

(p) To appoint a Returning Officer, who shall conduct any plebiscite upon any question submitted to the whole of the membership for determination, and who shall have power to appoint Deputy Returning Officers.

(q) To elect, appoint and remove officers and members of the Divisional Executive of the Union.

(r) To establish any special fund to achieve any of the objects of the Union.

(s) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference,together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one(1) week before the date of such meeting but no failure to notify will of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, email, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit by the Divisional Secretary conduct a postal, telephonic, telegraphic, facsimile, email and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter.

(xvii) The Divisional Conference shall be the Management Committee of the Division for the purposes of the Act and rules and regulations thereunder.

(xviii) All meetings of the Divisional Conference shall be held at such time and place as the Conference shall from time to time determine, and in case of default, or of special meetings, as the Divisional Executive shall determine.

(xix) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Conference -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of the Divisional President, one (1) Divisional Senior Vice President, two (2) Divisional Vice Presidents, Divisional Secretary, up to three (3) Divisional Assistant Secretaries and four (4) Trustees who shall be the officers and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive. Provided that no Divisional Branch shall be entitled to have more than five (5) representatives elected as officers of the Divisional Executive.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

3. Preceding such conferences the Divisional Executive shall appoint a Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers in accordance with these rules.

4. Nominations unless otherwise determined by the Divisional Executive shall be called for on the second day of the Divisional Conference. Where practicable the ballot shall be conducted also on that day. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

5. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the two Divisional Vice Presidents shall be dealt with and completed. The ballot for the four (4) Trustees shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

6. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive.

7. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

8. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

9. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where the delegate can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until the Returning Officer has given such delegates a reasonable opportunity to vote.

10. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

11. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and

dealing with nominations or the conduct of the ballot shall be recognised as validly holding such office.

12. A Divisional Executive member shall hold office until a successor is elected.

13. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14(a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

14. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, powers, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch or member. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with any Divisional Branch not working in conformity with the Rules and policy of the Union.

(g) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(h) To confirm, over-rule or otherwise deal with decisions of the Divisional Branches of this Division.

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(i) To make, alter and recind rules of this Division or any Divisional Branch of this Division.

(j) To appoint and remove organisers or specialist officers.

(k) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(l) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(m) Submit any matter to the members for decision by ballot.

(n) Ensure that officers, committee members, organisers, delegates or members of the Division and Divisional Branches comply with the rules, policies and decisions of the union and subject to Rule 11 impose penalties [i.e., fines not exceeding the sum of $100, suspension, expulsion or dismissal from office,] on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules, policies or the decisions of the Divisional Executive. Provided that the rules, policies or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(o) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division, take such action as may be necessary to ensure the adherence to the rules of the Union and decisions and policies of the Divisional Conference and/or Divisional Executive by any Divisional Branch and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(p) Control and supervise the work of the Divisional Officers.

(q) To establish new Divisional Branches and amalgamate existing Divisional Branches, to close or disband Divisional Branches in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the No. 7 Divisional Branch without its consent), and generally to control Divisional Branches and the members thereof including the power to disallow By-Laws made by any Divisional Branch in conflict with these Rules.

(r) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

15. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, telegram, telex, facsimile, email or otherwise in writing, telephone or verbally, provided that in the latter two instances such is confirmed by letter, telegram, facsimile, email or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches, or Divisional Branches whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, the Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(b) Should any officer be removed from office the Divisional Executive shall appoint a member to fill the vacancy until the next elections are held in accordance with the rules, but no person shall be

appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive. In the event of the appeal being upheld the Divisional Conference or National Executive may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of the Divisional Conference, Executive and meetings convened by the Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where the Divisional President is a full time officer the Divisional President shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall summon all meetings of the Divisional Conference and Divisional Executive, issue all necessary notices to members of the Divisional Conference or Divisional Executive or to Divisional Branches in connection with such meetings.

The Divisional Secretary shall sign all cheques in addition to one of the Trustees and shall be the signatory to all documents on behalf of the Division.

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the implementation and compliance by the Division and Divisional Branches of the decisions, rules and policies made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive or Divisional Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.

Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall have the authority to initiate any proceedings and/or actions to advance or defend the interests or objectives of the Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive or Divisional Conference and allocate the duties of Officers.

The Divisional Secretary shall be an ex officio member of all Divisional Branch Committees, but shall not be entitled to vote in respect of the decisions of those committees.

(iii) Divisional Assistant Secretary (s):

The Divisional Assistant Secretary(s) shall perform all duties assigned by the Divisional Executive. The Divisional Assistant Secretary(s) shall be under the control of the Divisional Secretary and shall attend all meetings of Divisional Executive, Divisional Conference and National Executive. The Divisional Assistant Secretary may exercise any and all of the powers and duties of the Divisional Secretary on the delegation of the Divisional Secretary and shall exercise such powers and duties while the Divisional Secretary is absent from duty.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(v) Divisional Vice-President(s):

The Divisional Vice-President(s) shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President(s) shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of the Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be determined from time to time by the Divisional Executive.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, and one (1) Divisional Trustee or on absence on leave of the Divisional Secretary, by the Assistant Secretary or Divisional President and one (1) Divisional Trustee.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the Divisional Office, may be disbursed by decision of the Divisional Secretary.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive or Divisional Conference.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Division. Where this is not possible, investments shall be made in the name of the Divisional Trustees. The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The Divisional Executive shall have the authority to hold, purchase, lease, sell, mortgage or otherwise deal in property on behalf of the Division and/or Branches which shall be executed on the Divisional Executive's behalf by the Divisional Secretary.

(vi) The property of the Division shall be under the control of the Divisional Executive.

15 - AUDITOR AND AUDITOR'S REPORT

(i) The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

(ii) The auditor shall, in the auditor's report, draw attention of the Divisional Executive, Divisional Conference to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

(iii) For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

(iv) On receipt of a petition signed by not less than 5% of the financial members of the union, the Divisional Secretary shall convene a general meeting of financial members to present the Auditor's Report.

(v) The petition shall have set out the members full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of financial members for a general meeting to be held, the petition shall be presented to the Divisional Secretary within 30 days of the first financial member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% financial members.

(vi) The Auditor's Report shall be the only matter to be considered at the general meeting.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice to the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter,including rules,otherwise than at a meeting assembled.

Provided that any such rescission, alteration or amendment which affects in any way the existence, structure or position under these rules of the Divisional No. 7 Branch, shall be of no effect unless endorsed by a resolution of the Divisional Branch Management Committee of that Divisional Branch.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(i) The following Divisional branches of the Union are hereby constituted:

(a) No. 1 Branch known as the New South Wales Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of New South Wales and the Australian Capital Territory (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(b) No. 2 Branch known as the Victorian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Victoria (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(c) No. 3 Branch known as the South Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of South Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(d) No. 4 Branch known as the West Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Western Australia. Provided that, notwithstanding any other rule to the contrary, any member of the United Timber Yards, Sawmills and Woodworkers Employees Union of Western Australia or any organisation that replaces that organisation shall be admitted as a member thereof, without the signing of an admission card or payment of an entrance fee, upon the payment of dues in accordance with the other divisional rules hereof.

(e) No. 6 Branch known as the Tasmanian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Tasmania (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(f) No 7 Branch known as the Pulp & Paper Workers Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members eligible for membership of the Union pursuant to Rule 2 (C) (ii) and those persons who are appointed to any office in the No. 7 Branch and are thereby eligible for membership of the Union pursuant to Rule 2 (C) (iii).

(g) No 8 Branch known as the Queensland Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Queensland (other than those persons who are eligible for membership of the No 7 Branch pursuant to the previous paragraph of this sub-rule).

(ii) The Divisional Conference or Divisional Executive shall have the power to constitute such other Divisional Branches or Sub Branches as it may determine appropriate from time to time.

(iii) A Divisional State Branch Principal Office shall be located in the Capital City of the State in which a State Branch is constituted in accordance with this rule unless otherwise determined by the National Divisional Conference or National Divisional Executive. The Divisional Branch Secretary shall attend to the effective operation and business of the Branch from the State Branch of the Division unless otherwise determined by the National Divisional Conference or National Divisional Executive.

(iv) A Divisional Branch shall have autonomy in matters affecting members of the Divisional Branch only.

19 - DIVISIONAL BRANCH RULES

Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the FFPD Divisional Branch Rules make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

20 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute may be submitted to the appropriate industrial Tribunal, Court or Commission, upon a resolution in favour of so submitting such dispute carried by a majority of the members of the Divisional Executive.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such submission.

In the case of an emergency or necessity however, such proceedings may be initiated and matters may be submitted by the authority of the Divisional Secretary, who may also authorise a Divisional Branch Secretary to initiate such proceedings and submit such matters on behalf of the Division.

The aforesaid power shall extend to cases of defending and/or responding to any proceedings or matters instituted or submitted by any other person, corporation, association or organisation. The Divisional Secretary and Divisional Branch Secretary shall be subject to the control of the Divisional Executive on all matters connected with such legal proceedings and matters.

21 - INDUSTRIAL AGREEMENTS

Industrial agreements and other instruments may be made by or on behalf of the Union as follows:-

An industrial agreement, and any instrument not required by law to be under seal, may be executed by the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the Common Seal of the Division by the Divisional Secretary.

22 - INDUSTRIAL DISPUTES

(1) In the event of an Industrial dispute taking place in any Divisional Branch the officers of such Divisional Branch shall try, by conciliation to settle the dispute. In the event of the Divisional Branch officers concerned being unable to secure a satisfactory settlement the matter may be referred to the Divisional Branch Executive who shall seek to resolve the dispute.

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(2) In the event of no satisfactory settlement of such dispute being secured the Divisional Branch Secretary shall immediately report the matter to the Divisional Secretary who shall on behalf of the Division take charge of such dispute and shall consult with the Division President and shall if necessary convene a meeting of the Divisional Executive to deal with the matter.

(3) (a) The Division Secretary or a person authorised to act on behalf of the Division Secretary shall make any submission to a tribunal.

The Division Secretary or a person authorised to act on behalf of the Division Secretary shall be the person to sign or issue any document necessary for such submission.

(b) The Division may be represented in any proceedings before any Commonwealth or State Industrial Tribunal by the Division Secretary or by such other officers or persons authorised by the Division Secretary and subject to any authorisation vested by State Legislation.

(4) Notwithstanding anything contained elsewhere in this Rule, Divisional Branch No. 7 shall have autonomy in industrial matters affecting its members only and no action will be taken in relation to such matters by the Divisional Conference or Divisional Executive unless authorised and requested by the Divisional Branch Management Committee of the No. 7 Branch.

23 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at Trades Hall, Adelaide, or such place as the Divisional Executive shall decide.

24 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

25 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

26 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Division or body having objects similar in whole or in part to those of this Division.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $10.00 per week and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $10.00 per week.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

27 - LIFE MEMBERSHIP

The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may, at their entire discretion, constitute a member a Life Member, provided that the member has been a member for a period of at least 20 years, has retired from the industry, and was financial at the time of retirement. Life members shall not be liable to pay dues of any kind to the Division, and shall not be entitled to nominate for or to hold any office, but shall be entitled to vote at the Division elections. The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may reduce the qualifying period of membership in special circumstances.

28 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time the Divisional Secretary may submit a resolution dealing with such matter to the members by letter, facsimile, email, telephone, telegram, verbally and/or any other means of communications or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in the Divisional Secretary's absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

29 - BRANCH INFORMATION

It shall be the duty of the Divisional Branch Secretary of each Divisional Branch to transmit to the Divisional Secretary, on written request from the Divisional Secretary, a true copy of the minutes of each meeting of the Divisional Management Committee or Executive of such Divisional Branch or of any special meeting thereof.

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30 - RULES OF DEBATE

MOTIONS, HOW DEALT WITH:

(a) All motions shall be of an affirmative character and must be moved and seconded by members. Such motions become the property of the Union, and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless two-thirds of the members present agree to an extension of time.

(b) Unless a member opposes the motion or proposes an amendment thereto, the motion shall be immediately put to the meeting for decision.

(c) A motion may be superseded at any time by another motion "that it be discharged from the notice paper" or "that the next business be proceeded with" being resolved in the affirmative.

(d) A motion may be amended at any time during the debate thereon by -

(i) striking out certain words
(ii) adding certain words, or
(iii) striking out certain words and inserting others in their place.

Always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(e) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(f) (i) At meetings other than meetings of the membership of a Branch or of a sub-branch all motions shall be put to the meeting by the chairperson in a clear manner. Any member present may demand that the vote be by ballot and the Chairperson shall thereupon conduct a ballot. In the absence of such a demand all motions shall be put to the meeting by the Chairperson by asking for the "ayes" to vote first and then the "noes". The Chairperson's decision as to which has the majority will be final unless any member present demands a show of hands. Upon such a demand being made the chairperson shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(ii) At meetings of the membership of a Branch or of a Sub-Branch all motions shall be put to the meeting by the Chairpeson in a clear manner by asking "ayes" to vote first and then the "noes".

The Chairperson's decision as to which has the majority will be final unless a member supported by one quarter of the number of members present demands a show of hands.

Upon such a demand being made the Chairperson shall appoint tellers to count the votes and shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(iii) If the votes are equal the question is resolved in the negative.

(g) No member shall be allowed to vote who was not present when the question was first put.

(h) A mover of a motion to be allowed 10 minutes to introduce and 5 minutes to reply. Other speakers 5 minutes unless two-thirds of the members present agree to an extension of time.

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(i) Any member desiring to move to change a decision of the Union or of a Branch must submit notice in writing of such intention to the Divisional Secretary or the Divisional Branch Secretary of the Union as the case may be fourteen (14) days prior to the date of the meeting at which they will move for such change.

(j) During the course of a meeting any resolution which has been the business of that meeting may be recommitted at the hearing.

RIGHT TO SPEAK

(a) Any member desiring to speak shall rise and address the chairperson. If two (2) or more delegates begin to address the chairperson at the same time, the Chairperson shall call upon the one who, in the Chairpersons opinion, began to speak first. Provided that no member can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(i) In reply as the mover of the original motion.

(ii) In explanation or correction of some matter during the debate.

(iii) Upon a point of order raised during the debate.

(iv) Upon a resolution being carried "that a member be now heard".

(b) A member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by the member.

(c) Not more than two members shall be allowed to speak in succession for or against any question. If at the conclusion of the second speaker's remarks no member speaks on the other side, the motion or amendment shall be put to the vote.

(d) Any member speaking shall at once stop:-

(i) If the chairperson begins to speak; or

(b) If a point of order is raised;

and shall not resume speaking until the point of order is decided.

(e) No member may speak to any question after it has been put by the chairperson, or during a division.

REPORTS

(a) A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of the Conference/Executive thereon.

(b) If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An

amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

SITTING AS A COMMITTEE

Divisional Conference or Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Conference or Executive shall be observed when in Committee.

DEFINITION

In this rule "member" shall include any person attending a meeting.

CHAIRPERSON'S RULING

(a) The chairperson's rulings on all points of order shall be final, unless at the time a motion is carried that such ruling be disagreed with.

(b) When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

THE FORESTRY, FURNISHING, BUILDING PRODUCTS AND MANUFACTURING DIVISIONAL BRANCH RULES

31 - DIVISIONAL BRANCH NAME

(i) The following Divisional Branches of the Union are hereby constituted;

(a) No. 1 Branch known as the New South Wales Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of New South Wales and the Australian Capital Territory (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(b) No. 2 Branch known as the Victorian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Victoria (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(c) No. 3 Branch known as the South Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of South Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(d) No. 4 Branch known as the Western Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members residing in the State of Western Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule). Provided that, notwithstanding any other rule to the contrary, any member of the United Timber Yards, Sawmills and Woodworkers Employees Union of Western Australia or any organisation that replaces that organisation shall be admitted as a member thereof, without the signing of an admission card or payment of an entrance fee, upon the payment of dues in accordance with the other divisional rules thereof.

(e) No. 6 Branch known as the Tasmanian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Tasmania (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(f) No. 7 Branch known as the Pulp & Paper Workers Branch of the Forestry Furnishing, Building Products and Manufacturing Division consisting of all members eligible for membership of the Union pursuant to Rule 2 (c)(ii) of the National Rules and those persons who are appointed to any office in the No. 7 Branch and are thereby eligible for membership of the Union pursuant to Rule 2 (c)(iii) of the National Rules.

(g) No. 8 Branch known as the Queensland Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Queensland (other than those persons who are eligible for membership of the No 7 Branch pursuant to the previous paragraph of this sub-rule).

(ii) The Divisional Conference and Divisional Executive shall have the power to constitute such other Divisional Branch or Branches as it may determine appropriate from time to time.

(iii) A Divisional Branch shall have autonomy in matters affecting members of the Divisional Branch only.

32 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the FFPD Division of the Union residing or employed in the State, Territory or Industry sector concerned shall be and remain members of that Divisional Branch.

33 - SEAL OF DIVISIONAL BRANCH

The seal of the Divisional Branch shall be oval in shape, inscribed on the outer edge shall be the words "The Construction, Forestry, Mining and Energy Union" and on the inner space shall have the words "FFPD Division" and under that shall have the name of the Divisional Branch.

It shall be in the custody of the Divisional Branch Secretary, and shall be used or affixed to any document by the Branch Secretary where necessary or desirable and where that document has been made with the authority of the Divisional Branch.

34 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant and a financial member of the Divisional Branch.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) All applications for membership of the Divisional Branch shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Management Committee.

Applications for membership shall be dealt with by the Divisional Branch Management Committee or Divisional Branch Executive, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit the applicant to membership of the Divisional Branch and the Union.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the FFPD Division, the Divisional Branch, and the Union.

(d) A new member shall pay on application for membership all moneys required to be paid by a new member.

(e) Applicants for membership shall be workers of good character, and shall when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

35 - ENTRANCE FEE

(i) All applicants for membership of the Division shall pay an entrance fee if determined by the Divisional Branch Management Committee, such entrance fee shall not exceed $10.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

(ii) Applicants joining on clearances or transfers in accordance with the rules of Union or who have previously been members of the Union shall not be required to pay an entrance fee.

36 - CONTRIBUTIONS

(i) Each member shall pay a yearly contribution of not less than $10.00 said amount payable in one sum on or before the 30th June in each year, or within one week of becoming a member, provided that Branches shall be allowed to issue half-yearly tickets at not less than $5.00 per half-year, said amount payable in advance on the 1st January and the 1st July in each year, and quarterly tickets at not less than $2.50 per quarter, said amount payable in advance on the 1st January, the 1st April, the 1st July and the 1st October in each year. Any person joining during the currency of any quarter shall pay for the full quarter.

Provided further that the Management Committee or Executive of any Divisional Branch may, if in its opinion it is desirable or necessary for financial or other good reasons that the aforesaid

Entrance fees or Contributions should be increased, reduced, altered or waived, the said Management Committee or Executive Committee may make such decision as it deems desirable or necessary, and any such increase, reduction, alteration or waiver shall as far as that Divisional Branch is concerned, be the Entrance fee and/or Contribution payable in that Divisional Branch of the Union by the members of that Divisional Branch or Divisional Sub-Branch of the Union.

Provided also that the Divisional Conference or Executive shall have power to review and alter any such increases or decreases or alterations made in the contributions of any Divisional Branch if in its opinion it is in the interests of the Division to do so.

(ii) Notwithstanding anything contained elsewhere in these Rules the Division may through its Branches make an arrangement with an employer or employers employing members of the Division that the employer will on receipt of an authorisation acceptable to the Divisional Branch, deduct from the wages, or monies, payable to the members so employed amounts by way of contributions, fees, levies, fines, dues or monies owing by the member of the Union. If a member to whom any such arrangement is applicable, lodges such an authorisation with the Union or the employer, that member shall be deemed to be a financial member, as from the first pay day in respect of which deductions are made, pursuant to the authorisation, and shall remain a financial member, so long as the authorisation remains in force.

Provided that any member who at the time of the first deduction, pursuant to the authorisation, was an unfinancial member shall continue to be so until all arrears, in contributions, fees, levies, etc. are paid.

Provided further, that if a member ceases to be employed by an employer, who has been making deductions pursuant to such an arrangement, the amount of the contributions, fees levies etc., then unpaid by the member, shall become due and payable on the first day of the quarter next ensuing after the member ceases to be employed.

(iii) Such contributions shall be paid to and collected by the Divisional Branch Secretary or an authorised agent of the Divisional Branch.

Levies

(iv) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by the Divisional Branch Management Committee or the Divisional Branch Executive Committee.

Fines

(v) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by the Divisional Branch Management Committee or the Divisional Branch Executive Committee.

All moneys paid by a member shall be credited in the following order:

(a) In payment of any levies due; and

(b) In payment of any fines due, and

(c) In payment of any contributions due

Unfinancial Member

(vi) Any member who has failed to pay all contributions, levies and fines imposed in accordance with the Rules of the Union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any deliberations, nominate for official positions, propose any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

37 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of the Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $5.00 per copy.

38 - UNEMPLOYED MEMBERS

(i) When, in the opinion of the Divisional Branch Management Committee, a condition of unemployment in the industry exists the following conditions may be applied:

(ii) Members becoming unemployed, ie, being employed under the terms of the Award or Agreement covered by this Division for less than one month in any quarter, may apply to be placed on an unemployed members list if any.

(iii) This list shall be kept at the Divisional Branch office under the control and supervision of the Divisional Branch Management Committee.

(iv) Members wishing to be placed on the unemployed list must apply in writing to the Divisional Branch Secretary, and shall attend at the Divisional Branch Office or such place as may be decided by the Divisional Branch Management Committee, or give satisfactory proof of their inability to attend.

(v) All applications for inclusion on the unemployed members' list shall be dealt with by the Divisional Branch Management Committee Executive Committee or other authorised committee who shall, if satisfied that the application is genuine, include them on the list.

(vi) Members placed on the list shall be exempt from the payment of contributions for the period specified in this Rule. They shall be entitled to all rights under these rules, but shall only qualify for funeral benefit applicable at the discretion, or upon conditions determined by the Divisional Branch Management Committee.

(vii) Exemption from payment of contributions shall operate for a period of twelve months from the date of inclusion on the unemployed members' list, or until again employed, whichever is the lesser.

(viii) On expiration of the 12 months' period, unemployed members may make further application to be again placed on the unemployed list. Each further application may be approved by the Divisional Branch Management Committee who may require payment of such amount of contributions as may be considered reasonable.

(ix) Any member commencing employment without notifying the Divisional Branch Secretary and continuing to receive the benefits of this unemployed clause while in employment shall be deemed to have committed a breach of the Rules. Such member(s) shall be required to pay full contributions for the period of employment and in addition, may be dealt with under the provisions relating to misconduct.

(x) Continuous membership for the purpose of this Rule, and wherever encountered in these Rules, means continuous membership without any break in the continuity of membership from the last date of acceptance into the Branch.

39 - FUNDS OF THE DIVISIONAL BRANCH

(i) The Divisional Branch shall raise funds by entrance fees, contributions, levies and fines, which funds, together with any other monies received, shall be applied for the following purposes:-

(a) Defraying the cost of administering the affairs of the Divisional Branch;

(b) Subscribing on a pro rata basis to any organisation or Labor Council with which the Union may become affiliated and to which affiliation the Divisional Branch agrees;

(c) Defraying any expenses incurred in any legal proceedings;

(d) Assisting any members out of work through any trade dispute;

(e) Making all necessary payments as determined by the Divisional Branch Committee in connection with any matters affecting members in regard to:-

(i) Preservation of life and limb;
(ii) Compensation for injuries and death;
(iii) The hours of labour;
(iv) The remuneration of labour;
(v) Protection of salaries and wages;
(vi) Other conditions affecting employment of members;
(vii) For the furtherance of any of the matters as set forth in the objects of the Union;
(viii) And any other matters when the Divisional Executive or Divisional Branch Management Committee determines the best interests of members require it.

(ii) The Divisional Branch Fund which shall be managed and controlled by each Divisional Branch Management Committee shall consist of:-

(a) Any real or personal property of which the Divisional Branch by the Rules or by any established practice not inconsistent with the Rules has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;

(b) All entrance fees and all contributions collected in accordance with the Rules save and except such part of the contributions as are fixed by the Divisional Conference from time to time and are Divisional Funds in accordance with Sub-Rule (vii) of Rule 6 of the Division Rules.

(i) Shall pay such moneys required by the Rules of the Union or in accordance with the rules of the Union.

(c) All fines and levies raised pursuant to Divisional Branch Rules;

(d) Any interest, rents or dividends derived from the investment of the Fund;

(e) Any superannuation or long service leave fund operated or controlled by the Divisional Branch for the benefit of its officers or employees;

(f) Any sick pay fund, accident pay fund, mortuary or funeral fund, tool benefit fund or like fund operated or controlled by the Divisional Branch for the benefit of its members;

(g) Any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and

(h) The proceeds of any disposal of parts of the Fund.

40 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Management Committee who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

(b) The auditor shall have full and complete access to the books and documents of the Branch.

(c) On receipt of a petition signed by not less than 5% of the financial members of the union, the Divisional Branch Secretary shall convene a general meeting of financial members to present the Auditor's Report.

(d) The petition shall have set out the members full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of financial members for a general meeting to be held, the petition shall be presented to the Divisional Branch Secretary within 30 days of the first financial member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% financial members.

(e) The Auditor's Report shall be the only matter to be considered at the general meeting.

41 - MANAGEMENT COMMITTEE AND OFFICERS

The business of each Divisional Branch shall be conducted in accordance with these Rules by a Management Committee consisting of a President, a Senior Vice President, two (2) Vice Presidents - one (1) of which will be designated an affirmative action position to be filled by a woman member, Secretary, Assistant Secretary/ies (the number, if any, to be decided by the Divisional Branch Management Committee prior to the calling of nominations), and four (4) Trustees - one (1) of which will be designated an affirmatve action position to be filled by a woman member who shall be the Officers of the Management Committee and who shall form the Executive, and not more than ten (10) other members - two (2) of which will be designated affirmative action positions to be filled by women members, who shall with the Executive, form the Management Committee. In respect to the NSW Divisional Branch there shall be an additional President (full-time) and one (1) additional Trustee who shall be officers of the Management Committee and who shall also form the Executive Committee of the Divisional Branch.

Nominations for the designated affirmative action positions will be called from women members only, although this does not preclude women members from holding any other Management Committee, Executive or Officer positions.

The failure to fill the designated affirmative action positions shall not prevent a Divisional Branch carrying out or conducting the business of a Divisional Branch.

42 - DUTIES OF MANAGEMENT COMMITTEE

(i) The Divisional Branch Management Committee shall be the highest deliberative body of the Divisional Branch and shall subject to the Rules manage and superintend the affairs of the Divisional Branch protect the funds and perform all the duties allotted to them by the Rules. The Divisional Branch Management Committee shall have the power subject to these rules to:-

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the

Union and to raise or spend such funds as are necessary to carry out the objects and to employ such assistance as it may deem necessary.

(b) Direct the policy of the Divisional Branch.

(c) Subject to rules 16 and 60, amend or add to the Rules.

(d) Hear and determine all appeals that are submitted in accordance with the Rules.

(e) Fix the salaries, allowances, conditions of employment and/or entitlements of the Divisional Branch Officers, employees, delegates and members as it deems to be appropriate and to appoint and/or remove and/or suspend officers, organisers and employees of the Divisional Branch.

(f) Fine, suspend or expel Committee members, delegates and/or members for knowingly refusing to comply with the Rules or the decisions or policy of the Divisional Conference, Divisional Branch Management Committee or Divisional Branch Executive.

(g) All Divisional Branch Officials and assistants shall be under the control of the Management Committee and Executive, subject to the Rules.

(h) Investigate, report and take such action in accordance with these rules upon all grievances and disputes of officials, officers and members that are placed before them.

(i) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated and to select persons as delegates to represent the Divisional Branch at meetings and committees.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $10.00 per week provided that in no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

(l) Subject to Rule 40 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Executive Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers (if any) under the provisions of the Rules.

(s) Appoint Temporary Organisers under the provisions of the Rules.

(t) Appoint a Divisional Branch Returning Officer for the conduct of any elections as may be necessary.

(1) The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(2) The Divisional Branch Returning Officer so appointed:

(i) may not be a member of the Union; and

(ii) shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(ii) The Management Committee shall meet at least twice per annum, five (5) members shall form a quorum. The Executive Officers shall pass accounts, subject to the review of the Management Committee and deal with applications for membership.

(iii) Each member of the Committee shall be paid the sum of not less than $4.00 or the expenses and loss of time for each meeting the Committee member attends.

(iv) Each Divisional Branch shall hold General Meetings as may be deemed necessary.

(v) The Divisional Branch Management Committee shall ensure the Divisional Branch and its officers and members carry out the decisions and policies determined by the Divisional Conference and/or Divisional Executive and the rules of the Union are complied with.

43 - DIVISIONAL BRANCH EXECUTIVE COMMITTEE

(a) The Divisional Branch Executive Committee shall meet at least six (6) times in a calendar year and subject to a review of their actions by the Divisional Branch Management Committee, shall have the care, control, superintendence, management, administration, powers and responsibility in all respects of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee.

(b) A quorum for any meeting shall be a majority of the Executive Officers as set out in Rule 41 hereof.

(c) The Divisional Branch Executive shall meet at a time and place determined by the Executive when special meetings are required to be convened wherein the time and place shall be determined by the Divisional Branch Secretary and the Divisional Branch President. The Divisional Branch Secretary and the Divisional Branch President may determine the time and place of any meeting of the Divisional Branch Executive and shall notify the members of the Divisional Branch Executive of such time and place as soon as is convenient and the Divisional Branch Executive and/or the Divisional Branch Secretary and Divisional Branch President may determine the time and place of the meeting of the Divisional Branch Management Committee and shall notify the members of the Divisional Branch Management Committee as soon as is convenient of such time and place.

(d) The Divisional Branch Executive shall carry out any duties which they have been directed to perform by the Divisional Branch Management Committee.

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44 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President (which shall mean the honorary Divisional Branch President in NSW) shall preside at meetings of the Divisional Branch Management Committee or Divisional Branch Executive Committee and meetings convened by the Divisional Branch Management Committee or Divisional Branch Executive.

(b) The Divisional Branch President(s) shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee or Divisional Branch Executive.

(c) The Divisional Branch President(s) shall conduct business in accordance with Rules laid down for guidance. The President shall not enter debate on any question, but shall endeavour to bring the business to a satisfactory conclusion, and shall have a deliberate vote only.

(d) The Divisional Branch President(s) shall sign the minutes of proceedings of all meetings convened by the Divisional Branch Management Committee or Divisional Branch Executive Committee when same have been duly confirmed.

(e) The Divisional Branch President(s) may be required by resolution of the Divisional Branch Management Committee or Divisional Branch Executive Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Management Committee, Divisional Branch Executive Committee or any Committees established in accordance with these Rules and shall if so required submit a report in writing of the findings to the Divisional Branch Management Committee or Divisional Branch Executive Committee members.

(f) The Divisional Branch President(s) shall be an ex-officio member of all Committees.

45 - DUTIES OF DIVISIONAL BRANCH VICE PRESIDENTS

The Divisional Branch Vice Presidents shall attend all meetings of the Divisional Branch, and assist the Divisional Branch President in the duties of the Divisional Branch President's office. The Divisional Branch Senior Vice President shall officiate in the Divisional Branch President's absence, with all the powers conferred on the chair. In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, a Divisional Branch Vice President shall officiate, with all the powers conferred on the chair. In the absence of the Divisional Branch President and Divisional Branch Vice Presidents the meeting shall elect one of its number to preside.

46 - DUTIES OF DIVISIONAL BRANCH TRUSTEES

(1) Divisional Branch Trustees shall be elected in accordance with Rule 51.

(2) Such Divisional Branch Trustees:-

(a) Shall be responsible for the safe custody of the Common Seal, documents and securities of the Divisional Branch of the Union. Documents and securities shall be deposited in the name of the Divisional Branch of the Union, countersigned by the Divisional Branch Trustees on behalf of the Divisional Branch.

(b) Shall act only on resolution of the Divisional Branch Management Committee or Executive, certified under the hands of the Divisional Branch Secretary.

(c) Shall, subject to the directions of the Divisional Branch Management Committee or Executive, have custody of all property of the Divisional Branch.

(d) Shall be signatory for any accumulated funds invested in securities allowed by law as the Divisional Branch Management Committee or Executive may direct;

(e) Shall sign cheques or warrant for the withdrawal of funds which shall be countersigned by the Divisional Branch Secretary.

47 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Management Committee and the Divisional Branch Executive Committee and shall be employed in a full time capacity (unless otherwise determined by the Divisional Executive) and shall among other things conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Management Committee or Divisional Branch Executive Committee.

(c) The Divisional Branch Secretary shall prepare and forward to the Industrial Registrar returns as required by law.

(d) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Management Committee and Executive meeting; and shall attend meetings of the Divisional Branch Management Committee, Divisional Branch Executive Committee and other meetings called by the Divisional Branch Management Committee or Divisional Branch Executive Committee.

(e) Be in charge of the office and subject to Rule 42 shall direct the labours of the officials and employees of the Union.

(f) Keep a correct account of all monies received and expended.

(g) The Divisional Branch Secretary shall sign all cheques in addition to one of the Trustees and shall be the signatory to all documents on behalf of the Divisional Branch and be responsible for the affixing of the official seal of the Divisional Branch.

(h) Be permitted to hold petty cash to the amount of $500.00.

(i) Be paid incidental and travelling expenses.

(j) Generally conduct all financial transactions of the Branch.

(k) Draw up a report and balance sheet, to be submitted to the Divisional Branch Management Committee as directed, and submit the books and accounts annually to the auditors.

(l) Keep a record of the names and addresses of all members of the Union, the names, addresses and occupations of all officers of the Branch, with the dates when they were admitted, died or left, their financial position in the Union and all other particulars necessary to enable the Rules to be enforced.

(m) Receive all monies, and pay same into such Bank as the Divisional Branch Management Committee may direct, to the credit of the Union within seven (7) days after the receipt of same.

(n) When vacating office, deliver to the successor in office, in the presence of the Divisional Branch Management Committee or Executive, all books, documents and other property of the Divisional Branch in the Divisional Branch Secretary's possession.

(o) Produce for audit at least once a year, and at such other times as the Divisional Branch Management Committee may direct, all books and documents of the Divisional Branch appertaining to finance.

(p) Forward to the Divisional Secretary when requested a true copy of the minutes of each meeting of the Divisional Branch Management Committee or Executive or any special meeting thereof.

(q) The Divisional Branch Secretary shall summon all meetings of the Divisional Branch Management Committee and Divisional Branch Executive, issue all necessary notices to members of the Divisional Branch Management Committee or Divisional Branch Executive in connection with such meetings. In consultation with the Divisional Branch President the Divisional Branch Secretary shall be authorised to convene any extraordinary meeting as deemed necessary.

(r) The Divisional Branch Secretary shall be ex officio member of all committees of the Divisional Branch.

(s) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of the Divisional Branch Secretary office.

(t) The Divisional Branch Secretary shall be responsible for the implementation and compliance of the decisions, rules and policies determined by the Divisional Conference or Divisional Executive by the Divisional Branch of which the Divisional Branch Secretary was elected.

48 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY/IES

(If Required)

(a) The Divisional Branch Assistant Secretary/ies shall be under the control of the Divisional Branch Management Committee and the Divisional Branch Executive Committee and shall, under the direction and authority of the Divisional Branch Secretary, carry out all responsibilities allocated to the position.

(b) The Assistant Secretary shall in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary.

(c) The Assistant Secretary shall attend meetings of the Divisional Branch Management Committee, Divisional Branch Executive Committee and other meetings called by the Divisional Branch Management Committee or Divisional Branch Executive Committee.

49 - DUTIES OF ORGANISERS

The Divisional Branch Management Committee may determine the number (if any) of Organisers of the Divisional Branch and the number (if any) to be appointed by it or elected pursuant to Rule 51 and shall determine the duties to be performed by any such Organisers.

50 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any position in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wages and conditions as shall be determined at a properly constituted meeting of the Divisional Branch Management Committee/ Executive Committee.

(b) Full-time paid officers shall be under the control of the Divisional Branch Executive Committee between Divisional Branch Management Committee meetings and shall carry out all instructions of the Divisional Branch Management Committee or Divisional Branch Executive Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of the intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Management Committee first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Executive Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Executive Committee a medical certificate setting out that the officer has recovered and is capable to carry out the duties in accordance with the Rules.

51 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who is financial as provided for in Rule 6, at the time of nominations and has financial membership of the Divisional Branch in accordance with the scale set out in this rule, may nominate for such positions according to this scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member a decision as to which position the member wishes to contest.

(iv) Where no decision is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-

Secretary, Assistant Secretary, President, Organiser.

(v) The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Assistant Secretary/ies	) 3 years'
Divisional Branch President(s)	) financial
Divisional Branch Delegate to	) membership
Divisional Conference	)
Divisional Branch Senior Vice President	) 1 year's
Divisional Branch Vice Presidents	) financial

Divisional Branch Trustees	) membership
Divisional Branch Management Committee	)
and	)
Organiser	)

Provided that for the purposes of this sub-rule financial membership of the State Registered union being the United Timber Yards, Sawmills and Woodworkers Employees' Union of Western Australia or its successor shall be for all purposes continuous with and counted as financial membership of this Division.

(b) The term of office for the above positions shall be four years and such term shall commence from the 2nd January, following the election.

(c) Nominations for the above positions, shall be called by the Divisional Returning Officer by notification in the union journal if one is due to be published and in one daily newspaper circulating in the Divisional Branch area on or before the last day of August of every fourth year commencing on and from the last day of August, 1996.

Provided that such advertisements shall clearly indicate that the Divisional Executive Committee members and the full-time Divisional Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations shall open on the second Monday in September. Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

(f) A member having nominated for any office in accordance with these Rules may withdraw the nomination by notifying the returning officer in writing of an intention to do so at any time up to 14 days after the closing of nominations. The returning officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the members name from the ballot papers prior to their distribution.

(g) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Management Committee member 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(h) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(i) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or a nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable the supply of a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by prepaid post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary and that envelope shall contain only the following documents -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(ii) a declaration envelope and an empty unsealed pre-paid post envelope addressed to the Divisional Branch Returning Officer, c/- the numbered mail box referred to in this rule;

(iii) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Branch Returning Officer may consider necessary;

(iv) the candidates statement provided for in accordance with sub-rule (g) of this rule.

(v) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail each relevant ballot paper.

(o) For the purpose of the election the books of the Divisional Branches shall be deemed to have closed as at 1st September in the year of the election. Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines prior to the 1st September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Branch Returning Officer that they have paid all contributions, levies and fines prior to the 1st September in the year of the election shall be entitled to receive a ballot paper and the Divisional Branch Returning Officer shall send by post, a ballot paper in accordance with sub-rule (n) of this rule.

(p) The opening date of the ballot shall be the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the

Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(q) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box until the commencement of the count of the ballot which will take place no later than the first working day following the closing of the ballot and shall be completed as soon as is practicable.

(r) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(s) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 68, Definitions, and the candidate or candidates receiving the necessary votes shall be deemed elected.

(t) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

(u) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Secretary of the result of the ballot and the Divisional Branch Management Committee or Divisional Branch Executive shall issue instructions for the publication of same in their minutes. The Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

(v) The Divisional Branch Returning Officer's report to the Divisional Branch Secretary shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposes.

(w) The successful candidates shall take up their respective duties at a date determined by the Divisional Branch Executive which shall be a date between the 1st day and the 14th day of January following the election held in the preceding year and shall remain elected until their successors take up office.

(x) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(y) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(z) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in this sub-clause, the Divisional Branch Returning Officer shall conduct an election in accordance with this rule with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(aa) Following the election in 1993 the elections of Divisional Branch officers shall be held in accordance with the timetable prescribed for delegates to Divisional Conference (see National Rule 17). Provided that in 1993 the timetable for the election shall be in accordance with National Rule 17(ff).

52 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Management Committee.

53 - EXTRAORDINARY VACANCIES

(1) An Officer of a Divisional Branch including a Member of the Divisional Branch Management Committee shall cease to hold office and such office shall thereupon become vacant if and when:-

(a) an officer/member dies, or has by reason of physical or mental disability become incapable of carrying out the duties of the office;

(b) the officer/member resigns from office or membership of the Union;

(c) the officer/member is dismissed from office in accordance with Rule 54;

(d) the officer/member ceases to be a member of the Divisional Branch in which the officer/member holds office.

(e) the officer/member becoming unfinancial in accordance with these Rules.

(2) Any extraordinary vacancy which occurs in the office of any officer including a member of the Divisional Branch Management Committee shall be filled by the holding of an election in accordance with Rule 51, with the necessary changes, and the member so elected shall hold office for the remainder of the term for which the predecessor to the office was elected provided that where the remainder of the term does not exceed

(a) twelve months, or

(b) three-quarters of the term of the office whichever is the greater - the Divisional Branch Management Committee may select by resolution any eligible member of the Divisional Branch to fill the office for the remainder of the term.

54 - REMOVAL OF OFFICERS AND MANAGEMENT COMMITTEE MEMBERS

(a) Any officer/member of a Divisional Branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross

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misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(b) Any officer/member of the Divisional Branch Management Committee charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of the rules. The officer or Divisional Branch Management Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in their defence, or if the officer prefers, may answer the charges in writing.

In the case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to the Divisional Conference or Executive whichever is appropriate as soon as it is conveniently possible from the date of the decision. Rule 71 - Appeals of Members shall apply.

55 - DUTIES OF MEMBERS AND OFFENCES

A. DUTIES

(a) To adhere strictly to the Rules of the Union, Division and its Divisional Branches.

(b) To promote the industrial welfare of every other member.

(c) To attend the meetings of the Divisional Branch as often as possible and to assist the Officers to the best of the members' ability.

(d) To supply the Divisional Branch Secretary with information as to where work is procurable for members.

(e) Not to knowingly divulge any portion of the Union's business to any non-member or to discuss it with members in the presence or within the hearing of non-members.

(f) When joining the Union to furnish the Divisional Branch with an address and notify any change of address within fourteen (14) days of such change.

(g) Not to defraud other members.

(h) To render every assistance to Shop Stewards/Job Delegates in their respective work places in the carrying out of their duties.

(i) To answer or cause to answer any correspondence received from the Divisional Branch Secretary and to supply any information that may be required.

(j) To report to the Divisional Branch Secretary or the Divisional Secretary any member believed to be guilty of a breach of the Rules.

B. OFFENCES

(1) Any member may charge any other member with;

(a) Committing any breach of the Rules.

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(b) Failing to comply with any lawful resolution or direction passed or given under any Rule of the Union after having been given notice thereof.

(c) Committing any fraudulent act or unlawful act in relation to funds or property of the Union or in relation to any election held under its Rules.

(d) Wrongfully holding themselves out as occupying any office or position in the Union or any Divisional Branch thereof, or as being entitled to represent the Union or any Divisional Branch in any capacity.

(e) Behaving in a drunken, disorderly or offensive manner towards an officer of the union or at any meeting held under the Rules of the Union or in the office of the Union or of any Divisional Branch.

(f) Knowingly giving false information to any officer, representative or employee of the Union or any person acting as or on behalf of a Returning Officer conducting any election under its Rules relating to any Union business or election or any matter affecting the interest of the Union or its members, or refusing to give information to such persons when reasonably requested to do so.

(g) Aiding or encouraging any other member in any offence under these Rules.

(h) Doing any act calculated to injure or destroy the Union or making any wilful false statement concerning the administration of its affairs.

(i) Failing to report to the Divisional Branch Management Committee or the Divisional Conference a member believed to be guilty of a breach of the Rules.

(j) being the holder of any office within the Union

(i) misappropriation of the funds of the Union;

(ii) a substantial breach of the Rules of the Union; or

(iii) gross misbehaviour or gross neglect of duty.

(2) Any charge must be made in writing and shall be made to the Divisional Secretary or the Divisional Branch Secretary. Such Officer shall, if directed by the Divisional Branch Management or Executive Committee or the Divisional Conference or the Divisional Executive, summon the member charged. Such summons shall be in writing and shall state the time and place of the hearing and the substance of the charge. The member's fares to and from the place of the meeting shall be paid. The member shall on written request, be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is charged.

(3) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be investigated, whether or not the person charged is present, unless a satisfactory explanation of the absence has been received.

(4) At the hearing the member charged must be given a reasonable opportunity to present a defence to the charges including a reasonable opportunity to call any witness upon whose evidence the member wishes to rely, and if necessary to tender a written submission.

(5) If the Divisional Conference or the Divisional Executive or Divisional Branch Management Committee or Divisional Branch Executive finds the member concerned so charged guilty it may:

(a) Impose a fine of a sum not exceeding $100.00, and/or

(b) Suspend the member from membership; and/or

(c) Remove the member from any office or position; and/or

(d) Expel the member from membership of the Union.

(6) Suspension from membership shall deprive a member of the rights and benefits of membership, but shall not relieve the member of the obligations of membership and shall not exceed six months for any one offence.

(7) An appeal under this Rule shall lie in respect of any decision from a Divisional Branch to the Divisional Conference, or the Divisional Executive, provided that Notice of Appeal shall be given in writing to the Divisional Secretary within twenty-one days from the date of the member being notified of the Divisional Branch decision and shall set forth in full all matters which the appellant desires to be considered.

(8) The Divisional Conference or the Divisional Executive shall decide the appeal at its next meeting after the appeal is made and the appellant shall have the right to attend the meeting and state a case on the appeal.

(9) Notwithstanding anything to the contrary in these Rules a person elected to any office within the Union shall not be dismissed from office unless found guilty of misappropriation of the funds of the Union a substantial breach of the Rules of the Union or of gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold the office.

56 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's union subscriptions.

57 - SHOP STEWARDS/JOB DELEGATES

(1) A majority of members in each workplace or where appropriate department of the workplace present may select from amongst their number a person or persons to act as Steward or Stewards, Job Delegate or Job Delegates who shall as far as possible perform the following duties:-

(a) To see that these Rules are strictly adhered to.

(b) To investigate and if possible rectify any complaints or disputes and if unsuccessful to refer any such matters to the Divisional Branch Secretary for resolution.

(c) To report any infringement of any award or agreement affecting the Union to the Divisional Branch Secretary at once.

(d) To attend all meetings as regularly as possible.

(e) To notify the Divisional Branch Secretary when possible within twenty-four hours, of all accidents to members of the Union. All such information shall be supplied where possible on a form furnished by the Divisional Branch Secretary.

(g) It shall be the duty of all Shop Stewards/Job Delegates to endeavour to enrol appropriate workers in their respective workplace or jobs into the Union.

(h) On the start of every job where two or more workers are working there shall be a show of cards and also at any time the Shop Steward/Job Delegate may determine.

(i) Any member refusing to show their card when required by a Shop Steward/Job Delegate shall be liable to be fined up to $100 by the Divisional Branch Management Committee.

(j) It shall be the duty of Shop Stewards/Job Delegates to interest themselves in the welfare of the worker probationers, indentured apprentices and trainees.

(k) On direction of the Divisional Branch Management Committee or at the request of one third of the members on the job, they shall be required to call a meeting as soon as convenient.

(2) The Divisional Branch Secretary shall be advised of the appointment of Shop Stewards/Job Delegates in accordance with paragraph (1) and approved by the Divisional Branch Management Committee or Executive. In the event of failure of the members to appoint a Steward/Job Delegate in accordance with paragraph (1) the Divisional Branch Secretary or an officer authorised by the Divisional Branch Secretary shall have the power to appoint a Steward/Job Delegate or Stewards/Job Delegates.

(3) Where no alternative arrangements for the payment of Union contributions have been determined by the Union, the Steward/Job Delegate shall collect all contributions, fines and levies due to the Union by members in the work place where the Steward/Job Delegate is employed, the same to be paid to the Secretary within 14 days. The Steward/Job Delegate may be paid a Commission to be fixed by the Divisional Branch Management Committee on all monies (except levies) collected, and shall be paid quarterly.

(4) If the Divisional Branch Secretary is advised by members in any work place of their dissatisfaction with the performance of a Shop Steward/Job Delegate then a meeting of members will be convened to consider the complaints.

58 - VICTIMISATION

Should any Shop Steward or Job Delegate be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee/Executive Committee shall take all necessary steps to see that the Shop Steward/Job Delegate interests are protected.

59 - ALLOWANCES

The Divisional Branch Management Committee/Executive Committee may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

61 - LOANS, GRANTS AND DONATIONS

A loan, grant or donation of an amount exceeding $1,000.00 shall not be made by any Divisional Branch, unless the Divisional Branch Management Committee or the Branch Executive Committee, as the case may be:

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the other Rules of the Union or of the Divisional Branch, as the case may be; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory, and

(b) has approved the making of the loan, grant or donation.

62 - FUNDS - HOW COLLECTED

All entrance fees, contributions, levies, fines, fees and dues payable by members shall be paid to and collected by the Divisional Branch Secretaries, or their authorised agents, or any other authorised agent of the Divisional Executive.

63 - CHANGE OF RESIDENCE

Any member changing residence shall report the same to the Divisional Branch Secretary within fourteen (14) days and in default shall be liable to a fine of up to $100.

64 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary.

65 - SETTLEMENT OF INDUSTRIAL DISPUTES

(1) Whenever a dispute arises between any employer and a member or members, such member or members shall report the same to the Divisional Branch Secretary, who shall endeavour to settle same, failing which:-

(2) The Divisional Branch Secretary may call a meeting of the Divisional Branch Executive and such Executive Committee shall consider such dispute and endeavour to settle the same amicably.

(3) Failing a settlement being obtained, the Divisional Branch Secretary shall, if the Divisional Branch Executive Committee so direct, refer the dispute to the Divisional Secretary.

66 - ACCIDENT AND MORTUARY FUNDS

Divisional Branches may establish Accident and Mortuary Funds in accordance with By-Laws approved by the Divisional Conference.

67 - LIFE MEMBERSHIP

The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may, at their entire discretion, constitute a member a Life Member, provided that member has been a member for a period of at least 20 years, has retired from the industry, and was financial at the time of retirement. Life members shall not be liable to pay dues of any kind to the Union, and shall not be entitled to nominate for or to hold any office, but shall be entitled to vote at the Union elections. The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may reduce the qualifying period of membership in special circumstances.

68 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter votes as the first preference, and shall place the number 2,3,4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the voters preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

69 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

In addition to powers elsewhere provided in the Rules, a Divisional Branch Management Committee member shall have the powers of a shop Steward.

70 - REFERENDA

(a) (i) On receipt of a petition signed by not less than 10% financial members of the union, the Divisional Branch Management Committee shall take a referendum of the whole of the

financial members of the Divisional Branch in respect of any matter determined by the Divisional Branch Management Committee and/or Executive.

(ii) The petition shall have set out the members full name, address, signature and the date the said petition was signed by the member. In determining the 10% requirement of financial members for a referendum to be conducted, the petition shall be presented to the Divisional Branch Secretary within 30 days of the first financial member signing the aforesaid petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 10% financial members.

(iii) Such referendum shall take place within 2 months of the receipt of the petition.

(iv) The decision reached by a majority of the actual votes recorded shall be binding on the Divisional Branch Management Committee and the members of the Divisional Branch and on the Divisional Branch Executive.

(b) The Divisional Branch Management or Executive Committee may at any time, by its own motion, take a referendum of the whole of the financial members of the Divisional Branch upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Management Committee shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

71 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Divisional Branch may make a written appeal to the Divisional Branch Executive Committee for redress, who shall in the case of appeals on any matter that does not relate to the Divisional Branch Executive forward the appeal to the Divisional Branch Executive Committee within one (1) month.

(b) Any members dissatisfied with the decision of the Divisional Branch Executive Committee may appeal to the Divisional Branch Management Committee within one (1) month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Executive within one (1) month after the hearing of the case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Executive or Divisional Executive may confirm, annul or modify

the penalty or finding. Should the appellant desire to appear in person the appellant member shall be afforded the opportunity to do so.

72 - SPECIAL RULE - NO.7 BRANCH PULP AND PAPER WORKERS BRANCH

The following provisions shall apply in respect of the No. 7 Branch - Pulp and Paper Workers' Branch of the Division (in this Rule called "the Pulp and Paper Workers' Branch")

(1) Nothing in this Rule shall affect the application of the Rules to the No 7 Branch - Pulp and Paper Workers' Branch - and to the holders of offices within and to the members of that Branch except insofar as this Rule may be inconsistent with another rule in which event the provisions of this Rule shall prevail to the extent of such inconsistency.

(2) The word "Branch" in the Rules shall include a "Sub-Branch of the No. 7 Branch" unless the context indicates otherwise.

DIVISIONAL SUB-BRANCH PROVISIONS

(3) The business of the Divisional Branch shall be conducted by the Divisional Branch Management Committee which shall consist of the Divisional Branch Secretary and Sub-Branch Delegates.

(4) The powers of the Divisional Branch Management Committee shall include the following powers:-

(a) To establish new Sub-Branches and amalgamate existing Sub-Branches, to close or disband Sub-Branches in accordance with the Rules, and generally to control Sub-Branches and the members thereof including the power to disallow By-Laws made by any Sub-Branch in conflict with the Rules.

(b) When establishing a new Sub-Branch to make Rules providing for the admission of members to that new Sub-Branch, the establishment of a Management Committee of that new Sub-Branch, the election of officers of that new Sub-Branch and all such matters as may be necessary.

(c) To fix the amount of per capita payments by the Sub-Branches to the Divisional Branch Management Committee - such payments not to exceed 75% of the members' contributions unless agreed by a majority of the Sub-Branches.

(d) To establish and or operate a Superannuation Fund for the benefit of the members of the Divisional Branch and others.

(4A) The Divisional Branch shall hold an Annual General Meeting and such other meetings as may be necessary. Such meetings shall consist of a series of meetings of the members of each Sub-Branch held at times, places and dates to be decided by the Divisional Branch Management Committee. Members entitled to attend the meetings shall be notified thereof by circular or advertisement, or by printed notices or by such other similar means as the Divisional Branch Management Committee may deem reasonable. Any proposed resolution put to the series of meetings shall have been passed if it receives on the aggregate of all meetings held in the series, the majority of votes.

(5) The Divisional Conference or Divisional Branch Management Committee shall have the power to suspend any Sub-Branch Management Committee and/or all or any officers, committee members and delegates of a Sub-Branch if it is satisfied after due enquiry and after giving it or them the opportunity of being heard:-

(a) That the Rules of the Divisional Branch or Sub-Branch have not been bona fide observed or enforced by the Sub-Branch.

(b) That any lawful decision of the Divisional Branch Management Committee has not, after notification, been bona fide observed and enforced by the Sub-Branch.

(c) That the Sub-Branch is wilfully neglecting to provide for the collection of fees, levies, fines or contributions.

(d) That the accounts of the Sub-Branch have not been duly audited or that the accounts of the Sub-Branch or the Auditor do not disclose the true financial position of the Sub-Branch.

(e) That for any reason the Sub-Branch cannot or fails to meet in accordance with the Rules.

(f) That the officers of the Management Committee of the Sub-Branch refuse to disclose to the Divisional Branch Management Committee information concerning the Sub-Branch or the Management Committee.

(6) If a Sub-Branch or a Sub-Branch Management Committee fails to comply with any lawful direction of the Divisional Branch and incurs legal costs or has imposed upon it a fine and/or legal costs arising from the conduct of the Sub-Branch, the Sub-Branch Management Committee or members of the Sub-Branch, which conduct is in contravention of the lawful direction of the Divisional Branch Management Committee then the Divisional Conference or Divisional Branch Management Committee shall have the power to direct that the amount of legal costs, fine and/or legal costs so incurred by and/or imposed upon the Divisional Branch shall be paid to the Divisional Branch Management Committee from the funds of the Sub-Branch.

(7) The Divisional Branch Management Committee shall call a meeting upon the requisition of three (3) Sub-Branches.

(8) The Sub-Branch Delegates to the Divisional Branch Management Committee shall be the Sub-Branch Secretary together with the additional Delegates who shall be elected quadrennially by the membership of each Sub-Branch in accordance with Rule 51. The additional Delegates shall be elected on the following basis:-

(a) Each Sub-Branch with a membership of less than 100 members - the Sub-Branch Secretary only.

(b) Each Sub-Branch with a membership of 100 members or more but less than 400 members - the Sub-Branch Secretary together with one (1) additional Delegate.

(c) Each Sub-Branch with a membership of 400 members or more but less than 1,000 members - the Sub-Branch Secretary together with two (2) additional Delegates.

(d) Each Sub-Branch with a membership of 1,000 members or more but less than 2,000 - the Sub-Branch Secretary together with three (3) additional Delegates.

(e) Each Sub-Branch with a membership of 2,000 members or more but less than 3,000 members - the Sub-Branch Secretary together with four (4) additional delegates.

(f) Each Sub-Branch with a membership of 3,000 members or more - the Sub-Branch Secretary together with five (5) additional Delegates.

(9) The Sub-Branch Management Committee may appoint a proxy delegate to any meeting of the Divisional Branch Management Committee when the delegate or delegates of the Sub-Branch to

the Divisional Branch Management Committee (being either the Sub-Branch Secretary or additional Delegate or Delegates) is or are unable to attend that meeting: Provided that such proxy delegate shall be entitled to speak and vote on any matter except that such proxy delegate shall not participate in any step in any election for an office conducted amongst members of the Divisional Branch Management Committee.

(10) The Divisional Branch Secretary and Divisional Conference Delegates shall be elected quadrennially by the members of the Branch in accordance with the provisions of Rule 51.

(11) The Divisional Branch President, Senior Divisional Branch Vice President, Junior Divisional Branch Vice President and three (3) Trustees shall be elected by secret ballot after nominations have been called for by the Returning Officer at the meeting of the Divisional Branch Management Committee held next after the declaration of the quadrennial elections by and from the members of the Divisional Branch Management Committee in accordance with the provisions of Rule 51 with the necessary changes.

(12) In the event of a member being elected to the office of Divisional Branch Secretary and as an Additional Delegate of a Sub-Branch to the Divisional Branch Management Committee such position of Additional Delegate shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 51 with the necessary changes.

(13) In the event of a member being elected to the offices of Divisional Branch Secretary and Sub-Branch Secretary the office of Sub-Branch Secretary shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 51

(14) (a) In the event of an industrial dispute taking place in any Sub-Branch the officers of such Sub-Branch shall try, by conciliation, to settle the dispute. In the event of the Sub-Branch officers concerned being unable to secure a satisfactory settlement the matter shall be referred to the Divisional Branch Secretary who shall, on behalf of the Divisional Branch Management Committee take charge of such dispute and shall consult with the Divisional Branch President and shall, if necessary, convene a meeting of the Branch Management Committee to deal with the matter.

(b) (i) A majority of the Sub-Branches shall, at special meetings of the Sub-Branch Management Committees called for that purpose, decide whether an industrial dispute affecting members of the Divisional Branch is to be submitted by the Divisional Branch to the appropriate tribunal established under the Industrial Relations Act 1988.

(ii) The Divisional Branch President and Divisional Branch Secretary or such other person or persons as the Divisional Branch Management Committee may decide shall be empowered to make submissions on behalf of and represent the Divisional Branch before a Federal or State Industrial Tribunal and to sign or issue any document including any agreement for the Divisional Branch which is necessary in respect of any such submission or presentation.

(15) Any delegates representing the Divisional Branch or a Sub-Branch on the Australian Labor Party shall be a member of that party.

(15A) The Divisional Branch Secretary shall be ex-officio a member of all committees of the Sub-Branches but shall not be entitled to exercise a vote on matters appertaining exclusively to only one Sub-Branch.

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SUB-BRANCH PROVISIONS

(16) (a) The following Sub-Branches are and shall be deemed to have been established as from the several dates on which they began to function:-

Melbourne, Maryvale, Broadford, Millicent, Sydney, Nowra, Wesley Vale, Boyer, Albury, Burnie and Myrtleford.

(b) The Sub-Branches shall consist of members of the Divisional Branch as follows:-

(i) The Melbourne Sub-Branch shall consist of members who are employed within a radius of forty (40) kilometres of the General Post Office.

(ii) The Maryvale Sub-Branch shall consist of members employed within a radius of forty (40) kilometres from either the Traralgon or the Morwell Post Office.

(iii) The Broadford Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Broadford Post Office, but not including the districts covered by the Melbourne Sub-Branch.

(iv) the Millicent Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Millicent Post Office.

(v) The Sydney Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Sydney Post Office.

(vi) The Nowra Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Nowra Post Office.

(vii) The Burnie Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Burnie Post Office

(viii) The Myrtleford Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Myrtleford Post Office.

(ix) The Wesley Vale Sub Branch shall consist of members employed within a radius of forty (40) kilometres of the Devonport Post Office

(x) The Boyer Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Hobart Post Office

(xi) The Albury Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Albury Post Office.

(16) (c) Additional Sub-Branches may be established by resolution of the Branch Committee of Management.

(d) Any member not employed within a Sub-Branch area shall be attached to the Sub-Branch nearest to where he is employed.

(17) (a) Officers of the Sub-Branches shall be the President, two (2) Vice-Presidents (a Senior and Junior Vice President) and a Secretary such officers shall also be officers of the Union. These officers together with such number of other members which shall not be less than three (3) or exceed ten (10) as the Sub-Branch shall determine shall form the Sub-Branch

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Committee of Management. The Sub-Branch Secretary shall also mean the Sub-Branch Secretary-Treasurer.

(b) Delegates to the Branch Committee of Management shall be ex-officio members of all Committees and Sub-Committees of the Sub-Branch to which they belong.

(c) The Officers of the Sub-Branch together with the other members of the Sub-Branch Committee of Management shall be elected quadrennially by the members of the Sub-Branch in accordance with the provisions of Rule 51.

(18) (a) No member shall hold more than one of the offices of Sub-Branch President, Sub-Branch Senior Vice-President, Sub-Branch Junior Vice-President, Sub-Branch Committeeman, or Sub-Branch Secretary. If a member is elected to any two or more of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch Secretary signify which one of the said offices such member elects to hold. The member shall thereupon be deemed to have resigned from the other office or offices and the vacancy shall be filled in accordance with the provisions of Rule 51 mutatis mutandis.

(b) No member shall hold the office of Sub-Branch Secretary and Sub-Branch Additional Delegate from the Sub-Branch to the Branch Committee of Management. If a member is elected to each of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch President signify which one of the said offices such member elects to hold and shall thereupon be deemed to have resigned from the other office. The vacancy so occurring in the other office shall be filled in accordance with the provisions of Rule 51 mutatis mutandis.

(19) Entrance fees and contributions shall be paid to and collected by the Sub-Branch Secretary or by an authorised agent of the Sub-Branch.

(20) The Sub-Branch Fund which shall be managed and controlled by each Sub-Branch Management Committee shall consist of:-

(i) Any real or personal property of which the Sub-Branch by the rules or by any established practice not inconsistent with the Rules has, or in the absence of any limited term lease, bailment or arrangement, would have, the of right custody, control or management;

(ii) All entrance fees and all contributions collected in accordance with the Rules save and except such part of the contributions as are fixed by the Divisional Branch Management Committee from time to time and are part of the Divisional Branch Funds pursuant to Rule 42 (4)(c) hereof;

(iii) All fines and levies raised pursuant to Divisional Branch Rules;

(iv) Any interest, rents or dividends derived from the investment of the Fund;

(v) Any superannuation or long service leave fund operated or controlled by the Sub-Branch for the benefit of its officers or employees;

(vi) Any sick pay fund, accident pay fund, mortuary or funeral fund or like fund operated or controlled by the Sub-Branch for the benefit of its members;

(vii) Any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and

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(viii)The proceeds of any disposal of parts of the Fund.

(21) The per capita payments fixed by the Divisional Branch Management Committee pursuant to Rule 42 (4)(c) hereof shall be the first charge on the gross income of each Sub-Branch.

(22) Each Sub-Branch shall fix the salaries and/or allowances and/or honorariums and/or appropriate conditions of service of Officers of the Sub-Branches.

(23) Each Sub-Branch shall elect delegates to represent it on any body with which the Sub-Branch is affiliated. The election shall be conducted amongst members of the Sub-Branch Management Committee and be held at the next Sub-Branch Management Committee meeting following Sub-Branch elections. Nominees are required to be a member of the Sub-Branch Management Committee.

(24) Times and places of meetings of a Sub-Branch shall be fixed by the Sub-Branch Management Committee and shall be notified to members by being posted on work place notice boards at least three (3) days prior to the date of such meetings. At least one meeting shall be carried quarterly.

(25) Each Sub-Branch shall decide the starting and finishing times of its meetings and no extension shall exceed thirty (30) minutes beyond the time of normal finishing.

(26) The Sub-Branch President and Sub-Branch Secretary may call a meeting of the Sub-Branch Management Committee at any time by giving the membership of such Committee three (3) days notice in writing of the date, time and place of such meeting. The Sub-Branch President and Sub-Branch Secretary shall call a meeting of the Sub-Branch Management Committee. The Sub-Branch Management Committee if required to do so, by a written request of a majority of members of the Sub-Branch Management Committee may, at any meeting held of such Management Committee, decide the date, time and place of future meetings.

(27) A quorum for a Sub-Branch meeting shall consist of five (5) members (not including officers or members of the Branch Management Committee) where the Sub-Branch has a membership of 100 or less members; a quorum for a Sub-Branch meeting shall consist of ten (10) members (not including officers or members of the Sub-Branch Management Committee) where the Sub-Branch has a membership of over 100 members. If no such quorum is present at a meeting of a Sub-Branch thirty (30) minutes after the normal starting time of such meeting that meeting shall lapse.

(28) If due to the absence of a quorum at a meeting, a Sub-Branch is unable to conduct its business, the Sub-Branch Management Committee shall conduct such business with the full authority of a properly constituted Sub-Branch meeting.

(29) The Sub-Branch President and the Sub-Branch Secretary may call a Special Meeting of the Sub-Branch at any time. Special Meetings of the Sub-Branch shall be called by the President on receipt of a requisition in writing by twenty-five (25) financial members of the Sub-Branch. Such requisition must set out the purpose for which it is desired the meeting shall be called. No other business may be transacted unless urgent and by resolution of the meeting. Such Special Meetings shall be called with twenty-one (21) days of the receipt of such requisition and the time, place and purpose of such Special Meeting shall be notified to members by being posted on the workplace notice boards at least three (3) days prior to the date of the meeting.

(30) MORTUARY FUND

(a) For the purposes of this Rule "spouse" includes the defacto husband or wife of a member.

(b) There shall be established a Mortuary Fund of the Pulp & Paper Workers Branch from which Mortuary Benefits shall be paid upon the death of members of the Branch or the

dependent spouse of members of the Branch towards the cost of burial as hereinafter provided.

(c) The Mortuary Fund shall be administered by the Divisional Branch Management Committee.

(d) Each member of the Divisional Branch shall nominate on a form to be provided by the Divisional Branch the full name and address of the person to whom the Mortuary Benefit is to be paid in the event of death. Members shall return completed forms to their Sub-Branch Secretary who shall forward them to the Divisional Branch Secretary.

(e) Upon the death of a member in respect of whom a Mortuary Benefit is payable such payment shall be made to the person nominated by the member irrespective of the number or status of the claimants. Where there is no nominee of the deceased member the Mortuary Benefit may be paid to whomsoever the Divisional Branch President and Divisional Branch Secretary in their absolute discretion may determine and their decision shall be final.

(f) Upon the death of the dependant spouse of a member of the Branch in respect of whom a Mortuary Benefit is payable such payment shall be made to the member.

(g) When a claim for Mortuary Benefit is made it shall be accompanied by a Death Certificate or a photostat copy of the Certificate.

(h) The amount of the Mortuary Benefit shall be as determined from time to time by the Divisional Branch Management Committee.

(i) There shall be paid into the Mortuary Fund the proceeds of the winding up of the Excess Bonus Funds in the mills of the Australian Paper Manufacturers Ltd. and monies raised by such levies on the members of the Branch as are determined by the Divisional Branch Management Committee to be necessary to operate the Fund. All property of whatsoever kind in the Mortuary Fund is and shall remain the property of the Branch.

(j) Notwithstanding anything contained elsewhere in the Rules of the Union the funds of the Mortuary Fund may be invested in Government Bond Fixed Bank Deposit or Debentures, Shares of Companies who are parties or signatories of the Pulp & Paper Industry Consent Award or Industry Agreement or in other investment as the Divisional Branch Management Committee in its absolute discretion may determine.

(k) The Mortuary Fund of the Divisional Branch alone shall be liable to meet payments of Mortuary Benefits in respect of the death of members or their dependant spouses and no other Fund Account or Assets of the Union shall be so liable to any extent whatsoever.

(l) The Divisional Branch Secretary shall submit annually to members of the Divisional Branch a report of operation of the Mortuary Fund and an audited balance sheet of the accounts including trading, investment interest and outgoings for the period 1st January to 31st December.

(m) If in the future significant benefits become payable on or in respect of the death of members or their dependent spouses either by Government legislation, industrial award or in any other manner the Divisional Branch Management Committee may recommend to members of the Branch that the Mortuary Fund be wound up and all assets in the Fund transferred to the General Account of the Divisional Branch.

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(n) The Mortuary Fund shall be wound up within twelve (12) months after a majority of the members of the Divisional Branch have voted for its termination at Special Meetings of each Sub-Branch called for the purpose. In this event all property of whatsoever kind in the Mortuary Fund Account of the Divisional Branch shall be transferred to the General Account of the Divisional Branch.

END OF RULES

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[105N-ATAI: Incorporates alterations of 7/5/2004 in matter R2004/173]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 52 both inclusive contain a true and correct copy of the registered rules of Construction, Forestry, Mining and Energy Union, The Forestry, Furnishing, Building Products and Manufacturing Division and Forestry Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU, Forestry,Furnishing, Building Products and Manufacturing Division and Forestry Divisional Branches

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THE FORESTRY, FURNISHING, BUILDING PRODUCTS AND MANUFACTURING DIVISION RULES

1 - NAME

The name of the Division shall be "The Forestry, Furnishing, Building Products and Manufacturing Division". (FFPD)

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-Rule (C) and (F) of the National Rules shall belong to this Division.

3 - SEAL OF FFPD DIVISION

1. The seal of the FFPD Division shall be oval in shape inscribed on the outer edge the name of the Union and the words "FFPD Division" on the inside.

2. The Seal shall be kept in the custody of the Divisional Secretary.

3. Any document required or permitted by the Workplace Relations Act or any document required or permitted by law to be under seal of the Division shall be executed on behalf of the Division by affixing the Seal of the Division thereto and by being signed by the Divisional Secretary or, in the absence of the Divisional Secretary, either the Divisional President or Divisional Assistant Secretary.

4 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"FFPD DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to FFPD Division is a member of this Division.

"MEMBER" shall mean a member of FFPD Division and membership shall have a corresponding meaning.

"MANAGEMENT COMMITTEE" or "EXECUTIVE" shall be synonymous and shall mean in relation to a division or divisional branch the controlling and administrative body of such Division or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

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If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then the candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

5 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which the candidate resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for the Forestry and FFTS Divisions or their predecessors.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Branch Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which the member resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

6 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Applicants for membership of the FFPD Division shall pay on application an entrance fee in accordance with the Divisional Branch rules. Such entrance fee if applicable shall not exceed $50.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

(ii) The contribution payable by each member shall be fixed by the Divisional Branch in accordance with the rules thereof to which the member is attached. Provided also that the Divisional Executive shall have the power to review and alter any such increases or decreases or alterations made in the contributions or entrance fees of any Divisional Branch in accordance with the rules thereof if in its opinion it is in the interests of the Union to do so.

(iii) The Divisional Executive or Divisional Branch in accordance with the rules thereof may if, in its opinion it is desirable or necessary for financial or any other reason that the aforesaid entrance fees or contributions should be altered, waived or suspended, the said Divisional Executive or Divisional Branch in accordance with the rules thereof may make such decision as it deems desirable or necessary, and the altered, waived or suspended entrance fee and/or contribution payable in that Divisional Branch or Divisional Branch Sub-Branch shall be applicable to the member(s), group or class of members concerned.

(iv) Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch Rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

(v) A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

(vi) Contributions shall be paid to and collected by the Divisional Secretary, Divisional Branch Secretary, or an authorised agent of the Division or Divisional Branch.

(vii) The Division shall allow to the Divisional Branches, for the purpose of the Branch, the whole of the contributions collected by the Branch, except such sum as may be fixed by the Divisional Conference from time to time.

7 - SPECIAL MEMBERS

The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rule 6 be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference which shall meet at least every two (2) years.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter.

(iii) Each Divisional Branch shall be entitled to one (1) representative up to 500 members, one (1) additional representative between 500 members and 1,000 members and one representative for each additional 1,000 members, based on the aggregate income received by each Divisional Branch (union contributions only) divided by the amount of the yearly contribution fixed by the rules from time to time, for the financial year ending on the 31st December in the year preceding the quadrennial election of representatives to act as its representatives at the Divisional Conference.

The Divisional Branch Secretary of each Branch shall, ipso facto, be one of that Branch's representatives to the Divisional Conference. The number of representatives to which each Divisional Branch is entitled shall remain unaltered throughout the period between the quadrennial elections.

(iv) Representatives of the Divisional Branches to the Divisional Conference shall be elected by secret postal ballot of all members of their respective Divisional Branches eligible to vote each four (4) years in accordance with the provisions of Rule 17 of the National Rules.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the delegate is a member may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the delegates predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

(vii) Where one or more representatives of a Divisional Branch is or are unable to attend a meeting of the Divisional Conference the Executive Committee of that Divisional Branch may itself select a proxy representative or representatives to act on its behalf at that meeting. Such representative or representatives shall vote in accordance with the instructions of the Executive Committee.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 17 of the National Rules. Full time Divisional Officers, (Divisional Secretary and Divisional Assistant Secretaries), may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify of the intention in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that Divisional Branch entitlement to delegates shall be increased by the number of full-time Divisional Officers nominating as Divisional Conference delegates in that Divisional Branch in accordance with this sub-clause.

(ix) A majority of delegates eligible to attend the Divisional Conference shall form a quorum.

(x) All expenses of representatives to the Divisional Conference shall be borne by the Divisional Branch by which the representatives are elected unless otherwise determined by the Divisional Conference.

(xi) No alteration of the personnel of the representatives at a meeting of the Divisional Conference shall be permitted after the credentials of the representatives have been received and accepted by the Divisional Conference, unless such alteration is rendered necessary by death or serious illness.

(xii) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of $100, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members, organisers or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate concerned has been afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

A period of suspension imposed under this rule shall not exceed six (6)months.

(d) To hear and decide any appeal from the Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division or Divisional Executive.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

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(h) To establish new Divisional Branches and amalgamate existing Divisional Branches, to close or disband Divisional Branches in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the No. 7 Divisional Branch without its consent), and generally to control Divisional Branches and the members thereof including the power to disallow By-Laws made by any Divisional Branch in conflict with these Rules.

(i) When establishing a new Divisional Branch the Divisional Conference shall have power to make rules providing for the admission of members of that new Divisional Branch, the establishment of a Management Committee of that new Divisional Branch, the election of officers of that new Divisional Branch and all such matters as may be necessary.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To deal with any Divisional Branch not working in conformity with the Rules and policy of the Union.

(m) To appoint and remove organisers.

(n) To vote moneys and pass accounts.

(o) To fix salaries and allowances for Officers, Conference delegates and representatives.

(p) To appoint a Returning Officer, who shall conduct any plebiscite upon any question submitted to the whole of the membership for determination, and who shall have power to appoint Deputy Returning Officers.

(q) To elect, appoint and remove officers and members of the Divisional Executive of the Union.

(r) To establish any special fund to achieve any of the objects of the Union.

(s) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference,together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one(1) week before the date of such meeting but no failure to notify will of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, email, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit by the Divisional Secretary conduct a postal, telephonic, telegraphic, facsimile, email and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter.

(xvii) The Divisional Conference shall be the Management Committee of the Division for the purposes of the Act and rules and regulations thereunder.

(xviii) All meetings of the Divisional Conference shall be held at such time and place as the Conference shall from time to time determine, and in case of default, or of special meetings, as the Divisional Executive shall determine.

(xix) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Conference -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of the Divisional President, one (1) Divisional Senior Vice President, two (2) Divisional Vice Presidents, Divisional Secretary, up to three (3) Divisional Assistant Secretaries and four (4) Trustees who shall be the officers and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive. Provided that no Divisional Branch shall be entitled to have more than five (5) representatives elected as officers of the Divisional Executive.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

3. Preceding such conferences the Divisional Executive shall appoint a Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers in accordance with these rules.

4. Nominations unless otherwise determined by the Divisional Executive shall be called for on the second day of the Divisional Conference. Where practicable the ballot shall be conducted also on that day. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

5. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the two Divisional Vice Presidents shall be dealt with and completed. The ballot for the four (4) Trustees shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

6. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive.

7. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

8. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

9. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where the delegate can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until the Returning Officer has given such delegates a reasonable opportunity to vote.

10. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

11. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and

dealing with nominations or the conduct of the ballot shall be recognised as validly holding such office.

12. A Divisional Executive member shall hold office until a successor is elected.

13. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14(a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 17 of the National Rules of the Union as modified to suit the requirements of the election.

14. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, powers, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch or member. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with any Divisional Branch not working in conformity with the Rules and policy of the Union.

(g) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(h) To confirm, over-rule or otherwise deal with decisions of the Divisional Branches of this Division.

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(i) To make, alter and recind rules of this Division or any Divisional Branch of this Division.

(j) To appoint and remove organisers or specialist officers.

(k) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(l) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(m) Submit any matter to the members for decision by ballot.

(n) Ensure that officers, committee members, organisers, delegates or members of the Division and Divisional Branches comply with the rules, policies and decisions of the union and subject to Rule 11 impose penalties [i.e., fines not exceeding the sum of $100, suspension, expulsion or dismissal from office,] on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules, policies or the decisions of the Divisional Executive. Provided that the rules, policies or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(o) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division, take such action as may be necessary to ensure the adherence to the rules of the Union and decisions and policies of the Divisional Conference and/or Divisional Executive by any Divisional Branch and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(p) Control and supervise the work of the Divisional Officers.

(q) To establish new Divisional Branches and amalgamate existing Divisional Branches, to close or disband Divisional Branches in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the No. 7 Divisional Branch without its consent), and generally to control Divisional Branches and the members thereof including the power to disallow By-Laws made by any Divisional Branch in conflict with these Rules.

(r) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

15. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, telegram, telex, facsimile, email or otherwise in writing, telephone or verbally, provided that in the latter two instances such is confirmed by letter, telegram, facsimile, email or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches, or Divisional Branches whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, the Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(b) Should any officer be removed from office the Divisional Executive shall appoint a member to fill the vacancy until the next elections are held in accordance with the rules, but no person shall be

appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive. In the event of the appeal being upheld the Divisional Conference or National Executive may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of the Divisional Conference, Executive and meetings convened by the Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where the Divisional President is a full time officer the Divisional President shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall summon all meetings of the Divisional Conference and Divisional Executive, issue all necessary notices to members of the Divisional Conference or Divisional Executive or to Divisional Branches in connection with such meetings.

The Divisional Secretary shall sign all cheques in addition to one of the Trustees and shall be the signatory to all documents on behalf of the Division.

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the implementation and compliance by the Division and Divisional Branches of the decisions, rules and policies made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive or Divisional Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.

Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall have the authority to initiate any proceedings and/or actions to advance or defend the interests or objectives of the Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive or Divisional Conference and allocate the duties of Officers.

The Divisional Secretary shall be an ex officio member of all Divisional Branch Committees, but shall not be entitled to vote in respect of the decisions of those committees.

(iii) Divisional Assistant Secretary (s):

The Divisional Assistant Secretary(s) shall perform all duties assigned by the Divisional Executive. The Divisional Assistant Secretary(s) shall be under the control of the Divisional Secretary and shall attend all meetings of Divisional Executive, Divisional Conference and National Executive. The Divisional Assistant Secretary may exercise any and all of the powers and duties of the Divisional Secretary on the delegation of the Divisional Secretary and shall exercise such powers and duties while the Divisional Secretary is absent from duty.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(v) Divisional Vice-President(s):

The Divisional Vice-President(s) shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President(s) shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of the Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be determined from time to time by the Divisional Executive.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, and one (1) Divisional Trustee or on absence on leave of the Divisional Secretary, by the Assistant Secretary or Divisional President and one (1) Divisional Trustee.

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(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the Divisional Office, may be disbursed by decision of the Divisional Secretary.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive or Divisional Conference.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Division. Where this is not possible, investments shall be made in the name of the Divisional Trustees. The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The Divisional Executive shall have the authority to hold, purchase, lease, sell, mortgage or otherwise deal in property on behalf of the Division and/or Branches which shall be executed on the Divisional Executive's behalf by the Divisional Secretary.

(vi) The property of the Division shall be under the control of the Divisional Executive.

15 - AUDITOR AND AUDITOR'S REPORT

(i) The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

(ii) The auditor shall, in the auditor's report, draw attention of the Divisional Executive, Divisional Conference to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

(iii) For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

(iv) On receipt of a petition signed by not less than 5% of the financial members of the union, the Divisional Secretary shall convene a general meeting of financial members to present the Auditor's Report, the general purpose financial report and the operating report.

(v) The petition shall have set out the members full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of financial members for a general meeting to be held, the petition shall be presented to the Divisional Secretary within 30 days of the first financial member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% financial members.

(vi) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice to the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter,including rules,otherwise than at a meeting assembled.

Provided that any such rescission, alteration or amendment which affects in any way the existence, structure or position under these rules of the Divisional No. 7 Branch, shall be of no effect unless endorsed by a resolution of the Divisional Branch Management Committee of that Divisional Branch.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(i) The following Divisional branches of the Union are hereby constituted:

(a) No. 1 Branch known as the New South Wales Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of New South Wales and the Australian Capital Territory (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(b) No. 2 Branch known as the Victorian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Victoria (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(c) No. 3 Branch known as the South Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of South Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(d) No. 4 Branch known as the West Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Western Australia. Provided that, notwithstanding any other rule to the contrary, any member of the United Timber Yards, Sawmills and Woodworkers Employees Union of Western Australia or any organisation that replaces that organisation shall be admitted as a member thereof, without the signing of an admission card or payment of an entrance fee, upon the payment of dues in accordance with the other divisional rules hereof.

(e) No. 6 Branch known as the Tasmanian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Tasmania (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(f) No 7 Branch known as the Pulp & Paper Workers Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members eligible for membership of the Union pursuant to Rule 2 (C) (ii) and those persons who are appointed to any office in the No. 7 Branch and are thereby eligible for membership of the Union pursuant to Rule 2 (C) (iii).

(g) No 8 Branch known as the Queensland Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Queensland (other than those persons who are eligible for membership of the No 7 Branch pursuant to the previous paragraph of this sub-rule).

(ii) The Divisional Conference or Divisional Executive shall have the power to constitute such other Divisional Branches or Sub Branches as it may determine appropriate from time to time.

(iii) A Divisional State Branch Principal Office shall be located in the Capital City of the State in which a State Branch is constituted in accordance with this rule unless otherwise determined by the National Divisional Conference or National Divisional Executive. The Divisional Branch Secretary shall attend to the effective operation and business of the Branch from the State Branch of the Division unless otherwise determined by the National Divisional Conference or National Divisional Executive.

(iv) A Divisional Branch shall have autonomy in matters affecting members of the Divisional Branch only.

19 - DIVISIONAL BRANCH RULES

Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the FFPD Divisional Branch Rules make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

20 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute may be submitted to the appropriate industrial Tribunal, Court or Commission, upon a resolution in favour of so submitting such dispute carried by a majority of the members of the Divisional Executive.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such submission.

In the case of an emergency or necessity however, such proceedings may be initiated and matters may be submitted by the authority of the Divisional Secretary, who may also authorise a Divisional Branch Secretary to initiate such proceedings and submit such matters on behalf of the Division.

The aforesaid power shall extend to cases of defending and/or responding to any proceedings or matters instituted or submitted by any other person, corporation, association or organisation. The Divisional Secretary and Divisional Branch Secretary shall be subject to the control of the Divisional Executive on all matters connected with such legal proceedings and matters.

21 - INDUSTRIAL AGREEMENTS

Industrial agreements and other instruments may be made by or on behalf of the Union as follows:-

An industrial agreement, and any instrument not required by law to be under seal, may be executed by the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the Common Seal of the Division by the Divisional Secretary.

22 - INDUSTRIAL DISPUTES

(1) In the event of an Industrial dispute taking place in any Divisional Branch the officers of such Divisional Branch shall try, by conciliation to settle the dispute. In the event of the Divisional Branch officers concerned being unable to secure a satisfactory settlement the matter may be referred to the Divisional Branch Executive who shall seek to resolve the dispute.

(2) In the event of no satisfactory settlement of such dispute being secured the Divisional Branch Secretary shall immediately report the matter to the Divisional Secretary who shall on behalf of the Division take charge of such dispute and shall consult with the Division President and shall if necessary convene a meeting of the Divisional Executive to deal with the matter.

(3) (a) The Division Secretary or a person authorised to act on behalf of the Division Secretary shall make any submission to a tribunal.

The Division Secretary or a person authorised to act on behalf of the Division Secretary shall be the person to sign or issue any document necessary for such submission.

(b) The Division may be represented in any proceedings before any Commonwealth or State Industrial Tribunal by the Division Secretary or by such other officers or persons authorised by the Division Secretary and subject to any authorisation vested by State Legislation.

(4) Notwithstanding anything contained elsewhere in this Rule, Divisional Branch No. 7 shall have autonomy in industrial matters affecting its members only and no action will be taken in relation to such matters by the Divisional Conference or Divisional Executive unless authorised and requested by the Divisional Branch Management Committee of the No. 7 Branch.

23 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at Trades Hall, Adelaide, or such place as the Divisional Executive shall decide.

24 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

25 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

26 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Division or body having objects similar in whole or in part to those of this Division.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $10.00 per week and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $10.00 per week.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

27 - LIFE MEMBERSHIP

The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may, at their entire discretion, constitute a member a Life Member, provided that the member has been a member for a period of at least 20 years, has retired from the industry, and was financial at the time of retirement. Life members shall not be liable to pay dues of any kind to the Division, and shall not be entitled to nominate for or to hold any office, but shall be entitled to vote at the Division elections. The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may reduce the qualifying period of membership in special circumstances.

28 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time the Divisional Secretary may submit a resolution dealing with such matter to the members by letter, facsimile, email, telephone, telegram, verbally and/or any other means of communications or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in the Divisional Secretary's absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

29 - BRANCH INFORMATION

It shall be the duty of the Divisional Branch Secretary of each Divisional Branch to transmit to the Divisional Secretary, on written request from the Divisional Secretary, a true copy of the minutes of each meeting of the Divisional Management Committee or Executive of such Divisional Branch or of any special meeting thereof.

30 - RULES OF DEBATE

MOTIONS, HOW DEALT WITH:

(a) All motions shall be of an affirmative character and must be moved and seconded by members. Such motions become the property of the Union, and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless two-thirds of the members present agree to an extension of time.

(b) Unless a member opposes the motion or proposes an amendment thereto, the motion shall be immediately put to the meeting for decision.

(c) A motion may be superseded at any time by another motion "that it be discharged from the notice paper" or "that the next business be proceeded with" being resolved in the affirmative.

(d) A motion may be amended at any time during the debate thereon by -

(i) striking out certain words
(ii) adding certain words, or
(iii) striking out certain words and inserting others in their place.

Always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(e) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(f) (i) At meetings other than meetings of the membership of a Branch or of a sub-branch all motions shall be put to the meeting by the chairperson in a clear manner. Any member present may demand that the vote be by ballot and the Chairperson shall thereupon conduct a ballot. In the absence of such a demand all motions shall be put to the meeting by the Chairperson by asking for the "ayes" to vote first and then the "noes". The Chairperson's decision as to which has the majority will be final unless any member present demands a show of hands. Upon such a demand being made the chairperson shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(ii) At meetings of the membership of a Branch or of a Sub-Branch all motions shall be put to the meeting by the Chairpeson in a clear manner by asking "ayes" to vote first and then the "noes".

The Chairperson's decision as to which has the majority will be final unless a member supported by one quarter of the number of members present demands a show of hands.

Upon such a demand being made the Chairperson shall appoint tellers to count the votes and shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(iii) If the votes are equal the question is resolved in the negative.

(g) No member shall be allowed to vote who was not present when the question was first put.

(h) A mover of a motion to be allowed 10 minutes to introduce and 5 minutes to reply. Other speakers 5 minutes unless two-thirds of the members present agree to an extension of time.

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(i) Any member desiring to move to change a decision of the Union or of a Branch must submit notice in writing of such intention to the Divisional Secretary or the Divisional Branch Secretary of the Union as the case may be fourteen (14) days prior to the date of the meeting at which they will move for such change.

(j) During the course of a meeting any resolution which has been the business of that meeting may be recommitted at the hearing.

RIGHT TO SPEAK

(a) Any member desiring to speak shall rise and address the chairperson. If two (2) or more delegates begin to address the chairperson at the same time, the Chairperson shall call upon the one who, in the Chairpersons opinion, began to speak first. Provided that no member can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(i) In reply as the mover of the original motion.

(ii) In explanation or correction of some matter during the debate.

(iii) Upon a point of order raised during the debate.

(iv) Upon a resolution being carried "that a member be now heard".

(b) A member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by the member.

(c) Not more than two members shall be allowed to speak in succession for or against any question. If at the conclusion of the second speaker's remarks no member speaks on the other side, the motion or amendment shall be put to the vote.

(d) Any member speaking shall at once stop:-

(i) If the chairperson begins to speak; or

(b) If a point of order is raised;

and shall not resume speaking until the point of order is decided.

(e) No member may speak to any question after it has been put by the chairperson, or during a division.

REPORTS

(a) A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of the Conference/Executive thereon.

(b) If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An

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amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

SITTING AS A COMMITTEE

Divisional Conference or Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Conference or Executive shall be observed when in Committee.

DEFINITION

In this rule "member" shall include any person attending a meeting.

CHAIRPERSON'S RULING

(a) The chairperson's rulings on all points of order shall be final, unless at the time a motion is carried that such ruling be disagreed with.

(b) When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

THE FORESTRY, FURNISHING, BUILDING PRODUCTS AND MANUFACTURING DIVISIONAL BRANCH RULES

31 - DIVISIONAL BRANCH NAME

(i) The following Divisional Branches of the Union are hereby constituted;

(a) No. 1 Branch known as the New South Wales Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of New South Wales and the Australian Capital Territory (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(b) No. 2 Branch known as the Victorian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Victoria (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(c) No. 3 Branch known as the South Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of South Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

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(d) No. 4 Branch known as the Western Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members residing in the State of Western Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule). Provided that, notwithstanding any other rule to the contrary, any member of the United Timber Yards, Sawmills and Woodworkers Employees Union of Western Australia or any organisation that replaces that organisation shall be admitted as a member thereof, without the signing of an admission card or payment of an entrance fee, upon the payment of dues in accordance with the other divisional rules thereof.

(e) No. 6 Branch known as the Tasmanian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Tasmania (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(f) No. 7 Branch known as the Pulp & Paper Workers Branch of the Forestry Furnishing, Building Products and Manufacturing Division consisting of all members eligible for membership of the Union pursuant to Rule 2 (c)(ii) of the National Rules and those persons who are appointed to any office in the No. 7 Branch and are thereby eligible for membership of the Union pursuant to Rule 2 (c)(iii) of the National Rules.

(g) No. 8 Branch known as the Queensland Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Queensland (other than those persons who are eligible for membership of the No 7 Branch pursuant to the previous paragraph of this sub-rule).

(ii) The Divisional Conference and Divisional Executive shall have the power to constitute such other Divisional Branch or Branches as it may determine appropriate from time to time.

(iii) A Divisional Branch shall have autonomy in matters affecting members of the Divisional Branch only.

32 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the FFPD Division of the Union residing or employed in the State, Territory or Industry sector concerned shall be and remain members of that Divisional Branch.

33 - SEAL OF DIVISIONAL BRANCH

The seal of the Divisional Branch shall be oval in shape, inscribed on the outer edge shall be the words "The Construction, Forestry, Mining and Energy Union" and on the inner space shall have the words "FFPD Division" and under that shall have the name of the Divisional Branch.

It shall be in the custody of the Divisional Branch Secretary, and shall be used or affixed to any document by the Branch Secretary where necessary or desirable and where that document has been made with the authority of the Divisional Branch.

34 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant and a financial member of the Divisional Branch.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) All applications for membership of the Divisional Branch shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Management Committee.

Applications for membership shall be dealt with by the Divisional Branch Management Committee or Divisional Branch Executive, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit the applicant to membership of the Divisional Branch and the Union.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the FFPD Division, the Divisional Branch, and the Union.

(d) A new member shall pay on application for membership all moneys required to be paid by a new member.

(e) Applicants for membership shall be workers of good character, and shall when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

35 - ENTRANCE FEE

(i) All applicants for membership of the Division shall pay an entrance fee if determined by the Divisional Branch Management Committee, such entrance fee shall not exceed $10.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

(ii) Applicants joining on clearances or transfers in accordance with the rules of Union or who have previously been members of the Union shall not be required to pay an entrance fee.

36 - CONTRIBUTIONS

(i) Each member shall pay a yearly contribution of not less than $10.00 said amount payable in one sum on or before the 30th June in each year, or within one week of becoming a member, provided that Branches shall be allowed to issue half-yearly tickets at not less than $5.00 per half-year, said amount payable in advance on the 1st January and the 1st July in each year, and quarterly tickets at not less than $2.50 per quarter, said amount payable in advance on the 1st January, the 1st April, the 1st July and the 1st October in each year. Any person joining during the currency of any quarter shall pay for the full quarter.

Provided further that the Management Committee or Executive of any Divisional Branch may, if in its opinion it is desirable or necessary for financial or other good reasons that the aforesaid

Entrance fees or Contributions should be increased, reduced, altered or waived, the said Management Committee or Executive Committee may make such decision as it deems desirable or necessary, and any such increase, reduction, alteration or waiver shall as far as that Divisional Branch is concerned, be the Entrance fee and/or Contribution payable in that Divisional Branch of the Union by the members of that Divisional Branch or Divisional Sub-Branch of the Union.

Provided also that the Divisional Conference or Executive shall have power to review and alter any such increases or decreases or alterations made in the contributions of any Divisional Branch if in its opinion it is in the interests of the Division to do so.

(ii) Notwithstanding anything contained elsewhere in these Rules the Division may through its Branches make an arrangement with an employer or employers employing members of the Division that the employer will on receipt of an authorisation acceptable to the Divisional Branch, deduct from the wages, or monies, payable to the members so employed amounts by way of contributions, fees, levies, fines, dues or monies owing by the member of the Union. If a member to whom any such arrangement is applicable, lodges such an authorisation with the Union or the employer, that member shall be deemed to be a financial member, as from the first pay day in respect of which deductions are made, pursuant to the authorisation, and shall remain a financial member, so long as the authorisation remains in force.

Provided that any member who at the time of the first deduction, pursuant to the authorisation, was an unfinancial member shall continue to be so until all arrears, in contributions, fees, levies, etc. are paid.

Provided further, that if a member ceases to be employed by an employer, who has been making deductions pursuant to such an arrangement, the amount of the contributions, fees levies etc., then unpaid by the member, shall become due and payable on the first day of the quarter next ensuing after the member ceases to be employed.

(iii) Such contributions shall be paid to and collected by the Divisional Branch Secretary or an authorised agent of the Divisional Branch.

Levies

(iv) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by the Divisional Branch Management Committee or the Divisional Branch Executive Committee.

Fines

(v) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by the Divisional Branch Management Committee or the Divisional Branch Executive Committee.

All moneys paid by a member shall be credited in the following order:

(a) In payment of any levies due; and

(b) In payment of any fines due, and

(c) In payment of any contributions due

Unfinancial Member

(vi) Any member who has failed to pay all contributions, levies and fines imposed in accordance with the Rules of the Union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any deliberations, nominate for official positions, propose any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

37 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of the Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $5.00 per copy.

38 - UNEMPLOYED MEMBERS

(i) When, in the opinion of the Divisional Branch Management Committee, a condition of unemployment in the industry exists the following conditions may be applied:

(ii) Members becoming unemployed, ie, being employed under the terms of the Award or Agreement covered by this Division for less than one month in any quarter, may apply to be placed on an unemployed members list if any.

(iii) This list shall be kept at the Divisional Branch office under the control and supervision of the Divisional Branch Management Committee.

(iv) Members wishing to be placed on the unemployed list must apply in writing to the Divisional Branch Secretary, and shall attend at the Divisional Branch Office or such place as may be decided by the Divisional Branch Management Committee, or give satisfactory proof of their inability to attend.

(v) All applications for inclusion on the unemployed members' list shall be dealt with by the Divisional Branch Management Committee Executive Committee or other authorised committee who shall, if satisfied that the application is genuine, include them on the list.

(vi) Members placed on the list shall be exempt from the payment of contributions for the period specified in this Rule. They shall be entitled to all rights under these rules, but shall only qualify for funeral benefit applicable at the discretion, or upon conditions determined by the Divisional Branch Management Committee.

(vii) Exemption from payment of contributions shall operate for a period of twelve months from the date of inclusion on the unemployed members' list, or until again employed, whichever is the lesser.

(viii) On expiration of the 12 months' period, unemployed members may make further application to be again placed on the unemployed list. Each further application may be approved by the Divisional Branch Management Committee who may require payment of such amount of contributions as may be considered reasonable.

(ix) Any member commencing employment without notifying the Divisional Branch Secretary and continuing to receive the benefits of this unemployed clause while in employment shall be deemed to have committed a breach of the Rules. Such member(s) shall be required to pay full contributions for the period of employment and in addition, may be dealt with under the provisions relating to misconduct.

(x) Continuous membership for the purpose of this Rule, and wherever encountered in these Rules, means continuous membership without any break in the continuity of membership from the last date of acceptance into the Branch.

39 - FUNDS OF THE DIVISIONAL BRANCH

(i) The Divisional Branch shall raise funds by entrance fees, contributions, levies and fines, which funds, together with any other monies received, shall be applied for the following purposes:-

(a) Defraying the cost of administering the affairs of the Divisional Branch;

(b) Subscribing on a pro rata basis to any organisation or Labor Council with which the Union may become affiliated and to which affiliation the Divisional Branch agrees;

(c) Defraying any expenses incurred in any legal proceedings;

(d) Assisting any members out of work through any trade dispute;

(e) Making all necessary payments as determined by the Divisional Branch Committee in connection with any matters affecting members in regard to:-

(i) Preservation of life and limb;
(ii) Compensation for injuries and death;
(iii) The hours of labour;
(iv) The remuneration of labour;
(v) Protection of salaries and wages;
(vi) Other conditions affecting employment of members;
(vii) For the furtherance of any of the matters as set forth in the objects of the Union;
(viii) And any other matters when the Divisional Executive or Divisional Branch Management Committee determines the best interests of members require it.

(ii) The Divisional Branch Fund which shall be managed and controlled by each Divisional Branch Management Committee shall consist of:-

(a) Any real or personal property of which the Divisional Branch by the Rules or by any established practice not inconsistent with the Rules has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;

(b) All entrance fees and all contributions collected in accordance with the Rules save and except such part of the contributions as are fixed by the Divisional Conference from time to time and are Divisional Funds in accordance with Sub-Rule (vii) of Rule 6 of the Division Rules.

(i) Shall pay such moneys required by the Rules of the Union or in accordance with the rules of the Union.

(c) All fines and levies raised pursuant to Divisional Branch Rules;

(d) Any interest, rents or dividends derived from the investment of the Fund;

(e) Any superannuation or long service leave fund operated or controlled by the Divisional Branch for the benefit of its officers or employees;

(f) Any sick pay fund, accident pay fund, mortuary or funeral fund, tool benefit fund or like fund operated or controlled by the Divisional Branch for the benefit of its members;

(g) Any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and

(h) The proceeds of any disposal of parts of the Fund.

40 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Management Committee who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

(b) The auditor shall have full and complete access to the books and documents of the Branch.

(c) On receipt of a petition signed by not less than 5% of the financial members of the union, the Divisional Branch Secretary shall convene a general meeting of financial members to present the Auditor's Report, the general purpose financial report and the operating report.

(d) The petition shall have set out the members full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of financial members for a general meeting to be held, the petition shall be presented to the Divisional Branch Secretary within 30 days of the first financial member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% financial members.

(e) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

41 - MANAGEMENT COMMITTEE AND OFFICERS

The business of each Divisional Branch shall be conducted in accordance with these Rules by a Management Committee consisting of a President, a Senior Vice President, two (2) Vice Presidents - one (1) of which will be designated an affirmative action position to be filled by a woman member, Secretary, Assistant Secretary/ies (the number, if any, to be decided by the Divisional Branch Management Committee prior to the calling of nominations), and four (4) Trustees - one (1) of which will be designated an affirmatve action position to be filled by a woman member who shall be the Officers of the Management Committee and who shall form the Executive, and not more than ten (10) other members - two (2) of which will be designated affirmative action positions to be filled by women members, who shall with the Executive, form the Management Committee. In respect to the NSW Divisional Branch there shall be an additional President (full-time) and one (1) additional Trustee who shall be officers of the Management Committee and who shall also form the Executive Committee of the Divisional Branch.

Nominations for the designated affirmative action positions will be called from women members only, although this does not preclude women members from holding any other Management Committee, Executive or Officer positions.

The failure to fill the designated affirmative action positions shall not prevent a Divisional Branch carrying out or conducting the business of a Divisional Branch.

42 - DUTIES OF MANAGEMENT COMMITTEE

(i) The Divisional Branch Management Committee shall be the highest deliberative body of the Divisional Branch and shall subject to the Rules manage and superintend the affairs of the Divisional Branch protect the funds and perform all the duties allotted to them by the Rules. The Divisional Branch Management Committee shall have the power subject to these rules to:-

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the

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Union and to raise or spend such funds as are necessary to carry out the objects and to employ such assistance as it may deem necessary.

(b) Direct the policy of the Divisional Branch.

(c) Subject to rules 16 and 60, amend or add to the Rules.

(d) Hear and determine all appeals that are submitted in accordance with the Rules.

(e) Fix the salaries, allowances, conditions of employment and/or entitlements of the Divisional Branch Officers, employees, delegates and members as it deems to be appropriate and to appoint and/or remove and/or suspend officers, organisers and employees of the Divisional Branch.

(f) Fine, suspend or expel Committee members, delegates and/or members for knowingly refusing to comply with the Rules or the decisions or policy of the Divisional Conference, Divisional Branch Management Committee or Divisional Branch Executive.

(g) All Divisional Branch Officials and assistants shall be under the control of the Management Committee and Executive, subject to the Rules.

(h) Investigate, report and take such action in accordance with these rules upon all grievances and disputes of officials, officers and members that are placed before them.

(i) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated and to select persons as delegates to represent the Divisional Branch at meetings and committees.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $10.00 per week provided that in no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

(l) Subject to Rule 40 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Executive Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers (if any) under the provisions of the Rules.

(s) Appoint Temporary Organisers under the provisions of the Rules.

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(t) Appoint a Divisional Branch Returning Officer for the conduct of any elections as may be necessary.

(1) The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(2) The Divisional Branch Returning Officer so appointed:

(i) may not be a member of the Union; and

(ii) shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(ii) The Management Committee shall meet at least twice per annum, five (5) members shall form a quorum. The Executive Officers shall pass accounts, subject to the review of the Management Committee and deal with applications for membership.

(iii) Each member of the Committee shall be paid the sum of not less than $4.00 or the expenses and loss of time for each meeting the Committee member attends.

(iv) Each Divisional Branch shall hold General Meetings as may be deemed necessary.

(v) The Divisional Branch Management Committee shall ensure the Divisional Branch and its officers and members carry out the decisions and policies determined by the Divisional Conference and/or Divisional Executive and the rules of the Union are complied with.

43 - DIVISIONAL BRANCH EXECUTIVE COMMITTEE

(a) The Divisional Branch Executive Committee shall meet at least six (6) times in a calendar year and subject to a review of their actions by the Divisional Branch Management Committee, shall have the care, control, superintendence, management, administration, powers and responsibility in all respects of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee.

(b) A quorum for any meeting shall be a majority of the Executive Officers as set out in Rule 41 hereof.

(c) The Divisional Branch Executive shall meet at a time and place determined by the Executive when special meetings are required to be convened wherein the time and place shall be determined by the Divisional Branch Secretary and the Divisional Branch President. The Divisional Branch Secretary and the Divisional Branch President may determine the time and place of any meeting of the Divisional Branch Executive and shall notify the members of the Divisional Branch Executive of such time and place as soon as is convenient and the Divisional Branch Executive and/or the Divisional Branch Secretary and Divisional Branch President may determine the time and place of the meeting of the Divisional Branch Management Committee and shall notify the members of the Divisional Branch Management Committee as soon as is convenient of such time and place.

(d) The Divisional Branch Executive shall carry out any duties which they have been directed to perform by the Divisional Branch Management Committee.

44 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President (which shall mean the honorary Divisional Branch President in NSW) shall preside at meetings of the Divisional Branch Management Committee or Divisional Branch Executive Committee and meetings convened by the Divisional Branch Management Committee or Divisional Branch Executive.

(b) The Divisional Branch President(s) shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee or Divisional Branch Executive.

(c) The Divisional Branch President(s) shall conduct business in accordance with Rules laid down for guidance. The President shall not enter debate on any question, but shall endeavour to bring the business to a satisfactory conclusion, and shall have a deliberate vote only.

(d) The Divisional Branch President(s) shall sign the minutes of proceedings of all meetings convened by the Divisional Branch Management Committee or Divisional Branch Executive Committee when same have been duly confirmed.

(e) The Divisional Branch President(s) may be required by resolution of the Divisional Branch Management Committee or Divisional Branch Executive Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Management Committee, Divisional Branch Executive Committee or any Committees established in accordance with these Rules and shall if so required submit a report in writing of the findings to the Divisional Branch Management Committee or Divisional Branch Executive Committee members.

(f) The Divisional Branch President(s) shall be an ex-officio member of all Committees.

45 - DUTIES OF DIVISIONAL BRANCH VICE PRESIDENTS

The Divisional Branch Vice Presidents shall attend all meetings of the Divisional Branch, and assist the Divisional Branch President in the duties of the Divisional Branch President's office. The Divisional Branch Senior Vice President shall officiate in the Divisional Branch President's absence, with all the powers conferred on the chair. In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, a Divisional Branch Vice President shall officiate, with all the powers conferred on the chair. In the absence of the Divisional Branch President and Divisional Branch Vice Presidents the meeting shall elect one of its number to preside.

46 - DUTIES OF DIVISIONAL BRANCH TRUSTEES

(1) Divisional Branch Trustees shall be elected in accordance with Rule 51.

(2) Such Divisional Branch Trustees:-

(a) Shall be responsible for the safe custody of the Common Seal, documents and securities of the Divisional Branch of the Union. Documents and securities shall be deposited in the name of the Divisional Branch of the Union, countersigned by the Divisional Branch Trustees on behalf of the Divisional Branch.

(b) Shall act only on resolution of the Divisional Branch Management Committee or Executive, certified under the hands of the Divisional Branch Secretary.

(c) Shall, subject to the directions of the Divisional Branch Management Committee or Executive, have custody of all property of the Divisional Branch.

(d) Shall be signatory for any accumulated funds invested in securities allowed by law as the Divisional Branch Management Committee or Executive may direct;

(e) Shall sign cheques or warrant for the withdrawal of funds which shall be countersigned by the Divisional Branch Secretary.

47 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Management Committee and the Divisional Branch Executive Committee and shall be employed in a full time capacity (unless otherwise determined by the Divisional Executive) and shall among other things conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Management Committee or Divisional Branch Executive Committee.

(c) The Divisional Branch Secretary shall prepare and forward to the Industrial Registrar returns as required by law.

(d) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Management Committee and Executive meeting; and shall attend meetings of the Divisional Branch Management Committee, Divisional Branch Executive Committee and other meetings called by the Divisional Branch Management Committee or Divisional Branch Executive Committee.

(e) Be in charge of the office and subject to Rule 42 shall direct the labours of the officials and employees of the Union.

(f) Keep a correct account of all monies received and expended.

(g) The Divisional Branch Secretary shall sign all cheques in addition to one of the Trustees and shall be the signatory to all documents on behalf of the Divisional Branch and be responsible for the affixing of the official seal of the Divisional Branch.

(h) Be permitted to hold petty cash to the amount of $500.00.

(i) Be paid incidental and travelling expenses.

(j) Generally conduct all financial transactions of the Branch.

(k) Draw up a report and balance sheet, to be submitted to the Divisional Branch Management Committee as directed, and submit the books and accounts annually to the auditors.

(l) Keep a record of the names and addresses of all members of the Union, the names, addresses and occupations of all officers of the Branch, with the dates when they were admitted, died or left, their financial position in the Union and all other particulars necessary to enable the Rules to be enforced.

(m) Receive all monies, and pay same into such Bank as the Divisional Branch Management Committee may direct, to the credit of the Union within seven (7) days after the receipt of same.

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(n) When vacating office, deliver to the successor in office, in the presence of the Divisional Branch Management Committee or Executive, all books, documents and other property of the Divisional Branch in the Divisional Branch Secretary's possession.

(o) Produce for audit at least once a year, and at such other times as the Divisional Branch Management Committee may direct, all books and documents of the Divisional Branch appertaining to finance.

(p) Forward to the Divisional Secretary when requested a true copy of the minutes of each meeting of the Divisional Branch Management Committee or Executive or any special meeting thereof.

(q) The Divisional Branch Secretary shall summon all meetings of the Divisional Branch Management Committee and Divisional Branch Executive, issue all necessary notices to members of the Divisional Branch Management Committee or Divisional Branch Executive in connection with such meetings. In consultation with the Divisional Branch President the Divisional Branch Secretary shall be authorised to convene any extraordinary meeting as deemed necessary.

(r) The Divisional Branch Secretary shall be ex officio member of all committees of the Divisional Branch.

(s) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of the Divisional Branch Secretary office.

(t) The Divisional Branch Secretary shall be responsible for the implementation and compliance of the decisions, rules and policies determined by the Divisional Conference or Divisional Executive by the Divisional Branch of which the Divisional Branch Secretary was elected.

48 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY/IES

(If Required)

(a) The Divisional Branch Assistant Secretary/ies shall be under the control of the Divisional Branch Management Committee and the Divisional Branch Executive Committee and shall, under the direction and authority of the Divisional Branch Secretary, carry out all responsibilities allocated to the position.

(b) The Assistant Secretary shall in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary.

(c) The Assistant Secretary shall attend meetings of the Divisional Branch Management Committee, Divisional Branch Executive Committee and other meetings called by the Divisional Branch Management Committee or Divisional Branch Executive Committee.

49 - DUTIES OF ORGANISERS

The Divisional Branch Management Committee may determine the number (if any) of Organisers of the Divisional Branch and the number (if any) to be appointed by it or elected pursuant to Rule 51 and shall determine the duties to be performed by any such Organisers.

50 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any position in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wages and conditions as shall be determined at a properly constituted meeting of the Divisional Branch Management Committee/ Executive Committee.

(b) Full-time paid officers shall be under the control of the Divisional Branch Executive Committee between Divisional Branch Management Committee meetings and shall carry out all instructions of the Divisional Branch Management Committee or Divisional Branch Executive Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of the intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Management Committee first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Executive Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Executive Committee a medical certificate setting out that the officer has recovered and is capable to carry out the duties in accordance with the Rules.

51 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who is financial as provided for in Rule 6, at the time of nominations and has financial membership of the Divisional Branch in accordance with the scale set out in this rule, may nominate for such positions according to this scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member a decision as to which position the member wishes to contest.

(iv) Where no decision is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-

Secretary, Assistant Secretary, President, Organiser.

(v) The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Assistant Secretary/ies	) 3 years'
Divisional Branch President(s)	) financial
Divisional Branch Delegate to	) membership
Divisional Conference	)
Divisional Branch Senior Vice President	) 1 year's
Divisional Branch Vice Presidents	) financial

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Divisional Branch Trustees	) membership
Divisional Branch Management Committee	)
and	)
Organiser	)

Provided that for the purposes of this sub-rule financial membership of the State Registered union being the United Timber Yards, Sawmills and Woodworkers Employees' Union of Western Australia or its successor shall be for all purposes continuous with and counted as financial membership of this Division.

(b) The term of office for the above positions shall be four years and such term shall commence from the 2nd January, following the election.

(c) Nominations for the above positions, shall be called by the Divisional Returning Officer by notification in the union journal if one is due to be published and in one daily newspaper circulating in the Divisional Branch area on or before the last day of August of every fourth year commencing on and from the last day of August, 1996.

Provided that such advertisements shall clearly indicate that the Divisional Executive Committee members and the full-time Divisional Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations shall open on the second Monday in September. Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

(f) A member having nominated for any office in accordance with these Rules may withdraw the nomination by notifying the returning officer in writing of an intention to do so at any time up to 14 days after the closing of nominations. The returning officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the members name from the ballot papers prior to their distribution.

(g) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Management Committee member 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(h) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(i) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or a nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable the supply of a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by prepaid post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary and that envelope shall contain only the following documents -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(ii) a declaration envelope and an empty unsealed pre-paid post envelope addressed to the Divisional Branch Returning Officer, c/- the numbered mail box referred to in this rule;

(iii) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Branch Returning Officer may consider necessary;

(iv) the candidates statement provided for in accordance with sub-rule (g) of this rule.

(v) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail each relevant ballot paper.

(o) For the purpose of the election the books of the Divisional Branches shall be deemed to have closed as at 1st September in the year of the election. Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines prior to the 1st September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Branch Returning Officer that they have paid all contributions, levies and fines prior to the 1st September in the year of the election shall be entitled to receive a ballot paper and the Divisional Branch Returning Officer shall send by post, a ballot paper in accordance with sub-rule (n) of this rule.

(p) The opening date of the ballot shall be the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the

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Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(q) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box until the commencement of the count of the ballot which will take place no later than the first working day following the closing of the ballot and shall be completed as soon as is practicable.

(r) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(s) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 68, Definitions, and the candidate or candidates receiving the necessary votes shall be deemed elected.

(t) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

(u) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Secretary of the result of the ballot and the Divisional Branch Management Committee or Divisional Branch Executive shall issue instructions for the publication of same in their minutes. The Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

(v) The Divisional Branch Returning Officer's report to the Divisional Branch Secretary shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposes.

(w) The successful candidates shall take up their respective duties at a date determined by the Divisional Branch Executive which shall be a date between the 1st day and the 14th day of January following the election held in the preceding year and shall remain elected until their successors take up office.

(x) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(y) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(z) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in this sub-clause, the Divisional Branch Returning Officer shall conduct an election in accordance with this rule with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

(aa) Following the election in 1993 the elections of Divisional Branch officers shall be held in accordance with the timetable prescribed for delegates to Divisional Conference (see National Rule 17). Provided that in 1993 the timetable for the election shall be in accordance with National Rule 17(ff).

52 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Management Committee.

53 - EXTRAORDINARY VACANCIES

(1) An Officer of a Divisional Branch including a Member of the Divisional Branch Management Committee shall cease to hold office and such office shall thereupon become vacant if and when:-

(a) an officer/member dies, or has by reason of physical or mental disability become incapable of carrying out the duties of the office;

(b) the officer/member resigns from office or membership of the Union;

(c) the officer/member is dismissed from office in accordance with Rule 54;

(d) the officer/member ceases to be a member of the Divisional Branch in which the officer/member holds office.

(e) the officer/member becoming unfinancial in accordance with these Rules.

(2) Any extraordinary vacancy which occurs in the office of any officer including a member of the Divisional Branch Management Committee shall be filled by the holding of an election in accordance with Rule 51, with the necessary changes, and the member so elected shall hold office for the remainder of the term for which the predecessor to the office was elected provided that where the remainder of the term does not exceed

(a) twelve months, or

(b) three-quarters of the term of the office whichever is the greater - the Divisional Branch Management Committee may select by resolution any eligible member of the Divisional Branch to fill the office for the remainder of the term.

54 - REMOVAL OF OFFICERS AND MANAGEMENT COMMITTEE MEMBERS

(a) Any officer/member of a Divisional Branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross

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misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(b) Any officer/member of the Divisional Branch Management Committee charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of the rules. The officer or Divisional Branch Management Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in their defence, or if the officer prefers, may answer the charges in writing.

In the case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to the Divisional Conference or Executive whichever is appropriate as soon as it is conveniently possible from the date of the decision. Rule 71 - Appeals of Members shall apply.

55 - DUTIES OF MEMBERS AND OFFENCES

A. DUTIES

(a) To adhere strictly to the Rules of the Union, Division and its Divisional Branches.

(b) To promote the industrial welfare of every other member.

(c) To attend the meetings of the Divisional Branch as often as possible and to assist the Officers to the best of the members' ability.

(d) To supply the Divisional Branch Secretary with information as to where work is procurable for members.

(e) Not to knowingly divulge any portion of the Union's business to any non-member or to discuss it with members in the presence or within the hearing of non-members.

(f) When joining the Union to furnish the Divisional Branch with an address and notify any change of address within fourteen (14) days of such change.

(g) Not to defraud other members.

(h) To render every assistance to Shop Stewards/Job Delegates in their respective work places in the carrying out of their duties.

(i) To answer or cause to answer any correspondence received from the Divisional Branch Secretary and to supply any information that may be required.

(j) To report to the Divisional Branch Secretary or the Divisional Secretary any member believed to be guilty of a breach of the Rules.

B. OFFENCES

(1) Any member may charge any other member with;

(a) Committing any breach of the Rules.

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(b) Failing to comply with any lawful resolution or direction passed or given under any Rule of the Union after having been given notice thereof.

(c) Committing any fraudulent act or unlawful act in relation to funds or property of the Union or in relation to any election held under its Rules.

(d) Wrongfully holding themselves out as occupying any office or position in the Union or any Divisional Branch thereof, or as being entitled to represent the Union or any Divisional Branch in any capacity.

(e) Behaving in a drunken, disorderly or offensive manner towards an officer of the union or at any meeting held under the Rules of the Union or in the office of the Union or of any Divisional Branch.

(f) Knowingly giving false information to any officer, representative or employee of the Union or any person acting as or on behalf of a Returning Officer conducting any election under its Rules relating to any Union business or election or any matter affecting the interest of the Union or its members, or refusing to give information to such persons when reasonably requested to do so.

(g) Aiding or encouraging any other member in any offence under these Rules.

(h) Doing any act calculated to injure or destroy the Union or making any wilful false statement concerning the administration of its affairs.

(i) Failing to report to the Divisional Branch Management Committee or the Divisional Conference a member believed to be guilty of a breach of the Rules.

(j) being the holder of any office within the Union

(i) misappropriation of the funds of the Union;

(ii) a substantial breach of the Rules of the Union; or

(iii) gross misbehaviour or gross neglect of duty.

(2) Any charge must be made in writing and shall be made to the Divisional Secretary or the Divisional Branch Secretary. Such Officer shall, if directed by the Divisional Branch Management or Executive Committee or the Divisional Conference or the Divisional Executive, summon the member charged. Such summons shall be in writing and shall state the time and place of the hearing and the substance of the charge. The member's fares to and from the place of the meeting shall be paid. The member shall on written request, be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is charged.

(3) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be investigated, whether or not the person charged is present, unless a satisfactory explanation of the absence has been received.

(4) At the hearing the member charged must be given a reasonable opportunity to present a defence to the charges including a reasonable opportunity to call any witness upon whose evidence the member wishes to rely, and if necessary to tender a written submission.

(5) If the Divisional Conference or the Divisional Executive or Divisional Branch Management Committee or Divisional Branch Executive finds the member concerned so charged guilty it may:

(a) Impose a fine of a sum not exceeding $100.00, and/or

(b) Suspend the member from membership; and/or

(c) Remove the member from any office or position; and/or

(d) Expel the member from membership of the Union.

(6) Suspension from membership shall deprive a member of the rights and benefits of membership, but shall not relieve the member of the obligations of membership and shall not exceed six months for any one offence.

(7) An appeal under this Rule shall lie in respect of any decision from a Divisional Branch to the Divisional Conference, or the Divisional Executive, provided that Notice of Appeal shall be given in writing to the Divisional Secretary within twenty-one days from the date of the member being notified of the Divisional Branch decision and shall set forth in full all matters which the appellant desires to be considered.

(8) The Divisional Conference or the Divisional Executive shall decide the appeal at its next meeting after the appeal is made and the appellant shall have the right to attend the meeting and state a case on the appeal.

(9) Notwithstanding anything to the contrary in these Rules a person elected to any office within the Union shall not be dismissed from office unless found guilty of misappropriation of the funds of the Union a substantial breach of the Rules of the Union or of gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold the office.

56 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's union subscriptions.

57 - SHOP STEWARDS/JOB DELEGATES

(1) A majority of members in each workplace or where appropriate department of the workplace present may select from amongst their number a person or persons to act as Steward or Stewards, Job Delegate or Job Delegates who shall as far as possible perform the following duties:-

(a) To see that these Rules are strictly adhered to.

(b) To investigate and if possible rectify any complaints or disputes and if unsuccessful to refer any such matters to the Divisional Branch Secretary for resolution.

(c) To report any infringement of any award or agreement affecting the Union to the Divisional Branch Secretary at once.

(d) To attend all meetings as regularly as possible.

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(e) To notify the Divisional Branch Secretary when possible within twenty-four hours, of all accidents to members of the Union. All such information shall be supplied where possible on a form furnished by the Divisional Branch Secretary.

(g) It shall be the duty of all Shop Stewards/Job Delegates to endeavour to enrol appropriate workers in their respective workplace or jobs into the Union.

(h) On the start of every job where two or more workers are working there shall be a show of cards and also at any time the Shop Steward/Job Delegate may determine.

(i) Any member refusing to show their card when required by a Shop Steward/Job Delegate shall be liable to be fined up to $100 by the Divisional Branch Management Committee.

(j) It shall be the duty of Shop Stewards/Job Delegates to interest themselves in the welfare of the worker probationers, indentured apprentices and trainees.

(k) On direction of the Divisional Branch Management Committee or at the request of one third of the members on the job, they shall be required to call a meeting as soon as convenient.

(2) The Divisional Branch Secretary shall be advised of the appointment of Shop Stewards/Job Delegates in accordance with paragraph (1) and approved by the Divisional Branch Management Committee or Executive. In the event of failure of the members to appoint a Steward/Job Delegate in accordance with paragraph (1) the Divisional Branch Secretary or an officer authorised by the Divisional Branch Secretary shall have the power to appoint a Steward/Job Delegate or Stewards/Job Delegates.

(3) Where no alternative arrangements for the payment of Union contributions have been determined by the Union, the Steward/Job Delegate shall collect all contributions, fines and levies due to the Union by members in the work place where the Steward/Job Delegate is employed, the same to be paid to the Secretary within 14 days. The Steward/Job Delegate may be paid a Commission to be fixed by the Divisional Branch Management Committee on all monies (except levies) collected, and shall be paid quarterly.

(4) If the Divisional Branch Secretary is advised by members in any work place of their dissatisfaction with the performance of a Shop Steward/Job Delegate then a meeting of members will be convened to consider the complaints.

58 - VICTIMISATION

Should any Shop Steward or Job Delegate be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee/Executive Committee shall take all necessary steps to see that the Shop Steward/Job Delegate interests are protected.

59 - ALLOWANCES

The Divisional Branch Management Committee/Executive Committee may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any Divisional Sub-Branch thereof.

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2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

61 - LOANS, GRANTS AND DONATIONS

A loan, grant or donation of an amount exceeding $1,000.00 shall not be made by any Divisional Branch, unless the Divisional Branch Management Committee or the Branch Executive Committee, as the case may be:

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the other Rules of the Union or of the Divisional Branch, as the case may be; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory, and

(b) has approved the making of the loan, grant or donation.

62 - FUNDS - HOW COLLECTED

All entrance fees, contributions, levies, fines, fees and dues payable by members shall be paid to and collected by the Divisional Branch Secretaries, or their authorised agents, or any other authorised agent of the Divisional Executive.

63 - CHANGE OF RESIDENCE

Any member changing residence shall report the same to the Divisional Branch Secretary within fourteen (14) days and in default shall be liable to a fine of up to $100.

64 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary.

65 - SETTLEMENT OF INDUSTRIAL DISPUTES

(1) Whenever a dispute arises between any employer and a member or members, such member or members shall report the same to the Divisional Branch Secretary, who shall endeavour to settle same, failing which:-

(2) The Divisional Branch Secretary may call a meeting of the Divisional Branch Executive and such Executive Committee shall consider such dispute and endeavour to settle the same amicably.

(3) Failing a settlement being obtained, the Divisional Branch Secretary shall, if the Divisional Branch Executive Committee so direct, refer the dispute to the Divisional Secretary.

66 - ACCIDENT AND MORTUARY FUNDS

Divisional Branches may establish Accident and Mortuary Funds in accordance with By-Laws approved by the Divisional Conference.

67 - LIFE MEMBERSHIP

The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may, at their entire discretion, constitute a member a Life Member, provided that member has been a member for a period of at least 20 years, has retired from the industry, and was financial at the time of retirement. Life members shall not be liable to pay dues of any kind to the Union, and shall not be entitled to nominate for or to hold any office, but shall be entitled to vote at the Union elections. The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may reduce the qualifying period of membership in special circumstances.

68 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter votes as the first preference, and shall place the number 2,3,4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the voters preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

69 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

In addition to powers elsewhere provided in the Rules, a Divisional Branch Management Committee member shall have the powers of a shop Steward.

70 - REFERENDA

(a) (i) On receipt of a petition signed by not less than 10% financial members of the union, the Divisional Branch Management Committee shall take a referendum of the whole of the

financial members of the Divisional Branch in respect of any matter determined by the Divisional Branch Management Committee and/or Executive.

(ii) The petition shall have set out the members full name, address, signature and the date the said petition was signed by the member. In determining the 10% requirement of financial members for a referendum to be conducted, the petition shall be presented to the Divisional Branch Secretary within 30 days of the first financial member signing the aforesaid petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 10% financial members.

(iii) Such referendum shall take place within 2 months of the receipt of the petition.

(iv) The decision reached by a majority of the actual votes recorded shall be binding on the Divisional Branch Management Committee and the members of the Divisional Branch and on the Divisional Branch Executive.

(b) The Divisional Branch Management or Executive Committee may at any time, by its own motion, take a referendum of the whole of the financial members of the Divisional Branch upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Management Committee shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

71 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Divisional Branch may make a written appeal to the Divisional Branch Executive Committee for redress, who shall in the case of appeals on any matter that does not relate to the Divisional Branch Executive forward the appeal to the Divisional Branch Executive Committee within one (1) month.

(b) Any members dissatisfied with the decision of the Divisional Branch Executive Committee may appeal to the Divisional Branch Management Committee within one (1) month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Executive within one (1) month after the hearing of the case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Executive or Divisional Executive may confirm, annul or modify

the penalty or finding. Should the appellant desire to appear in person the appellant member shall be afforded the opportunity to do so.

72 - SPECIAL RULE - NO.7 BRANCH PULP AND PAPER WORKERS BRANCH

The following provisions shall apply in respect of the No. 7 Branch - Pulp and Paper Workers' Branch of the Division (in this Rule called "the Pulp and Paper Workers' Branch")

(1) Nothing in this Rule shall affect the application of the Rules to the No 7 Branch - Pulp and Paper Workers' Branch - and to the holders of offices within and to the members of that Branch except insofar as this Rule may be inconsistent with another rule in which event the provisions of this Rule shall prevail to the extent of such inconsistency.

(2) The word "Branch" in the Rules shall include a "Sub-Branch of the No. 7 Branch" unless the context indicates otherwise.

DIVISIONAL SUB-BRANCH PROVISIONS

(3) The business of the Divisional Branch shall be conducted by the Divisional Branch Management Committee which shall consist of the Divisional Branch Secretary and Sub-Branch Delegates.

(4) The powers of the Divisional Branch Management Committee shall include the following powers:-

(a) To establish new Sub-Branches and amalgamate existing Sub-Branches, to close or disband Sub-Branches in accordance with the Rules, and generally to control Sub-Branches and the members thereof including the power to disallow By-Laws made by any Sub-Branch in conflict with the Rules.

(b) When establishing a new Sub-Branch to make Rules providing for the admission of members to that new Sub-Branch, the establishment of a Management Committee of that new Sub-Branch, the election of officers of that new Sub-Branch and all such matters as may be necessary.

(c) To fix the amount of per capita payments by the Sub-Branches to the Divisional Branch Management Committee - such payments not to exceed 75% of the members' contributions unless agreed by a majority of the Sub-Branches.

(d) To establish and or operate a Superannuation Fund for the benefit of the members of the Divisional Branch and others.

(4A) The Divisional Branch shall hold an Annual General Meeting and such other meetings as may be necessary. Such meetings shall consist of a series of meetings of the members of each Sub-Branch held at times, places and dates to be decided by the Divisional Branch Management Committee. Members entitled to attend the meetings shall be notified thereof by circular or advertisement, or by printed notices or by such other similar means as the Divisional Branch Management Committee may deem reasonable. Any proposed resolution put to the series of meetings shall have been passed if it receives on the aggregate of all meetings held in the series, the majority of votes.

(5) The Divisional Conference or Divisional Branch Management Committee shall have the power to suspend any Sub-Branch Management Committee and/or all or any officers, committee members and delegates of a Sub-Branch if it is satisfied after due enquiry and after giving it or them the opportunity of being heard:-

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(a) That the Rules of the Divisional Branch or Sub-Branch have not been bona fide observed or enforced by the Sub-Branch.

(b) That any lawful decision of the Divisional Branch Management Committee has not, after notification, been bona fide observed and enforced by the Sub-Branch.

(c) That the Sub-Branch is wilfully neglecting to provide for the collection of fees, levies, fines or contributions.

(d) That the accounts of the Sub-Branch have not been duly audited or that the accounts of the Sub-Branch or the Auditor do not disclose the true financial position of the Sub-Branch.

(e) That for any reason the Sub-Branch cannot or fails to meet in accordance with the Rules.

(f) That the officers of the Management Committee of the Sub-Branch refuse to disclose to the Divisional Branch Management Committee information concerning the Sub-Branch or the Management Committee.

(6) If a Sub-Branch or a Sub-Branch Management Committee fails to comply with any lawful direction of the Divisional Branch and incurs legal costs or has imposed upon it a fine and/or legal costs arising from the conduct of the Sub-Branch, the Sub-Branch Management Committee or members of the Sub-Branch, which conduct is in contravention of the lawful direction of the Divisional Branch Management Committee then the Divisional Conference or Divisional Branch Management Committee shall have the power to direct that the amount of legal costs, fine and/or legal costs so incurred by and/or imposed upon the Divisional Branch shall be paid to the Divisional Branch Management Committee from the funds of the Sub-Branch.

(7) The Divisional Branch Management Committee shall call a meeting upon the requisition of three (3) Sub-Branches.

(8) The Sub-Branch Delegates to the Divisional Branch Management Committee shall be the Sub-Branch Secretary together with the additional Delegates who shall be elected quadrennially by the membership of each Sub-Branch in accordance with Rule 51. The additional Delegates shall be elected on the following basis:-

(a) Each Sub-Branch with a membership of less than 100 members - the Sub-Branch Secretary only.

(b) Each Sub-Branch with a membership of 100 members or more but less than 400 members - the Sub-Branch Secretary together with one (1) additional Delegate.

(c) Each Sub-Branch with a membership of 400 members or more but less than 1,000 members - the Sub-Branch Secretary together with two (2) additional Delegates.

(d) Each Sub-Branch with a membership of 1,000 members or more but less than 2,000 - the Sub-Branch Secretary together with three (3) additional Delegates.

(e) Each Sub-Branch with a membership of 2,000 members or more but less than 3,000 members - the Sub-Branch Secretary together with four (4) additional delegates.

(f) Each Sub-Branch with a membership of 3,000 members or more - the Sub-Branch Secretary together with five (5) additional Delegates.

(9) The Sub-Branch Management Committee may appoint a proxy delegate to any meeting of the Divisional Branch Management Committee when the delegate or delegates of the Sub-Branch to

the Divisional Branch Management Committee (being either the Sub-Branch Secretary or additional Delegate or Delegates) is or are unable to attend that meeting: Provided that such proxy delegate shall be entitled to speak and vote on any matter except that such proxy delegate shall not participate in any step in any election for an office conducted amongst members of the Divisional Branch Management Committee.

(10) The Divisional Branch Secretary and Divisional Conference Delegates shall be elected quadrennially by the members of the Branch in accordance with the provisions of Rule 51.

(11) The Divisional Branch President, Senior Divisional Branch Vice President, Junior Divisional Branch Vice President and three (3) Trustees shall be elected by secret ballot after nominations have been called for by the Returning Officer at the meeting of the Divisional Branch Management Committee held next after the declaration of the quadrennial elections by and from the members of the Divisional Branch Management Committee in accordance with the provisions of Rule 51 with the necessary changes.

(12) In the event of a member being elected to the office of Divisional Branch Secretary and as an Additional Delegate of a Sub-Branch to the Divisional Branch Management Committee such position of Additional Delegate shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 51 with the necessary changes.

(13) In the event of a member being elected to the offices of Divisional Branch Secretary and Sub-Branch Secretary the office of Sub-Branch Secretary shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 51

(14) (a) In the event of an industrial dispute taking place in any Sub-Branch the officers of such Sub-Branch shall try, by conciliation, to settle the dispute. In the event of the Sub-Branch officers concerned being unable to secure a satisfactory settlement the matter shall be referred to the Divisional Branch Secretary who shall, on behalf of the Divisional Branch Management Committee take charge of such dispute and shall consult with the Divisional Branch President and shall, if necessary, convene a meeting of the Branch Management Committee to deal with the matter.

(b) (i) A majority of the Sub-Branches shall, at special meetings of the Sub-Branch Management Committees called for that purpose, decide whether an industrial dispute affecting members of the Divisional Branch is to be submitted by the Divisional Branch to the appropriate tribunal established under the Industrial Relations Act 1988.

(ii) The Divisional Branch President and Divisional Branch Secretary or such other person or persons as the Divisional Branch Management Committee may decide shall be empowered to make submissions on behalf of and represent the Divisional Branch before a Federal or State Industrial Tribunal and to sign or issue any document including any agreement for the Divisional Branch which is necessary in respect of any such submission or presentation.

(15) Any delegates representing the Divisional Branch or a Sub-Branch on the Australian Labor Party shall be a member of that party.

(15A) The Divisional Branch Secretary shall be ex-officio a member of all committees of the Sub-Branches but shall not be entitled to exercise a vote on matters appertaining exclusively to only one Sub-Branch.

SUB-BRANCH PROVISIONS

(16) (a) The following Sub-Branches are and shall be deemed to have been established as from the several dates on which they began to function:-

Melbourne, Maryvale, Broadford, Millicent, Sydney, Nowra, Wesley Vale, Boyer, Albury, Burnie and Myrtleford.

(b) The Sub-Branches shall consist of members of the Divisional Branch as follows:-

(i) The Melbourne Sub-Branch shall consist of members who are employed within a radius of forty (40) kilometres of the General Post Office.

(ii) The Maryvale Sub-Branch shall consist of members employed within a radius of forty (40) kilometres from either the Traralgon or the Morwell Post Office.

(iii) The Broadford Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Broadford Post Office, but not including the districts covered by the Melbourne Sub-Branch.

(iv) the Millicent Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Millicent Post Office.

(v) The Sydney Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Sydney Post Office.

(vi) The Nowra Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Nowra Post Office.

(vii) The Burnie Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Burnie Post Office

(viii) The Myrtleford Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Myrtleford Post Office.

(ix) The Wesley Vale Sub Branch shall consist of members employed within a radius of forty (40) kilometres of the Devonport Post Office

(x) The Boyer Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Hobart Post Office

(xi) The Albury Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Albury Post Office.

(16) (c) Additional Sub-Branches may be established by resolution of the Branch Committee of Management.

(d) Any member not employed within a Sub-Branch area shall be attached to the Sub-Branch nearest to where he is employed.

(17) (a) Officers of the Sub-Branches shall be the President, two (2) Vice-Presidents (a Senior and Junior Vice President) and a Secretary such officers shall also be officers of the Union. These officers together with such number of other members which shall not be less than three (3) or exceed ten (10) as the Sub-Branch shall determine shall form the Sub-Branch

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Committee of Management. The Sub-Branch Secretary shall also mean the Sub-Branch Secretary-Treasurer.

(b) Delegates to the Branch Committee of Management shall be ex-officio members of all Committees and Sub-Committees of the Sub-Branch to which they belong.

(c) The Officers of the Sub-Branch together with the other members of the Sub-Branch Committee of Management shall be elected quadrennially by the members of the Sub-Branch in accordance with the provisions of Rule 51.

(18) (a) No member shall hold more than one of the offices of Sub-Branch President, Sub-Branch Senior Vice-President, Sub-Branch Junior Vice-President, Sub-Branch Committeeman, or Sub-Branch Secretary. If a member is elected to any two or more of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch Secretary signify which one of the said offices such member elects to hold. The member shall thereupon be deemed to have resigned from the other office or offices and the vacancy shall be filled in accordance with the provisions of Rule 51 mutatis mutandis.

(b) No member shall hold the office of Sub-Branch Secretary and Sub-Branch Additional Delegate from the Sub-Branch to the Branch Committee of Management. If a member is elected to each of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch President signify which one of the said offices such member elects to hold and shall thereupon be deemed to have resigned from the other office. The vacancy so occurring in the other office shall be filled in accordance with the provisions of Rule 51 mutatis mutandis.

(19) Entrance fees and contributions shall be paid to and collected by the Sub-Branch Secretary or by an authorised agent of the Sub-Branch.

(20) The Sub-Branch Fund which shall be managed and controlled by each Sub-Branch Management Committee shall consist of:-

(i) Any real or personal property of which the Sub-Branch by the rules or by any established practice not inconsistent with the Rules has, or in the absence of any limited term lease, bailment or arrangement, would have, the of right custody, control or management;

(ii) All entrance fees and all contributions collected in accordance with the Rules save and except such part of the contributions as are fixed by the Divisional Branch Management Committee from time to time and are part of the Divisional Branch Funds pursuant to Rule 42 (4)(c) hereof;

(iii) All fines and levies raised pursuant to Divisional Branch Rules;

(iv) Any interest, rents or dividends derived from the investment of the Fund;

(v) Any superannuation or long service leave fund operated or controlled by the Sub-Branch for the benefit of its officers or employees;

(vi) Any sick pay fund, accident pay fund, mortuary or funeral fund or like fund operated or controlled by the Sub-Branch for the benefit of its members;

(vii) Any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and

(viii)The proceeds of any disposal of parts of the Fund.

(21) The per capita payments fixed by the Divisional Branch Management Committee pursuant to Rule 42 (4)(c) hereof shall be the first charge on the gross income of each Sub-Branch.

(22) Each Sub-Branch shall fix the salaries and/or allowances and/or honorariums and/or appropriate conditions of service of Officers of the Sub-Branches.

(23) Each Sub-Branch shall elect delegates to represent it on any body with which the Sub-Branch is affiliated. The election shall be conducted amongst members of the Sub-Branch Management Committee and be held at the next Sub-Branch Management Committee meeting following Sub-Branch elections. Nominees are required to be a member of the Sub-Branch Management Committee.

(24) Times and places of meetings of a Sub-Branch shall be fixed by the Sub-Branch Management Committee and shall be notified to members by being posted on work place notice boards at least three (3) days prior to the date of such meetings. At least one meeting shall be carried quarterly.

(25) Each Sub-Branch shall decide the starting and finishing times of its meetings and no extension shall exceed thirty (30) minutes beyond the time of normal finishing.

(26) The Sub-Branch President and Sub-Branch Secretary may call a meeting of the Sub-Branch Management Committee at any time by giving the membership of such Committee three (3) days notice in writing of the date, time and place of such meeting. The Sub-Branch President and Sub-Branch Secretary shall call a meeting of the Sub-Branch Management Committee. The Sub-Branch Management Committee if required to do so, by a written request of a majority of members of the Sub-Branch Management Committee may, at any meeting held of such Management Committee, decide the date, time and place of future meetings.

(27) A quorum for a Sub-Branch meeting shall consist of five (5) members (not including officers or members of the Branch Management Committee) where the Sub-Branch has a membership of 100 or less members; a quorum for a Sub-Branch meeting shall consist of ten (10) members (not including officers or members of the Sub-Branch Management Committee) where the Sub-Branch has a membership of over 100 members. If no such quorum is present at a meeting of a Sub-Branch thirty (30) minutes after the normal starting time of such meeting that meeting shall lapse.

(28) If due to the absence of a quorum at a meeting, a Sub-Branch is unable to conduct its business, the Sub-Branch Management Committee shall conduct such business with the full authority of a properly constituted Sub-Branch meeting.

(29) The Sub-Branch President and the Sub-Branch Secretary may call a Special Meeting of the Sub-Branch at any time. Special Meetings of the Sub-Branch shall be called by the President on receipt of a requisition in writing by twenty-five (25) financial members of the Sub-Branch. Such requisition must set out the purpose for which it is desired the meeting shall be called. No other business may be transacted unless urgent and by resolution of the meeting. Such Special Meetings shall be called with twenty-one (21) days of the receipt of such requisition and the time, place and purpose of such Special Meeting shall be notified to members by being posted on the workplace notice boards at least three (3) days prior to the date of the meeting.

(30) MORTUARY FUND

(a) For the purposes of this Rule "spouse" includes the defacto husband or wife of a member.

(b) There shall be established a Mortuary Fund of the Pulp & Paper Workers Branch from which Mortuary Benefits shall be paid upon the death of members of the Branch or the

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dependent spouse of members of the Branch towards the cost of burial as hereinafter provided.

(c) The Mortuary Fund shall be administered by the Divisional Branch Management Committee.

(d) Each member of the Divisional Branch shall nominate on a form to be provided by the Divisional Branch the full name and address of the person to whom the Mortuary Benefit is to be paid in the event of death. Members shall return completed forms to their Sub-Branch Secretary who shall forward them to the Divisional Branch Secretary.

(e) Upon the death of a member in respect of whom a Mortuary Benefit is payable such payment shall be made to the person nominated by the member irrespective of the number or status of the claimants. Where there is no nominee of the deceased member the Mortuary Benefit may be paid to whomsoever the Divisional Branch President and Divisional Branch Secretary in their absolute discretion may determine and their decision shall be final.

(f) Upon the death of the dependant spouse of a member of the Branch in respect of whom a Mortuary Benefit is payable such payment shall be made to the member.

(g) When a claim for Mortuary Benefit is made it shall be accompanied by a Death Certificate or a photostat copy of the Certificate.

(h) The amount of the Mortuary Benefit shall be as determined from time to time by the Divisional Branch Management Committee.

(i) There shall be paid into the Mortuary Fund the proceeds of the winding up of the Excess Bonus Funds in the mills of the Australian Paper Manufacturers Ltd. and monies raised by such levies on the members of the Branch as are determined by the Divisional Branch Management Committee to be necessary to operate the Fund. All property of whatsoever kind in the Mortuary Fund is and shall remain the property of the Branch.

(j) Notwithstanding anything contained elsewhere in the Rules of the Union the funds of the Mortuary Fund may be invested in Government Bond Fixed Bank Deposit or Debentures, Shares of Companies who are parties or signatories of the Pulp & Paper Industry Consent Award or Industry Agreement or in other investment as the Divisional Branch Management Committee in its absolute discretion may determine.

(k) The Mortuary Fund of the Divisional Branch alone shall be liable to meet payments of Mortuary Benefits in respect of the death of members or their dependant spouses and no other Fund Account or Assets of the Union shall be so liable to any extent whatsoever.

(l) The Divisional Branch Secretary shall submit annually to members of the Divisional Branch a report of operation of the Mortuary Fund and an audited balance sheet of the accounts including trading, investment interest and outgoings for the period 1st January to 31st December.

(m) If in the future significant benefits become payable on or in respect of the death of members or their dependent spouses either by Government legislation, industrial award or in any other manner the Divisional Branch Management Committee may recommend to members of the Branch that the Mortuary Fund be wound up and all assets in the Fund transferred to the General Account of the Divisional Branch.

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(n) The Mortuary Fund shall be wound up within twelve (12) months after a majority of the members of the Divisional Branch have voted for its termination at Special Meetings of each Sub-Branch called for the purpose. In this event all property of whatsoever kind in the Mortuary Fund Account of the Divisional Branch shall be transferred to the General Account of the Divisional Branch.

END OF RULES

[105N-ATAI: Incorporates remaining alterations in matter R2004/173 certified on 20/7/2004]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 51 both inclusive contain a true and correct copy of the registered rules of Construction, Forestry, Mining and Energy Union, The Forestry, Furnishing, Building Products and Manufacturing Division and Forestry Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU, Forestry,Furnishing, Building Products and Manufacturing Division and Forestry Divisional Branches
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THE FORESTRY, FURNISHING, BUILDING PRODUCTS AND MANUFACTURING DIVISION RULES

1 - NAME

The name of the Division shall be "The Forestry, Furnishing, Building Products and Manufacturing Division". (FFPD)

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-Rule (C) and (F) of the National Rules shall belong to this Division.

3 - SEAL OF FFPD DIVISION

1. The seal of the FFPD Division shall be oval in shape inscribed on the outer edge the name of the Union and the words "FFPD Division" on the inside.

2. The Seal shall be kept in the custody of the Divisional Secretary.

3. Any document required or permitted by the Workplace Relations Act or any document required or permitted by law to be under seal of the Division shall be executed on behalf of the Division by affixing the Seal of the Division thereto and by being signed by the Divisional Secretary or, in the absence of the Divisional Secretary, either the Divisional President or Divisional Assistant Secretary.

4 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"FFPD DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to FFPD Division is a member of this Division.

"MEMBER" shall mean a member of FFPD Division and membership shall have a corresponding meaning.

"MANAGEMENT COMMITTEE" or "EXECUTIVE" shall be synonymous and shall mean in relation to a division or divisional branch the controlling and administrative body of such Division or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

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If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then the candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

5 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which the candidate resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for the Forestry and FFTS Divisions or their predecessors.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Branch Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which the member resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

6 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Applicants for membership of the FFPD Division shall pay on application an entrance fee in accordance with the Divisional Branch rules. Such entrance fee if applicable shall not exceed $50.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

(ii) The contribution payable by each member shall be fixed by the Divisional Branch in accordance with the rules thereof to which the member is attached. Provided also that the Divisional Executive shall have the power to review and alter any such increases or decreases or alterations made in the contributions or entrance fees of any Divisional Branch in accordance with the rules thereof if in its opinion it is in the interests of the Union to do so.

(iii) The Divisional Executive or Divisional Branch in accordance with the rules thereof may if, in its opinion it is desirable or necessary for financial or any other reason that the aforesaid entrance fees or contributions should be altered, waived or suspended, the said Divisional Executive or Divisional Branch in accordance with the rules thereof may make such decision as it deems desirable or necessary, and the altered, waived or suspended entrance fee and/or contribution payable in that Divisional Branch or Divisional Branch Sub-Branch shall be applicable to the member(s), group or class of members concerned.

(iv) Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch Rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

(v) A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

(vi) Contributions shall be paid to and collected by the Divisional Secretary, Divisional Branch Secretary, or an authorised agent of the Division or Divisional Branch.

(vii) The Division shall allow to the Divisional Branches, for the purpose of the Branch, the whole of the contributions collected by the Branch, except such sum as may be fixed by the Divisional Conference from time to time.

7 - SPECIAL MEMBERS

The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rule 6 be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference which shall meet at least every two (2) years.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter.

(iii) Each Divisional Branch shall be entitled to one (1) representative up to 500 members, one (1) additional representative between 500 members and 1,000 members and one representative for each additional 1,000 members, based on the aggregate income received by each Divisional Branch (union contributions only) divided by the amount of the yearly contribution fixed by the rules from time to time, for the financial year ending on the 31st December in the year preceding the quadrennial election of representatives to act as its representatives at the Divisional Conference.

The Divisional Branch Secretary of each Branch shall, ipso facto, be one of that Branch's representatives to the Divisional Conference. The number of representatives to which each Divisional Branch is entitled shall remain unaltered throughout the period between the quadrennial elections.

(iv) Representatives of the Divisional Branches to the Divisional Conference shall be elected by secret postal ballot of all members of their respective Divisional Branches eligible to vote each four (4) years in accordance with the provisions of Rule 51 of these Rules.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the delegate is a member may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the delegates predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

(vii) Where one or more representatives of a Divisional Branch is or are unable to attend a meeting of the Divisional Conference the Executive Committee of that Divisional Branch may itself select a proxy representative or representatives to act on its behalf at that meeting. Such representative or representatives shall vote in accordance with the instructions of the Executive Committee.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 51 of these Rules. Full time Divisional Officers, (Divisional Secretary and Divisional Assistant Secretaries), may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify of the intention in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that Divisional Branch entitlement to delegates shall be increased by the number of full-time Divisional Officers nominating as Divisional Conference delegates in that Divisional Branch in accordance with this sub-clause.

(ix) A majority of delegates eligible to attend the Divisional Conference shall form a quorum.

(x) All expenses of representatives to the Divisional Conference shall be borne by the Divisional Branch by which the representatives are elected unless otherwise determined by the Divisional Conference.

(xi) No alteration of the personnel of the representatives at a meeting of the Divisional Conference shall be permitted after the credentials of the representatives have been received and accepted by the Divisional Conference, unless such alteration is rendered necessary by death or serious illness.

(xii) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of $100, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members, organisers or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate concerned has been afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

A period of suspension imposed under this rule shall not exceed six (6)months.

(d) To hear and decide any appeal from the Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division or Divisional Executive.

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(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish new Divisional Branches and amalgamate existing Divisional Branches, to close or disband Divisional Branches in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the No. 7 Divisional Branch without its consent), and generally to control Divisional Branches and the members thereof including the power to disallow By-Laws made by any Divisional Branch in conflict with these Rules.

(i) When establishing a new Divisional Branch the Divisional Conference shall have power to make rules providing for the admission of members of that new Divisional Branch, the establishment of a Management Committee of that new Divisional Branch, the election of officers of that new Divisional Branch and all such matters as may be necessary.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To deal with any Divisional Branch not working in conformity with the Rules and policy of the Union.

(m) To appoint and remove organisers.

(n) To vote moneys and pass accounts.

(o) To fix salaries and allowances for Officers, Conference delegates and representatives.

(p) To appoint a Returning Officer, who shall conduct any plebiscite upon any question submitted to the whole of the membership for determination, and who shall have power to appoint Deputy Returning Officers.

(q) To elect, appoint and remove officers and members of the Divisional Executive of the Union.

(r) To establish any special fund to achieve any of the objects of the Union.

(s) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference,together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one(1) week before the date of such meeting but no failure to notify will of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

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(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, email, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit by the Divisional Secretary conduct a postal, telephonic, telegraphic, facsimile, email and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter.

(xvii) The Divisional Conference shall be the Management Committee of the Division for the purposes of the Act and rules and regulations thereunder.

(xviii) All meetings of the Divisional Conference shall be held at such time and place as the Conference shall from time to time determine, and in case of default, or of special meetings, as the Divisional Executive shall determine.

(xix) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Conference -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of the Divisional President, one (1) Divisional Senior Vice President, two (2) Divisional Vice Presidents, Divisional Secretary, up to three (3) Divisional Assistant Secretaries and four (4) Trustees who shall be the officers and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive. Provided that no Divisional Branch shall be entitled to have more than five (5) representatives elected as officers of the Divisional Executive.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

3. Preceding such conferences the Divisional Executive shall appoint a Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers in accordance with these rules.

4. Nominations unless otherwise determined by the Divisional Executive shall be called for on the second day of the Divisional Conference. Where practicable the ballot shall be conducted also on that day. The Divisional Returning Officer shall call for nominations for all positions at the one time.

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Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

5. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the two Divisional Vice Presidents shall be dealt with and completed. The ballot for the four (4) Trustees shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

6. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive.

7. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

8. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

9. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where the delegate can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until the Returning Officer has given such delegates a reasonable opportunity to vote.

10. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

11. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and

dealing with nominations or the conduct of the ballot shall be recognised as validly holding such office.

12. A Divisional Executive member shall hold office until a successor is elected.

13. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14(a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 51 of these Rules of the Union as modified to suit the requirements of the election.

14. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, powers, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch or member. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with any Divisional Branch not working in conformity with the Rules and policy of the Union.

(g) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(h) To confirm, over-rule or otherwise deal with decisions of the Divisional Branches of this Division.

(i) To make, alter and recind rules of this Division or any Divisional Branch of this Division.

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(j) To appoint and remove organisers or specialist officers.

(k) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(l) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(m) Submit any matter to the members for decision by ballot.

(n) Ensure that officers, committee members, organisers, delegates or members of the Division and Divisional Branches comply with the rules, policies and decisions of the union and subject to Rule 11 impose penalties [i.e., fines not exceeding the sum of $100, suspension, expulsion or dismissal from office,] on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules, policies or the decisions of the Divisional Executive. Provided that the rules, policies or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(o) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division, take such action as may be necessary to ensure the adherence to the rules of the Union and decisions and policies of the Divisional Conference and/or Divisional Executive by any Divisional Branch and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(p) Control and supervise the work of the Divisional Officers.

(q) To establish new Divisional Branches and amalgamate existing Divisional Branches, to close or disband Divisional Branches in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the No. 7 Divisional Branch without its consent), and generally to control Divisional Branches and the members thereof including the power to disallow By-Laws made by any Divisional Branch in conflict with these Rules.

(r) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

15. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, telegram, telex, facsimile, email or otherwise in writing, telephone or verbally, provided that in the latter two instances such is confirmed by letter, telegram, facsimile, email or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches, or Divisional Branches whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, the Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(b) Should any officer be removed from office the Divisional Executive shall appoint a member to fill the vacancy until the next elections are held in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive. In the event of the appeal being upheld the Divisional Conference or National Executive may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of the Divisional Conference, Executive and meetings convened by the Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where the Divisional President is a full time officer the Divisional President shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall summon all meetings of the Divisional Conference and Divisional Executive, issue all necessary notices to members of the Divisional Conference or Divisional Executive or to Divisional Branches in connection with such meetings.

The Divisional Secretary shall sign all cheques in addition to one of the Trustees and shall be the signatory to all documents on behalf of the Division.

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the implementation and compliance by the Division and Divisional Branches of the decisions, rules and policies made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive or Divisional Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.

Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall have the authority to initiate any proceedings and/or actions to advance or defend the interests or objectives of the Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive or Divisional Conference and allocate the duties of Officers.

The Divisional Secretary shall be an ex officio member of all Divisional Branch Committees, but shall not be entitled to vote in respect of the decisions of those committees.

(iii) Divisional Assistant Secretary (s):

The Divisional Assistant Secretary(s) shall perform all duties assigned by the Divisional Executive. The Divisional Assistant Secretary(s) shall be under the control of the Divisional Secretary and shall attend all meetings of Divisional Executive, Divisional Conference and National Executive. The Divisional Assistant Secretary may exercise any and all of the powers and duties of the Divisional Secretary on the delegation of the Divisional Secretary and shall exercise such powers and duties while the Divisional Secretary is absent from duty.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(v) Divisional Vice-President(s):

The Divisional Vice-President(s) shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President(s) shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of the Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be determined from time to time by the Divisional Executive.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, and one (1) Divisional Trustee or on absence on leave of the Divisional Secretary, by the Assistant Secretary or Divisional President and one (1) Divisional Trustee.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the Divisional Office, may be disbursed by decision of the Divisional Secretary.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive or Divisional Conference.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Division. Where this is not possible, investments shall be made in the name of the Divisional Trustees. The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The Divisional Executive shall have the authority to hold, purchase, lease, sell, mortgage or otherwise deal in property on behalf of the Division and/or Branches which shall be executed on the Divisional Executive's behalf by the Divisional Secretary.

(vi) The property of the Division shall be under the control of the Divisional Executive.

15 - AUDITOR AND AUDITOR'S REPORT

(i) The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

(ii) The auditor shall, in the auditor's report, draw attention of the Divisional Executive, Divisional Conference to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

(iii) For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

(iv) On receipt of a petition signed by not less than 5% of the financial members of the union, the Divisional Secretary shall convene a general meeting of financial members to present the Auditor's Report, the general purpose financial report and the operating report.

(v) The petition shall have set out the members full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of financial members for a general meeting to be held, the petition shall be presented to the Divisional Secretary within 30 days of the first financial member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% financial members.

(vi) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice to the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter,including rules,otherwise than at a meeting assembled.

Provided that any such rescission, alteration or amendment which affects in any way the existence, structure or position under these rules of the Divisional No. 7 Branch, shall be of no effect unless endorsed by a resolution of the Divisional Branch Management Committee of that Divisional Branch.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(i) The following Divisional branches of the Union are hereby constituted:

(a) No. 1 Branch known as the New South Wales Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of New South Wales and the Australian Capital Territory (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(b) No. 2 Branch known as the Victorian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Victoria (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(c) No. 3 Branch known as the South Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of South Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(d) No. 4 Branch known as the West Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Western Australia. Provided that, notwithstanding any other rule to the contrary, any member of the United Timber Yards, Sawmills and Woodworkers Employees Union of Western Australia or any organisation that replaces that organisation shall be admitted as a member thereof, without the signing of an admission card or payment of an entrance fee, upon the payment of dues in accordance with the other divisional rules hereof.

(e) No. 6 Branch known as the Tasmanian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Tasmania (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(f) No 7 Branch known as the Pulp & Paper Workers Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members eligible for membership of the Union pursuant to Rule 2 (C) (ii) and those persons who are appointed to any office in the No. 7 Branch and are thereby eligible for membership of the Union pursuant to Rule 2 (C) (iii).

(g) No 8 Branch known as the Queensland Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Queensland (other than those persons who are eligible for membership of the No 7 Branch pursuant to the previous paragraph of this sub-rule).

(ii) The Divisional Conference or Divisional Executive shall have the power to constitute such other Divisional Branches or Sub Branches as it may determine appropriate from time to time.

(iii) A Divisional State Branch Principal Office shall be located in the Capital City of the State in which a State Branch is constituted in accordance with this rule unless otherwise determined by the National Divisional Conference or National Divisional Executive. The Divisional Branch Secretary shall attend to the effective operation and business of the Branch from the State Branch of the Division unless otherwise determined by the National Divisional Conference or National Divisional Executive.

(iv) A Divisional Branch shall have autonomy in matters affecting members of the Divisional Branch only.

19 - DIVISIONAL BRANCH RULES

Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the FFPD Divisional Branch Rules make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

20 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute may be submitted to the appropriate industrial Tribunal, Court or Commission, upon a resolution in favour of so submitting such dispute carried by a majority of the members of the Divisional Executive.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such submission.

In the case of an emergency or necessity however, such proceedings may be initiated and matters may be submitted by the authority of the Divisional Secretary, who may also authorise a Divisional Branch Secretary to initiate such proceedings and submit such matters on behalf of the Division.

The aforesaid power shall extend to cases of defending and/or responding to any proceedings or matters instituted or submitted by any other person, corporation, association or organisation. The Divisional Secretary and Divisional Branch Secretary shall be subject to the control of the Divisional Executive on all matters connected with such legal proceedings and matters.

21 - INDUSTRIAL AGREEMENTS

Industrial agreements and other instruments may be made by or on behalf of the Union as follows:-

An industrial agreement, and any instrument not required by law to be under seal, may be executed by the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the Common Seal of the Division by the Divisional Secretary.

22 - INDUSTRIAL DISPUTES

(1) In the event of an Industrial dispute taking place in any Divisional Branch the officers of such Divisional Branch shall try, by conciliation to settle the dispute. In the event of the Divisional Branch officers concerned being unable to secure a satisfactory settlement the matter may be referred to the Divisional Branch Executive who shall seek to resolve the dispute.

(2) In the event of no satisfactory settlement of such dispute being secured the Divisional Branch Secretary shall immediately report the matter to the Divisional Secretary who shall on behalf of the Division take charge of such dispute and shall consult with the Division President and shall if necessary convene a meeting of the Divisional Executive to deal with the matter.

(3) (a) The Division Secretary or a person authorised to act on behalf of the Division Secretary shall make any submission to a tribunal.

The Division Secretary or a person authorised to act on behalf of the Division Secretary shall be the person to sign or issue any document necessary for such submission.

(b) The Division may be represented in any proceedings before any Commonwealth or State Industrial Tribunal by the Division Secretary or by such other officers or persons authorised by the Division Secretary and subject to any authorisation vested by State Legislation.

(4) Notwithstanding anything contained elsewhere in this Rule, Divisional Branch No. 7 shall have autonomy in industrial matters affecting its members only and no action will be taken in relation to such matters by the Divisional Conference or Divisional Executive unless authorised and requested by the Divisional Branch Management Committee of the No. 7 Branch.

23 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at Trades Hall, Adelaide, or such place as the Divisional Executive shall decide.

24 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

25 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

26 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Division or body having objects similar in whole or in part to those of this Division.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $10.00 per week and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $10.00 per week.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

27 - LIFE MEMBERSHIP

The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may, at their entire discretion, constitute a member a Life Member, provided that the member has been a member for a period of at least 20 years, has retired from the industry, and was financial at the time of retirement. Life members shall not be liable to pay dues of any kind to the Division, and shall not be entitled to nominate for or to hold any office, but shall be entitled to vote at the Division elections. The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may reduce the qualifying period of membership in special circumstances.

28 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time the Divisional Secretary may submit a resolution dealing with such matter to the members by letter, facsimile, email, telephone, telegram, verbally and/or any other means of communications or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in the Divisional Secretary's absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

29 - BRANCH INFORMATION

It shall be the duty of the Divisional Branch Secretary of each Divisional Branch to transmit to the Divisional Secretary, on written request from the Divisional Secretary, a true copy of the minutes of each meeting of the Divisional Management Committee or Executive of such Divisional Branch or of any special meeting thereof.

30 - RULES OF DEBATE

MOTIONS, HOW DEALT WITH:

(a) All motions shall be of an affirmative character and must be moved and seconded by members. Such motions become the property of the Union, and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless two-thirds of the members present agree to an extension of time.

(b) Unless a member opposes the motion or proposes an amendment thereto, the motion shall be immediately put to the meeting for decision.

(c) A motion may be superseded at any time by another motion "that it be discharged from the notice paper" or "that the next business be proceeded with" being resolved in the affirmative.

(d) A motion may be amended at any time during the debate thereon by -

(i) striking out certain words
(ii) adding certain words, or
(iii) striking out certain words and inserting others in their place.

Always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(e) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(f) (i) At meetings other than meetings of the membership of a Branch or of a sub-branch all motions shall be put to the meeting by the chairperson in a clear manner. Any member present may demand that the vote be by ballot and the Chairperson shall thereupon conduct a ballot. In the absence of such a demand all motions shall be put to the meeting by the Chairperson by asking for the "ayes" to vote first and then the "noes". The Chairperson's decision as to which has the majority will be final unless any member present demands a show of hands. Upon such a demand being made the chairperson shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(ii) At meetings of the membership of a Branch or of a Sub-Branch all motions shall be put to the meeting by the Chairpeson in a clear manner by asking "ayes" to vote first and then the "noes".

The Chairperson's decision as to which has the majority will be final unless a member supported by one quarter of the number of members present demands a show of hands.

Upon such a demand being made the Chairperson shall appoint tellers to count the votes and shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(iii) If the votes are equal the question is resolved in the negative.

(g) No member shall be allowed to vote who was not present when the question was first put.

(h) A mover of a motion to be allowed 10 minutes to introduce and 5 minutes to reply. Other speakers 5 minutes unless two-thirds of the members present agree to an extension of time.

(i) Any member desiring to move to change a decision of the Union or of a Branch must submit notice in writing of such intention to the Divisional Secretary or the Divisional Branch Secretary of the Union as the case may be fourteen (14) days prior to the date of the meeting at which they will move for such change.

(j) During the course of a meeting any resolution which has been the business of that meeting may be recommitted at the hearing.

RIGHT TO SPEAK

(a) Any member desiring to speak shall rise and address the chairperson. If two (2) or more delegates begin to address the chairperson at the same time, the Chairperson shall call upon the one who, in the Chairpersons opinion, began to speak first. Provided that no member can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(i) In reply as the mover of the original motion.

(ii) In explanation or correction of some matter during the debate.

(iii) Upon a point of order raised during the debate.

(iv) Upon a resolution being carried "that a member be now heard".

(b) A member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by the member.

(c) Not more than two members shall be allowed to speak in succession for or against any question. If at the conclusion of the second speaker's remarks no member speaks on the other side, the motion or amendment shall be put to the vote.

(d) Any member speaking shall at once stop:-

(i) If the chairperson begins to speak; or

(b) If a point of order is raised;

and shall not resume speaking until the point of order is decided.

(e) No member may speak to any question after it has been put by the chairperson, or during a division.

REPORTS

(a) A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of the Conference/Executive thereon.

(b) If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An

amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

SITTING AS A COMMITTEE

Divisional Conference or Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Conference or Executive shall be observed when in Committee.

DEFINITION

In this rule "member" shall include any person attending a meeting.

CHAIRPERSON'S RULING

(a) The chairperson's rulings on all points of order shall be final, unless at the time a motion is carried that such ruling be disagreed with.

(b) When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

THE FORESTRY, FURNISHING, BUILDING PRODUCTS AND MANUFACTURING DIVISIONAL BRANCH RULES

31 - DIVISIONAL BRANCH NAME

(i) The following Divisional Branches of the Union are hereby constituted;

(a) No. 1 Branch known as the New South Wales Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of New South Wales and the Australian Capital Territory (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(b) No. 2 Branch known as the Victorian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Victoria (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(c) No. 3 Branch known as the South Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of

South Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(d) No. 4 Branch known as the Western Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members residing in the State of Western Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule). Provided that, notwithstanding any other rule to the contrary, any member of the United Timber Yards, Sawmills and Woodworkers Employees Union of Western Australia or any organisation that replaces that organisation shall be admitted as a member thereof, without the signing of an admission card or payment of an entrance fee, upon the payment of dues in accordance with the other divisional rules thereof.

(e) No. 6 Branch known as the Tasmanian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Tasmania (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(f) No. 7 Branch known as the Pulp & Paper Workers Branch of the Forestry Furnishing, Building Products and Manufacturing Division consisting of all members eligible for membership of the Union pursuant to Rule 2 (c)(ii) of the National Rules and those persons who are appointed to any office in the No. 7 Branch and are thereby eligible for membership of the Union pursuant to Rule 2 (c)(iii) of the National Rules.

(g) No. 8 Branch known as the Queensland Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Queensland (other than those persons who are eligible for membership of the No 7 Branch pursuant to the previous paragraph of this sub-rule).

(ii) The Divisional Conference and Divisional Executive shall have the power to constitute such other Divisional Branch or Branches as it may determine appropriate from time to time.

(iii) A Divisional Branch shall have autonomy in matters affecting members of the Divisional Branch only.

32 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the FFPD Division of the Union residing or employed in the State, Territory or Industry sector concerned shall be and remain members of that Divisional Branch.

33 - SEAL OF DIVISIONAL BRANCH

The seal of the Divisional Branch shall be oval in shape, inscribed on the outer edge shall be the words "The Construction, Forestry, Mining and Energy Union" and on the inner space shall have the words "FFPD Division" and under that shall have the name of the Divisional Branch.

It shall be in the custody of the Divisional Branch Secretary, and shall be used or affixed to any document by the Branch Secretary where necessary or desirable and where that document has been made with the authority of the Divisional Branch.

34 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant and a financial member of the Divisional Branch.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) All applications for membership of the Divisional Branch shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Management Committee.

Applications for membership shall be dealt with by the Divisional Branch Management Committee or Divisional Branch Executive, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit the applicant to membership of the Divisional Branch and the Union.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the FFPD Division, the Divisional Branch, and the Union.

(d) A new member shall pay on application for membership all moneys required to be paid by a new member.

(e) Applicants for membership shall be workers of good character, and shall when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

35 - ENTRANCE FEE

(i) All applicants for membership of the Division shall pay an entrance fee if determined by the Divisional Branch Management Committee, such entrance fee shall not exceed $10.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

(ii) Applicants joining on clearances or transfers in accordance with the rules of Union or who have previously been members of the Union shall not be required to pay an entrance fee.

36 - CONTRIBUTIONS

(i) Each member shall pay a yearly contribution of not less than $10.00 said amount payable in one sum on or before the 30th June in each year, or within one week of becoming a member, provided that Branches shall be allowed to issue half-yearly tickets at not less than $5.00 per half-year, said amount payable in advance on the 1st January and the 1st July in each year, and quarterly tickets at not less than $2.50 per quarter, said amount payable in advance on the 1st January, the 1st April, the 1st July and the 1st October in each year. Any person joining during the currency of any quarter shall pay for the full quarter.

Provided further that the Management Committee or Executive of any Divisional Branch may, if in its opinion it is desirable or necessary for financial or other good reasons that the aforesaid

Entrance fees or Contributions should be increased, reduced, altered or waived, the said Management Committee or Executive Committee may make such decision as it deems desirable or necessary, and any such increase, reduction, alteration or waiver shall as far as that Divisional Branch is concerned, be the Entrance fee and/or Contribution payable in that Divisional Branch of the Union by the members of that Divisional Branch or Divisional Sub-Branch of the Union.

Provided also that the Divisional Conference or Executive shall have power to review and alter any such increases or decreases or alterations made in the contributions of any Divisional Branch if in its opinion it is in the interests of the Division to do so.

(ii) Notwithstanding anything contained elsewhere in these Rules the Division may through its Branches make an arrangement with an employer or employers employing members of the Division that the employer will on receipt of an authorisation acceptable to the Divisional Branch, deduct from the wages, or monies, payable to the members so employed amounts by way of contributions, fees, levies, fines, dues or monies owing by the member of the Union. If a member to whom any such arrangement is applicable, lodges such an authorisation with the Union or the employer, that member shall be deemed to be a financial member, as from the first pay day in respect of which deductions are made, pursuant to the authorisation, and shall remain a financial member, so long as the authorisation remains in force.

Provided that any member who at the time of the first deduction, pursuant to the authorisation, was an unfinancial member shall continue to be so until all arrears, in contributions, fees, levies, etc. are paid.

Provided further, that if a member ceases to be employed by an employer, who has been making deductions pursuant to such an arrangement, the amount of the contributions, fees levies etc., then unpaid by the member, shall become due and payable on the first day of the quarter next ensuing after the member ceases to be employed.

(iii) Such contributions shall be paid to and collected by the Divisional Branch Secretary or an authorised agent of the Divisional Branch.

Levies

(iv) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by the Divisional Branch Management Committee or the Divisional Branch Executive Committee.

Fines

(v) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by the Divisional Branch Management Committee or the Divisional Branch Executive Committee.

All moneys paid by a member shall be credited in the following order:

(a) In payment of any levies due; and

(b) In payment of any fines due, and

(c) In payment of any contributions due

Unfinancial Member

(vi) Any member who has failed to pay all contributions, levies and fines imposed in accordance with the Rules of the Union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any deliberations, nominate for official positions, propose any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

37 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of the Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $5.00 per copy.

38 - UNEMPLOYED MEMBERS

(i) When, in the opinion of the Divisional Branch Management Committee, a condition of unemployment in the industry exists the following conditions may be applied:

(ii) Members becoming unemployed, ie, being employed under the terms of the Award or Agreement covered by this Division for less than one month in any quarter, may apply to be placed on an unemployed members list if any.

(iii) This list shall be kept at the Divisional Branch office under the control and supervision of the Divisional Branch Management Committee.

(iv) Members wishing to be placed on the unemployed list must apply in writing to the Divisional Branch Secretary, and shall attend at the Divisional Branch Office or such place as may be decided by the Divisional Branch Management Committee, or give satisfactory proof of their inability to attend.

(v) All applications for inclusion on the unemployed members' list shall be dealt with by the Divisional Branch Management Committee Executive Committee or other authorised committee who shall, if satisfied that the application is genuine, include them on the list.

(vi) Members placed on the list shall be exempt from the payment of contributions for the period specified in this Rule. They shall be entitled to all rights under these rules, but shall only qualify for funeral benefit applicable at the discretion, or upon conditions determined by the Divisional Branch Management Committee.

(vii) Exemption from payment of contributions shall operate for a period of twelve months from the date of inclusion on the unemployed members' list, or until again employed, whichever is the lesser.

(viii) On expiration of the 12 months' period, unemployed members may make further application to be again placed on the unemployed list. Each further application may be approved by the Divisional Branch Management Committee who may require payment of such amount of contributions as may be considered reasonable.

(ix) Any member commencing employment without notifying the Divisional Branch Secretary and continuing to receive the benefits of this unemployed clause while in employment shall be deemed to have committed a breach of the Rules. Such member(s) shall be required to pay full contributions for the period of employment and in addition, may be dealt with under the provisions relating to misconduct.

(x) Continuous membership for the purpose of this Rule, and wherever encountered in these Rules, means continuous membership without any break in the continuity of membership from the last date of acceptance into the Branch.

39 - FUNDS OF THE DIVISIONAL BRANCH

(i) The Divisional Branch shall raise funds by entrance fees, contributions, levies and fines, which funds, together with any other monies received, shall be applied for the following purposes:-

(a) Defraying the cost of administering the affairs of the Divisional Branch;

(b) Subscribing on a pro rata basis to any organisation or Labor Council with which the Union may become affiliated and to which affiliation the Divisional Branch agrees;

(c) Defraying any expenses incurred in any legal proceedings;

(d) Assisting any members out of work through any trade dispute;

(e) Making all necessary payments as determined by the Divisional Branch Committee in connection with any matters affecting members in regard to:-

(i) Preservation of life and limb;
(ii) Compensation for injuries and death;
(iii) The hours of labour;
(iv) The remuneration of labour;
(v) Protection of salaries and wages;
(vi) Other conditions affecting employment of members;
(vii) For the furtherance of any of the matters as set forth in the objects of the Union;
(viii) And any other matters when the Divisional Executive or Divisional Branch Management Committee determines the best interests of members require it.

(ii) The Divisional Branch Fund which shall be managed and controlled by each Divisional Branch Management Committee shall consist of:-

(a) Any real or personal property of which the Divisional Branch by the Rules or by any established practice not inconsistent with the Rules has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;

(b) All entrance fees and all contributions collected in accordance with the Rules save and except such part of the contributions as are fixed by the Divisional Conference from time to time and are Divisional Funds in accordance with Sub-Rule (vii) of Rule 6 of the Division Rules.

(i) Shall pay such moneys required by the Rules of the Union or in accordance with the rules of the Union.

(c) All fines and levies raised pursuant to Divisional Branch Rules;

(d) Any interest, rents or dividends derived from the investment of the Fund;

(e) Any superannuation or long service leave fund operated or controlled by the Divisional Branch for the benefit of its officers or employees;

(f) Any sick pay fund, accident pay fund, mortuary or funeral fund, tool benefit fund or like fund operated or controlled by the Divisional Branch for the benefit of its members;

(g) Any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and

(h) The proceeds of any disposal of parts of the Fund.

40 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Management Committee who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

(b) The auditor shall have full and complete access to the books and documents of the Branch.

(c) On receipt of a petition signed by not less than 5% of the financial members of the union, the Divisional Branch Secretary shall convene a general meeting of financial members to present the Auditor's Report, the general purpose financial report and the operating report.

(d) The petition shall have set out the members full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of financial members for a general meeting to be held, the petition shall be presented to the Divisional Branch Secretary within 30 days of the first financial member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% financial members.

(e) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

41 - MANAGEMENT COMMITTEE AND OFFICERS

The business of each Divisional Branch shall be conducted in accordance with these Rules by a Management Committee consisting of a President, a Senior Vice President, two (2) Vice Presidents - one (1) of which will be designated an affirmative action position to be filled by a woman member, Secretary, Assistant Secretary/ies (the number, if any, to be decided by the Divisional Branch Management Committee prior to the calling of nominations), and four (4) Trustees - one (1) of which will be designated an affirmatve action position to be filled by a woman member who shall be the Officers of the Management Committee and who shall form the Executive, and not more than ten (10) other members - two (2) of which will be designated affirmative action positions to be filled by women members, who shall with the Executive, form the Management Committee. In respect to the NSW Divisional Branch there shall be an additional President (full-time) and one (1) additional Trustee who shall be officers of the Management Committee and who shall also form the Executive Committee of the Divisional Branch.

Nominations for the designated affirmative action positions will be called from women members only, although this does not preclude women members from holding any other Management Committee, Executive or Officer positions.

The failure to fill the designated affirmative action positions shall not prevent a Divisional Branch carrying out or conducting the business of a Divisional Branch.

42 - DUTIES OF MANAGEMENT COMMITTEE

(i) The Divisional Branch Management Committee shall be the highest deliberative body of the Divisional Branch and shall subject to the Rules manage and superintend the affairs of the Divisional Branch protect the funds and perform all the duties allotted to them by the Rules. The Divisional Branch Management Committee shall have the power subject to these rules to:-

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Union and to raise or spend such funds as are necessary to carry out the objects and to employ such assistance as it may deem necessary.

(b) Direct the policy of the Divisional Branch.

(c) Subject to rules 16 and 60, amend or add to the Rules.

(d) Hear and determine all appeals that are submitted in accordance with the Rules.

(e) Fix the salaries, allowances, conditions of employment and/or entitlements of the Divisional Branch Officers, employees, delegates and members as it deems to be appropriate and to appoint and/or remove and/or suspend officers, organisers and employees of the Divisional Branch.

(f) Fine, suspend or expel Committee members, delegates and/or members for knowingly refusing to comply with the Rules or the decisions or policy of the Divisional Conference, Divisional Branch Management Committee or Divisional Branch Executive.

(g) All Divisional Branch Officials and assistants shall be under the control of the Management Committee and Executive, subject to the Rules.

(h) Investigate, report and take such action in accordance with these rules upon all grievances and disputes of officials, officers and members that are placed before them.

(i) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated and to select persons as delegates to represent the Divisional Branch at meetings and committees.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $10.00 per week provided that in no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

(l) Subject to Rule 40 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Executive Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers (if any) under the provisions of the Rules.

(s) Appoint Temporary Organisers under the provisions of the Rules.

(t) Appoint a Divisional Branch Returning Officer for the conduct of any elections as may be necessary.

(1) The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(2) The Divisional Branch Returning Officer so appointed:

(i) may not be a member of the Union; and

(ii) shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(ii) The Management Committee shall meet at least twice per annum, five (5) members shall form a quorum. The Executive Officers shall pass accounts, subject to the review of the Management Committee and deal with applications for membership.

(iii) Each member of the Committee shall be paid the sum of not less than $4.00 or the expenses and loss of time for each meeting the Committee member attends.

(iv) Each Divisional Branch shall hold General Meetings as may be deemed necessary.

(v) The Divisional Branch Management Committee shall ensure the Divisional Branch and its officers and members carry out the decisions and policies determined by the Divisional Conference and/or Divisional Executive and the rules of the Union are complied with.

43 - DIVISIONAL BRANCH EXECUTIVE COMMITTEE

(a) The Divisional Branch Executive Committee shall meet at least six (6) times in a calendar year and subject to a review of their actions by the Divisional Branch Management Committee, shall have the care, control, superintendence, management, administration, powers and responsibility in all respects of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee.

(b) A quorum for any meeting shall be a majority of the Executive Officers as set out in Rule 41 hereof.

(c) The Divisional Branch Executive shall meet at a time and place determined by the Executive when special meetings are required to be convened wherein the time and place shall be determined by the Divisional Branch Secretary and the Divisional Branch President. The Divisional Branch Secretary and the Divisional Branch President may determine the time and place of any meeting of the Divisional Branch Executive and shall notify the members of the Divisional Branch Executive of such time and place as soon as is convenient and the Divisional Branch Executive and/or the Divisional Branch Secretary and Divisional Branch President may determine the time

and place of the meeting of the Divisional Branch Management Committee and shall notify the members of the Divisional Branch Management Committee as soon as is convenient of such time and place.

(d) The Divisional Branch Executive shall carry out any duties which they have been directed to perform by the Divisional Branch Management Committee.

44 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President (which shall mean the honorary Divisional Branch President in NSW) shall preside at meetings of the Divisional Branch Management Committee or Divisional Branch Executive Committee and meetings convened by the Divisional Branch Management Committee or Divisional Branch Executive.

(b) The Divisional Branch President(s) shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee or Divisional Branch Executive.

(c) The Divisional Branch President(s) shall conduct business in accordance with Rules laid down for guidance. The President shall not enter debate on any question, but shall endeavour to bring the business to a satisfactory conclusion, and shall have a deliberate vote only.

(d) The Divisional Branch President(s) shall sign the minutes of proceedings of all meetings convened by the Divisional Branch Management Committee or Divisional Branch Executive Committee when same have been duly confirmed.

(e) The Divisional Branch President(s) may be required by resolution of the Divisional Branch Management Committee or Divisional Branch Executive Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Management Committee, Divisional Branch Executive Committee or any Committees established in accordance with these Rules and shall if so required submit a report in writing of the findings to the Divisional Branch Management Committee or Divisional Branch Executive Committee members.

(f) The Divisional Branch President(s) shall be an ex-officio member of all Committees.

45 - DUTIES OF DIVISIONAL BRANCH VICE PRESIDENTS

The Divisional Branch Vice Presidents shall attend all meetings of the Divisional Branch, and assist the Divisional Branch President in the duties of the Divisional Branch President's office. The Divisional Branch Senior Vice President shall officiate in the Divisional Branch President's absence, with all the powers conferred on the chair. In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, a Divisional Branch Vice President shall officiate, with all the powers conferred on the chair. In the absence of the Divisional Branch President and Divisional Branch Vice Presidents the meeting shall elect one of its number to preside.

46 - DUTIES OF DIVISIONAL BRANCH TRUSTEES

(1) Divisional Branch Trustees shall be elected in accordance with Rule 51.

(2) Such Divisional Branch Trustees:-

(a) Shall be responsible for the safe custody of the Common Seal, documents and securities of the Divisional Branch of the Union. Documents and securities shall be deposited in the name of the Divisional Branch of the Union, countersigned by the Divisional Branch Trustees on behalf of the Divisional Branch.

(b) Shall act only on resolution of the Divisional Branch Management Committee or Executive, certified under the hands of the Divisional Branch Secretary.

(c) Shall, subject to the directions of the Divisional Branch Management Committee or Executive, have custody of all property of the Divisional Branch.

(d) Shall be signatory for any accumulated funds invested in securities allowed by law as the Divisional Branch Management Committee or Executive may direct;

(e) Shall sign cheques or warrant for the withdrawal of funds which shall be countersigned by the Divisional Branch Secretary.

47 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Management Committee and the Divisional Branch Executive Committee and shall be employed in a full time capacity (unless otherwise determined by the Divisional Executive) and shall among other things conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Management Committee or Divisional Branch Executive Committee.

(c) The Divisional Branch Secretary shall prepare and forward to the Industrial Registrar returns as required by law.

(d) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Management Committee and Executive meeting; and shall attend meetings of the Divisional Branch Management Committee, Divisional Branch Executive Committee and other meetings called by the Divisional Branch Management Committee or Divisional Branch Executive Committee.

(e) Be in charge of the office and subject to Rule 42 shall direct the labours of the officials and employees of the Union.

(f) Keep a correct account of all monies received and expended.

(g) The Divisional Branch Secretary shall sign all cheques in addition to one of the Trustees and shall be the signatory to all documents on behalf of the Divisional Branch and be responsible for the affixing of the official seal of the Divisional Branch.

(h) Be permitted to hold petty cash to the amount of $500.00.

(i) Be paid incidental and travelling expenses.

(j) Generally conduct all financial transactions of the Branch.

(k) Draw up a report and balance sheet, to be submitted to the Divisional Branch Management Committee as directed, and submit the books and accounts annually to the auditors.

(l) Keep a record of the names and addresses of all members of the Union, the names, addresses and occupations of all officers of the Branch, with the dates when they were admitted, died or left, their financial position in the Union and all other particulars necessary to enable the Rules to be enforced.

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(m) Receive all monies, and pay same into such Bank as the Divisional Branch Management Committee may direct, to the credit of the Union within seven (7) days after the receipt of same.

(n) When vacating office, deliver to the successor in office, in the presence of the Divisional Branch Management Committee or Executive, all books, documents and other property of the Divisional Branch in the Divisional Branch Secretary's possession.

(o) Produce for audit at least once a year, and at such other times as the Divisional Branch Management Committee may direct, all books and documents of the Divisional Branch appertaining to finance.

(p) Forward to the Divisional Secretary when requested a true copy of the minutes of each meeting of the Divisional Branch Management Committee or Executive or any special meeting thereof.

(q) The Divisional Branch Secretary shall summon all meetings of the Divisional Branch Management Committee and Divisional Branch Executive, issue all necessary notices to members of the Divisional Branch Management Committee or Divisional Branch Executive in connection with such meetings. In consultation with the Divisional Branch President the Divisional Branch Secretary shall be authorised to convene any extraordinary meeting as deemed necessary.

(r) The Divisional Branch Secretary shall be ex officio member of all committees of the Divisional Branch.

(s) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of the Divisional Branch Secretary office.

(t) The Divisional Branch Secretary shall be responsible for the implementation and compliance of the decisions, rules and policies determined by the Divisional Conference or Divisional Executive by the Divisional Branch of which the Divisional Branch Secretary was elected.

48 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY/IES

(If Required)

(a) The Divisional Branch Assistant Secretary/ies shall be under the control of the Divisional Branch Management Committee and the Divisional Branch Executive Committee and shall, under the direction and authority of the Divisional Branch Secretary, carry out all responsibilities allocated to the position.

(b) The Assistant Secretary shall in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary.

(c) The Assistant Secretary shall attend meetings of the Divisional Branch Management Committee, Divisional Branch Executive Committee and other meetings called by the Divisional Branch Management Committee or Divisional Branch Executive Committee.

49 - DUTIES OF ORGANISERS

The Divisional Branch Management Committee may determine the number (if any) of Organisers of the Divisional Branch and the number (if any) to be appointed by it or elected pursuant to Rule 51 and shall determine the duties to be performed by any such Organisers.

50 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any position in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wages and conditions as shall be

determined at a properly constituted meeting of the Divisional Branch Management Committee/ Executive Committee.

(b) Full-time paid officers shall be under the control of the Divisional Branch Executive Committee between Divisional Branch Management Committee meetings and shall carry out all instructions of the Divisional Branch Management Committee or Divisional Branch Executive Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of the intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Management Committee first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Executive Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Executive Committee a medical certificate setting out that the officer has recovered and is capable to carry out the duties in accordance with the Rules.

51 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who is financial as provided for in Rule 6, at the time of nominations and has financial membership of the Divisional Branch in accordance with the scale set out in this rule, may nominate for such positions according to this scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member a decision as to which position the member wishes to contest.

(iv) Where no decision is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-

Secretary, Assistant Secretary, President, Organiser.

(v) The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Assistant Secretary/ies	) 3 years'
Divisional Branch President(s)	) financial
Divisional Branch Delegate to	) membership
Divisional Conference	)
Divisional Branch Senior Vice President	) 1 year's
Divisional Branch Vice Presidents	) financial
Divisional Branch Trustees	) membership

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Divisional Branch Management Committee)
and)
Organiser)

Provided that for the purposes of this sub-rule financial membership of the State Registered union being the United Timber Yards, Sawmills and Woodworkers Employees' Union of Western Australia or its successor shall be for all purposes continuous with and counted as financial membership of this Division.

(b) The term of office for the above positions shall be four years and such term shall commence from the 2nd January, following the election.

(c) Nominations for the above positions, shall be called by the Divisional Returning Officer by notification in the union journal if one is due to be published and in one daily newspaper circulating in the Divisional Branch area on or before the last day of August of every fourth year commencing on and from the last day of August, 1996.

Provided that such advertisements shall clearly indicate that the Divisional Executive Committee members and the full-time Divisional Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations shall open on the second Monday in September. Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

(f) A member having nominated for any office in accordance with these Rules may withdraw the nomination by notifying the returning officer in writing of an intention to do so at any time up to 14 days after the closing of nominations. The returning officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the members name from the ballot papers prior to their distribution.

(g) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Management Committee member 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(h) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(i) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or a nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable the supply of a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by prepaid post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary and that envelope shall contain only the following documents -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(ii) a declaration envelope and an empty unsealed pre-paid post envelope addressed to the Divisional Branch Returning Officer, c/- the numbered mail box referred to in this rule;

(iii) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Branch Returning Officer may consider necessary;

(iv) the candidates statement provided for in accordance with sub-rule (g) of this rule.

(v) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail each relevant ballot paper.

(o) For the purpose of the election the books of the Divisional Branches shall be deemed to have closed as at 1st September in the year of the election. Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines prior to the 1st September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Branch Returning Officer that they have paid all contributions, levies and fines prior to the 1st September in the year of the election shall be entitled to receive a ballot paper and the Divisional Branch Returning Officer shall send by post, a ballot paper in accordance with sub-rule (n) of this rule.

(p) The opening date of the ballot shall be the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the

Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(q) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box until the commencement of the count of the ballot which will take place no later than the first working day following the closing of the ballot and shall be completed as soon as is practicable.

(r) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(s) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 68, Definitions, and the candidate or candidates receiving the necessary votes shall be deemed elected.

(t) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

(u) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Secretary of the result of the ballot and the Divisional Branch Management Committee or Divisional Branch Executive shall issue instructions for the publication of same in their minutes. The Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

(v) The Divisional Branch Returning Officer's report to the Divisional Branch Secretary shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposes.

(w) The successful candidates shall take up their respective duties at a date determined by the Divisional Branch Executive which shall be a date between the 1st day and the 14th day of January following the election held in the preceding year and shall remain elected until their successors take up office.

(x) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(y) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(z) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

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(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in this sub-clause, the Divisional Branch Returning Officer shall conduct an election in accordance with this rule with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

52 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Management Committee.

53 - EXTRAORDINARY VACANCIES

(1) An Officer of a Divisional Branch including a Member of the Divisional Branch Management Committee shall cease to hold office and such office shall thereupon become vacant if and when:-

(a) an officer/member dies, or has by reason of physical or mental disability become incapable of carrying out the duties of the office;

(b) the officer/member resigns from office or membership of the Union;

(c) the officer/member is dismissed from office in accordance with Rule 54;

(d) the officer/member ceases to be a member of the Divisional Branch in which the officer/member holds office.

(e) the officer/member becoming unfinancial in accordance with these Rules.

(2) Any extraordinary vacancy which occurs in the office of any officer including a member of the Divisional Branch Management Committee shall be filled by the holding of an election in accordance with Rule 51, with the necessary changes, and the member so elected shall hold office for the remainder of the term for which the predecessor to the office was elected provided that where the remainder of the term does not exceed

(a) twelve months, or

(b) three-quarters of the term of the office whichever is the greater - the Divisional Branch Management Committee may select by resolution any eligible member of the Divisional Branch to fill the office for the remainder of the term.

54 - REMOVAL OF OFFICERS AND MANAGEMENT COMMITTEE MEMBERS

(a) Any officer/member of a Divisional Branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(b) Any officer/member of the Divisional Branch Management Committee charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

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Charges must be laid in writing setting out the particulars of the alleged violation of the rules. The officer or Divisional Branch Management Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in their defence, or if the officer prefers, may answer the charges in writing.

In the case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to the Divisional Conference or Executive whichever is appropriate as soon as it is conveniently possible from the date of the decision. Rule 71 - Appeals of Members shall apply.

55 - DUTIES OF MEMBERS AND OFFENCES

A. DUTIES

(a) To adhere strictly to the Rules of the Union, Division and its Divisional Branches.

(b) To promote the industrial welfare of every other member.

(c) To attend the meetings of the Divisional Branch as often as possible and to assist the Officers to the best of the members' ability.

(d) To supply the Divisional Branch Secretary with information as to where work is procurable for members.

(e) Not to knowingly divulge any portion of the Union's business to any non-member or to discuss it with members in the presence or within the hearing of non-members.

(f) When joining the Union to furnish the Divisional Branch with an address and notify any change of address within fourteen (14) days of such change.

(g) Not to defraud other members.

(h) To render every assistance to Shop Stewards/Job Delegates in their respective work places in the carrying out of their duties.

(i) To answer or cause to answer any correspondence received from the Divisional Branch Secretary and to supply any information that may be required.

(j) To report to the Divisional Branch Secretary or the Divisional Secretary any member believed to be guilty of a breach of the Rules.

B. OFFENCES

(1) Any member may charge any other member with;

(a) Committing any breach of the Rules.

(b) Failing to comply with any lawful resolution or direction passed or given under any Rule of the Union after having been given notice thereof.

(c) Committing any fraudulent act or unlawful act in relation to funds or property of the Union or in relation to any election held under its Rules.

(d) Wrongfully holding themselves out as occupying any office or position in the Union or any Divisional Branch thereof, or as being entitled to represent the Union or any Divisional Branch in any capacity.

(e) Behaving in a drunken, disorderly or offensive manner towards an officer of the union or at any meeting held under the Rules of the Union or in the office of the Union or of any Divisional Branch.

(f) Knowingly giving false information to any officer, representative or employee of the Union or any person acting as or on behalf of a Returning Officer conducting any election under its Rules relating to any Union business or election or any matter affecting the interest of the Union or its members, or refusing to give information to such persons when reasonably requested to do so.

(g) Aiding or encouraging any other member in any offence under these Rules.

(h) Doing any act calculated to injure or destroy the Union or making any wilful false statement concerning the administration of its affairs.

(i) Failing to report to the Divisional Branch Management Committee or the Divisional Conference a member believed to be guilty of a breach of the Rules.

(j) being the holder of any office within the Union

(i) misappropriation of the funds of the Union;

(ii) a substantial breach of the Rules of the Union; or

(iii) gross misbehaviour or gross neglect of duty.

(2) Any charge must be made in writing and shall be made to the Divisional Secretary or the Divisional Branch Secretary. Such Officer shall, if directed by the Divisional Branch Management or Executive Committee or the Divisional Conference or the Divisional Executive, summon the member charged. Such summons shall be in writing and shall state the time and place of the hearing and the substance of the charge. The member's fares to and from the place of the meeting shall be paid. The member shall on written request, be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is charged.

(3) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be investigated, whether or not the person charged is present, unless a satisfactory explanation of the absence has been received.

(4) At the hearing the member charged must be given a reasonable opportunity to present a defence to the charges including a reasonable opportunity to call any witness upon whose evidence the member wishes to rely, and if necessary to tender a written submission.

(5) If the Divisional Conference or the Divisional Executive or Divisional Branch Management Committee or Divisional Branch Executive finds the member concerned so charged guilty it may:

(a) Impose a fine of a sum not exceeding $100.00, and/or

(b) Suspend the member from membership; and/or

(c) Remove the member from any office or position; and/or

(d) Expel the member from membership of the Union.

(6) Suspension from membership shall deprive a member of the rights and benefits of membership, but shall not relieve the member of the obligations of membership and shall not exceed six months for any one offence.

(7) An appeal under this Rule shall lie in respect of any decision from a Divisional Branch to the Divisional Conference, or the Divisional Executive, provided that Notice of Appeal shall be given in writing to the Divisional Secretary within twenty-one days from the date of the member being notified of the Divisional Branch decision and shall set forth in full all matters which the appellant desires to be considered.

(8) The Divisional Conference or the Divisional Executive shall decide the appeal at its next meeting after the appeal is made and the appellant shall have the right to attend the meeting and state a case on the appeal.

(9) Notwithstanding anything to the contrary in these Rules a person elected to any office within the Union shall not be dismissed from office unless found guilty of misappropriation of the funds of the Union a substantial breach of the Rules of the Union or of gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold the office.

56 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's union subscriptions.

57 - SHOP STEWARDS/JOB DELEGATES

(1) A majority of members in each workplace or where appropriate department of the workplace present may select from amongst their number a person or persons to act as Steward or Stewards, Job Delegate or Job Delegates who shall as far as possible perform the following duties:-

(a) To see that these Rules are strictly adhered to.

(b) To investigate and if possible rectify any complaints or disputes and if unsuccessful to refer any such matters to the Divisional Branch Secretary for resolution.

(c) To report any infringement of any award or agreement affecting the Union to the Divisional Branch Secretary at once.

(d) To attend all meetings as regularly as possible.

(e) To notify the Divisional Branch Secretary when possible within twenty-four hours, of all accidents to members of the Union. All such information shall be supplied where possible on a form furnished by the Divisional Branch Secretary.

(g) It shall be the duty of all Shop Stewards/Job Delegates to endeavour to enrol appropriate workers in their respective workplace or jobs into the Union.

(h) On the start of every job where two or more workers are working there shall be a show of cards and also at any time the Shop Steward/Job Delegate may determine.

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(i) Any member refusing to show their card when required by a Shop Steward/Job Delegate shall be liable to be fined up to $100 by the Divisional Branch Management Committee.

(j) It shall be the duty of Shop Stewards/Job Delegates to interest themselves in the welfare of the worker probationers, indentured apprentices and trainees.

(k) On direction of the Divisional Branch Management Committee or at the request of one third of the members on the job, they shall be required to call a meeting as soon as convenient.

(2) The Divisional Branch Secretary shall be advised of the appointment of Shop Stewards/Job Delegates in accordance with paragraph (1) and approved by the Divisional Branch Management Committee or Executive. In the event of failure of the members to appoint a Steward/Job Delegate in accordance with paragraph (1) the Divisional Branch Secretary or an officer authorised by the Divisional Branch Secretary shall have the power to appoint a Steward/Job Delegate or Stewards/Job Delegates.

(3) Where no alternative arrangements for the payment of Union contributions have been determined by the Union, the Steward/Job Delegate shall collect all contributions, fines and levies due to the Union by members in the work place where the Steward/Job Delegate is employed, the same to be paid to the Secretary within 14 days. The Steward/Job Delegate may be paid a Commission to be fixed by the Divisional Branch Management Committee on all monies (except levies) collected, and shall be paid quarterly.

(4) If the Divisional Branch Secretary is advised by members in any work place of their dissatisfaction with the performance of a Shop Steward/Job Delegate then a meeting of members will be convened to consider the complaints.

58 - VICTIMISATION

Should any Shop Steward or Job Delegate be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee/Executive Committee shall take all necessary steps to see that the Shop Steward/Job Delegate interests are protected.

59 - ALLOWANCES

The Divisional Branch Management Committee/Executive Committee may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

61 - LOANS, GRANTS AND DONATIONS

A loan, grant or donation of an amount exceeding $1,000.00 shall not be made by any Divisional Branch, unless the Divisional Branch Management Committee or the Branch Executive Committee, as the case may be:

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the other Rules of the Union or of the Divisional Branch, as the case may be; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory, and

(b) has approved the making of the loan, grant or donation.

62 - FUNDS - HOW COLLECTED

All entrance fees, contributions, levies, fines, fees and dues payable by members shall be paid to and collected by the Divisional Branch Secretaries, or their authorised agents, or any other authorised agent of the Divisional Executive.

63 - CHANGE OF RESIDENCE

Any member changing residence shall report the same to the Divisional Branch Secretary within fourteen (14) days and in default shall be liable to a fine of up to $100.

64 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary.

65 - SETTLEMENT OF INDUSTRIAL DISPUTES

(1) Whenever a dispute arises between any employer and a member or members, such member or members shall report the same to the Divisional Branch Secretary, who shall endeavour to settle same, failing which:-

(2) The Divisional Branch Secretary may call a meeting of the Divisional Branch Executive and such Executive Committee shall consider such dispute and endeavour to settle the same amicably.

(3) Failing a settlement being obtained, the Divisional Branch Secretary shall, if the Divisional Branch Executive Committee so direct, refer the dispute to the Divisional Secretary.

66 - ACCIDENT AND MORTUARY FUNDS

Divisional Branches may establish Accident and Mortuary Funds in accordance with By-Laws approved by the Divisional Conference.

67 - LIFE MEMBERSHIP

The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may, at their entire discretion, constitute a member a Life Member, provided that member has been a member for a period of at least 20 years, has retired from the industry, and was financial at the time of retirement. Life members shall not be liable to pay dues of any kind to the Union, and shall not be entitled to nominate for or to hold any office, but shall be entitled to vote at the Union elections. The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may reduce the qualifying period of membership in special circumstances.

68 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter votes as the first preference, and shall place the number 2,3,4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the voters preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

69 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

In addition to powers elsewhere provided in the Rules, a Divisional Branch Management Committee member shall have the powers of a shop Steward.

70 - REFERENDA

(a) (i) On receipt of a petition signed by not less than 10% financial members of the union, the Divisional Branch Management Committee shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by the Divisional Branch Management Committee and/or Executive.

(ii) The petition shall have set out the members full name, address, signature and the date the said petition was signed by the member. In determining the 10% requirement of financial members for a referendum to be conducted, the petition shall be presented to the Divisional Branch Secretary within 30 days of the first financial member signing the

aforesaid petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 10% financial members.

(iii) Such referendum shall take place within 2 months of the receipt of the petition.

(iv) The decision reached by a majority of the actual votes recorded shall be binding on the Divisional Branch Management Committee and the members of the Divisional Branch and on the Divisional Branch Executive.

(b) The Divisional Branch Management or Executive Committee may at any time, by its own motion, take a referendum of the whole of the financial members of the Divisional Branch upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Management Committee shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

71 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Divisional Branch may make a written appeal to the Divisional Branch Executive Committee for redress, who shall in the case of appeals on any matter that does not relate to the Divisional Branch Executive forward the appeal to the Divisional Branch Executive Committee within one (1) month.

(b) Any members dissatisfied with the decision of the Divisional Branch Executive Committee may appeal to the Divisional Branch Management Committee within one (1) month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Executive within one (1) month after the hearing of the case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Executive or Divisional Executive may confirm, annul or modify the penalty or finding. Should the appellant desire to appear in person the appellant member shall be afforded the opportunity to do so.

72 - SPECIAL RULE - NO.7 BRANCH PULP AND PAPER WORKERS BRANCH

The following provisions shall apply in respect of the No. 7 Branch - Pulp and Paper Workers' Branch of the Division (in this Rule called "the Pulp and Paper Workers' Branch")

(1) Nothing in this Rule shall affect the application of the Rules to the No 7 Branch - Pulp and Paper Workers' Branch - and to the holders of offices within and to the members of that Branch except insofar as this Rule may be inconsistent with another rule in which event the provisions of this Rule shall prevail to the extent of such inconsistency.

(2) The word "Branch" in the Rules shall include a "Sub-Branch of the No. 7 Branch" unless the context indicates otherwise.

DIVISIONAL SUB-BRANCH PROVISIONS

(3) The business of the Divisional Branch shall be conducted by the Divisional Branch Management Committee which shall consist of the Divisional Branch Secretary and Sub-Branch Delegates.

(4) The powers of the Divisional Branch Management Committee shall include the following powers:-

(a) To establish new Sub-Branches and amalgamate existing Sub-Branches, to close or disband Sub-Branches in accordance with the Rules, and generally to control Sub-Branches and the members thereof including the power to disallow By-Laws made by any Sub-Branch in conflict with the Rules.

(b) When establishing a new Sub-Branch to make Rules providing for the admission of members to that new Sub-Branch, the establishment of a Management Committee of that new Sub-Branch, the election of officers of that new Sub-Branch and all such matters as may be necessary.

(c) To fix the amount of per capita payments by the Sub-Branches to the Divisional Branch Management Committee - such payments not to exceed 75% of the members' contributions unless agreed by a majority of the Sub-Branches.

(d) To establish and or operate a Superannuation Fund for the benefit of the members of the Divisional Branch and others.

(4A) The Divisional Branch shall hold an Annual General Meeting and such other meetings as may be necessary. Such meetings shall consist of a series of meetings of the members of each Sub-Branch held at times, places and dates to be decided by the Divisional Branch Management Committee. Members entitled to attend the meetings shall be notified thereof by circular or advertisement, or by printed notices or by such other similar means as the Divisional Branch Management Committee may deem reasonable. Any proposed resolution put to the series of meetings shall have been passed if it receives on the aggregate of all meetings held in the series, the majority of votes.

(5) The Divisional Conference or Divisional Branch Management Committee shall have the power to suspend any Sub-Branch Management Committee and/or all or any officers, committee members and delegates of a Sub-Branch if it is satisfied after due enquiry and after giving it or them the opportunity of being heard:-

(a) That the Rules of the Divisional Branch or Sub-Branch have not been bona fide observed or enforced by the Sub-Branch.

(b) That any lawful decision of the Divisional Branch Management Committee has not, after notification, been bona fide observed and enforced by the Sub-Branch.

(c) That the Sub-Branch is wilfully neglecting to provide for the collection of fees, levies, fines or contributions.

(d) That the accounts of the Sub-Branch have not been duly audited or that the accounts of the Sub-Branch or the Auditor do not disclose the true financial position of the Sub-Branch.

(e) That for any reason the Sub-Branch cannot or fails to meet in accordance with the Rules.

(f) That the officers of the Management Committee of the Sub-Branch refuse to disclose to the Divisional Branch Management Committee information concerning the Sub-Branch or the Management Committee.

(6) If a Sub-Branch or a Sub-Branch Management Committee fails to comply with any lawful direction of the Divisional Branch and incurs legal costs or has imposed upon it a fine and/or legal costs arising from the conduct of the Sub-Branch, the Sub-Branch Management Committee or members of the Sub-Branch, which conduct is in contravention of the lawful direction of the Divisional Branch Management Committee then the Divisional Conference or Divisional Branch Management Committee shall have the power to direct that the amount of legal costs, fine and/or legal costs so incurred by and/or imposed upon the Divisional Branch shall be paid to the Divisional Branch Management Committee from the funds of the Sub-Branch.

(7) The Divisional Branch Management Committee shall call a meeting upon the requisition of three (3) Sub-Branches.

(8) The Sub-Branch Delegates to the Divisional Branch Management Committee shall be the Sub-Branch Secretary together with the additional Delegates who shall be elected quadrennially by the membership of each Sub-Branch in accordance with Rule 51. The additional Delegates shall be elected on the following basis:-

(a) Each Sub-Branch with a membership of less than 100 members - the Sub-Branch Secretary only.

(b) Each Sub-Branch with a membership of 100 members or more but less than 400 members - the Sub-Branch Secretary together with one (1) additional Delegate.

(c) Each Sub-Branch with a membership of 400 members or more but less than 1,000 members - the Sub-Branch Secretary together with two (2) additional Delegates.

(d) Each Sub-Branch with a membership of 1,000 members or more but less than 2,000 - the Sub-Branch Secretary together with three (3) additional Delegates.

(e) Each Sub-Branch with a membership of 2,000 members or more but less than 3,000 members - the Sub-Branch Secretary together with four (4) additional delegates.

(f) Each Sub-Branch with a membership of 3,000 members or more - the Sub-Branch Secretary together with five (5) additional Delegates.

(9) The Sub-Branch Management Committee may appoint a proxy delegate to any meeting of the Divisional Branch Management Committee when the delegate or delegates of the Sub-Branch to the Divisional Branch Management Committee (being either the Sub-Branch Secretary or additional Delegate or Delegates) is or are unable to attend that meeting: Provided that such proxy delegate shall be entitled to speak and vote on any matter except that such proxy delegate shall not participate in any step in any election for an office conducted amongst members of the Divisional Branch Management Committee.

(10) The Divisional Branch Secretary and Divisional Conference Delegates shall be elected quadrennially by the members of the Branch in accordance with the provisions of Rule 51.

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(11) The Divisional Branch President, Senior Divisional Branch Vice President, Junior Divisional Branch Vice President and three (3) Trustees shall be elected by secret ballot after nominations have been called for by the Returning Officer at the meeting of the Divisional Branch Management Committee held next after the declaration of the quadrennial elections by and from the members of the Divisional Branch Management Committee in accordance with the provisions of Rule 51 with the necessary changes.

(12) In the event of a member being elected to the office of Divisional Branch Secretary and as an Additional Delegate of a Sub-Branch to the Divisional Branch Management Committee such position of Additional Delegate shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 51 with the necessary changes.

(13) In the event of a member being elected to the offices of Divisional Branch Secretary and Sub-Branch Secretary the office of Sub-Branch Secretary shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 51

(14) (a) In the event of an industrial dispute taking place in any Sub-Branch the officers of such Sub-Branch shall try, by conciliation, to settle the dispute. In the event of the Sub-Branch officers concerned being unable to secure a satisfactory settlement the matter shall be referred to the Divisional Branch Secretary who shall, on behalf of the Divisional Branch Management Committee take charge of such dispute and shall consult with the Divisional Branch President and shall, if necessary, convene a meeting of the Branch Management Committee to deal with the matter.

(b) (i) A majority of the Sub-Branches shall, at special meetings of the Sub-Branch Management Committees called for that purpose, decide whether an industrial dispute affecting members of the Divisional Branch is to be submitted by the Divisional Branch to the appropriate tribunal established under the Industrial Relations Act 1988.

(ii) The Divisional Branch President and Divisional Branch Secretary or such other person or persons as the Divisional Branch Management Committee may decide shall be empowered to make submissions on behalf of and represent the Divisional Branch before a Federal or State Industrial Tribunal and to sign or issue any document including any agreement for the Divisional Branch which is necessary in respect of any such submission or presentation.

(15) Any delegates representing the Divisional Branch or a Sub-Branch on the Australian Labor Party shall be a member of that party.

(15A) The Divisional Branch Secretary shall be ex-officio a member of all committees of the Sub-Branches but shall not be entitled to exercise a vote on matters appertaining exclusively to only one Sub-Branch.

SUB-BRANCH PROVISIONS

(16) (a) The following Sub-Branches are and shall be deemed to have been established as from the several dates on which they began to function:-

Melbourne, Maryvale, Broadford, Millicent, Sydney, Nowra, Wesley Vale, Boyer, Albury, Burnie and Myrtleford.

(b) The Sub-Branches shall consist of members of the Divisional Branch as follows:-

(i) The Melbourne Sub-Branch shall consist of members who are employed within a radius of forty (40) kilometres of the General Post Office.

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(ii) The Maryvale Sub-Branch shall consist of members employed within a radius of forty (40) kilometres from either the Traralgon or the Morwell Post Office.

(iii) The Broadford Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Broadford Post Office, but not including the districts covered by the Melbourne Sub-Branch.

(iv) the Millicent Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Millicent Post Office.

(v) The Sydney Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Sydney Post Office.

(vi) The Nowra Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Nowra Post Office.

(vii) The Burnie Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Burnie Post Office

(viii) The Myrtleford Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Myrtleford Post Office.

(ix) The Wesley Vale Sub Branch shall consist of members employed within a radius of forty (40) kilometres of the Devonport Post Office

(x) The Boyer Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Hobart Post Office

(xi) The Albury Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Albury Post Office.

(16) (c) Additional Sub-Branches may be established by resolution of the Branch Committee of Management.

(d) Any member not employed within a Sub-Branch area shall be attached to the Sub-Branch nearest to where he is employed.

(17) (a) Officers of the Sub-Branches shall be the President, two (2) Vice-Presidents (a Senior and Junior Vice President) and a Secretary such officers shall also be officers of the Union. These officers together with such number of other members which shall not be less than three (3) or exceed ten (10) as the Sub-Branch shall determine shall form the Sub-Branch Committee of Management. The Sub-Branch Secretary shall also mean the Sub-Branch Secretary-Treasurer.

(b) Delegates to the Branch Committee of Management shall be ex-officio members of all Committees and Sub-Committees of the Sub-Branch to which they belong.

(c) The Officers of the Sub-Branch together with the other members of the Sub-Branch Committee of Management shall be elected quadrennially by the members of the Sub-Branch in accordance with the provisions of Rule 51.

(18) (a) No member shall hold more than one of the offices of Sub-Branch President, Sub-Branch Senior Vice-President, Sub-Branch Junior Vice-President, Sub-Branch Committeeman, or Sub-Branch Secretary. If a member is elected to any two or more of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch Secretary signify which one of the said offices such member elects to hold. The member shall thereupon be deemed to have resigned from

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the other office or offices and the vacancy shall be filled in accordance with the provisions of Rule 51 mutatis mutandis.

(b) No member shall hold the office of Sub-Branch Secretary and Sub-Branch Additional Delegate from the Sub-Branch to the Branch Committee of Management. If a member is elected to each of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch President signify which one of the said offices such member elects to hold and shall thereupon be deemed to have resigned from the other office. The vacancy so occurring in the other office shall be filled in accordance with the provisions of Rule 51 mutatis mutandis.

(19) Entrance fees and contributions shall be paid to and collected by the Sub-Branch Secretary or by an authorised agent of the Sub-Branch.

(20) The Sub-Branch Fund which shall be managed and controlled by each Sub-Branch Management Committee shall consist of:-

(i) Any real or personal property of which the Sub-Branch by the rules or by any established practice not inconsistent with the Rules has, or in the absence of any limited term lease, bailment or arrangement, would have, the of right custody, control or management;

(ii) All entrance fees and all contributions collected in accordance with the Rules save and except such part of the contributions as are fixed by the Divisional Branch Management Committee from time to time and are part of the Divisional Branch Funds pursuant to Rule 42 (4)(c) hereof;

(iii) All fines and levies raised pursuant to Divisional Branch Rules;

(iv) Any interest, rents or dividends derived from the investment of the Fund;

(v) Any superannuation or long service leave fund operated or controlled by the Sub-Branch for the benefit of its officers or employees;

(vi) Any sick pay fund, accident pay fund, mortuary or funeral fund or like fund operated or controlled by the Sub-Branch for the benefit of its members;

(vii) Any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and

(viii)The proceeds of any disposal of parts of the Fund.

(21) The per capita payments fixed by the Divisional Branch Management Committee pursuant to Rule 42 (4)(c) hereof shall be the first charge on the gross income of each Sub-Branch.

(22) Each Sub-Branch shall fix the salaries and/or allowances and/or honorariums and/or appropriate conditions of service of Officers of the Sub-Branches.

(23) Each Sub-Branch shall elect delegates to represent it on any body with which the Sub-Branch is affiliated. The election shall be conducted amongst members of the Sub-Branch Management Committee and be held at the next Sub-Branch Management Committee meeting following Sub-Branch elections. Nominees are required to be a member of the Sub-Branch Management Committee.

(24) Times and places of meetings of a Sub-Branch shall be fixed by the Sub-Branch Management Committee and shall be notified to members by being posted on work place notice boards at least three (3) days prior to the date of such meetings. At least one meeting shall be carried quarterly.

(25) Each Sub-Branch shall decide the starting and finishing times of its meetings and no extension shall exceed thirty (30) minutes beyond the time of normal finishing.

(26) The Sub-Branch President and Sub-Branch Secretary may call a meeting of the Sub-Branch Management Committee at any time by giving the membership of such Committee three (3) days notice in writing of the date, time and place of such meeting. The Sub-Branch President and Sub-Branch Secretary shall call a meeting of the Sub-Branch Management Committee. The Sub-Branch Management Committee if required to do so, by a written request of a majority of members of the Sub-Branch Management Committee may, at any meeting held of such Management Committee, decide the date, time and place of future meetings.

(27) A quorum for a Sub-Branch meeting shall consist of five (5) members (not including officers or members of the Branch Management Committee) where the Sub-Branch has a membership of 100 or less members; a quorum for a Sub-Branch meeting shall consist of ten (10) members (not including officers or members of the Sub-Branch Management Committee) where the Sub-Branch has a membership of over 100 members. If no such quorum is present at a meeting of a Sub-Branch thirty (30) minutes after the normal starting time of such meeting that meeting shall lapse.

(28) If due to the absence of a quorum at a meeting, a Sub-Branch is unable to conduct its business, the Sub-Branch Management Committee shall conduct such business with the full authority of a properly constituted Sub-Branch meeting.

(29) The Sub-Branch President and the Sub-Branch Secretary may call a Special Meeting of the Sub-Branch at any time. Special Meetings of the Sub-Branch shall be called by the President on receipt of a requisition in writing by twenty-five (25) financial members of the Sub-Branch. Such requisition must set out the purpose for which it is desired the meeting shall be called. No other business may be transacted unless urgent and by resolution of the meeting. Such Special Meetings shall be called with twenty-one (21) days of the receipt of such requisition and the time, place and purpose of such Special Meeting shall be notified to members by being posted on the workplace notice boards at least three (3) days prior to the date of the meeting.

(30) MORTUARY FUND

(a) For the purposes of this Rule "spouse" includes the defacto husband or wife of a member.

(b) There shall be established a Mortuary Fund of the Pulp & Paper Workers Branch from which Mortuary Benefits shall be paid upon the death of members of the Branch or the dependent spouse of members of the Branch towards the cost of burial as hereinafter provided.

(c) The Mortuary Fund shall be administered by the Divisional Branch Management Committee.

(d) Each member of the Divisional Branch shall nominate on a form to be provided by the Divisional Branch the full name and address of the person to whom the Mortuary Benefit is to be paid in the event of death. Members shall return completed forms to their Sub-Branch Secretary who shall forward them to the Divisional Branch Secretary.

(e) Upon the death of a member in respect of whom a Mortuary Benefit is payable such payment shall be made to the person nominated by the member irrespective of the number or status of the claimants. Where there is no nominee of the deceased member the Mortuary Benefit may be paid to whomsoever the Divisional Branch President and

Divisional Branch Secretary in their absolute discretion may determine and their decision shall be final.

(f) Upon the death of the dependant spouse of a member of the Branch in respect of whom a Mortuary Benefit is payable such payment shall be made to the member.

(g) When a claim for Mortuary Benefit is made it shall be accompanied by a Death Certificate or a photostat copy of the Certificate.

(h) The amount of the Mortuary Benefit shall be as determined from time to time by the Divisional Branch Management Committee.

(i) There shall be paid into the Mortuary Fund the proceeds of the winding up of the Excess Bonus Funds in the mills of the Australian Paper Manufacturers Ltd. and monies raised by such levies on the members of the Branch as are determined by the Divisional Branch Management Committee to be necessary to operate the Fund. All property of whatsoever kind in the Mortuary Fund is and shall remain the property of the Branch.

(j) Notwithstanding anything contained elsewhere in the Rules of the Union the funds of the Mortuary Fund may be invested in Government Bond Fixed Bank Deposit or Debentures, Shares of Companies who are parties or signatories of the Pulp & Paper Industry Consent Award or Industry Agreement or in other investment as the Divisional Branch Management Committee in its absolute discretion may determine.

(k) The Mortuary Fund of the Divisional Branch alone shall be liable to meet payments of Mortuary Benefits in respect of the death of members or their dependant spouses and no other Fund Account or Assets of the Union shall be so liable to any extent whatsoever.

(l) The Divisional Branch Secretary shall submit annually to members of the Divisional Branch a report of operation of the Mortuary Fund and an audited balance sheet of the accounts including trading, investment interest and outgoings for the period 1st January to 31st December.

(m) If in the future significant benefits become payable on or in respect of the death of members or their dependent spouses either by Government legislation, industrial award or in any other manner the Divisional Branch Management Committee may recommend to members of the Branch that the Mortuary Fund be wound up and all assets in the Fund transferred to the General Account of the Divisional Branch.

(n) The Mortuary Fund shall be wound up within twelve (12) months after a majority of the members of the Divisional Branch have voted for its termination at Special Meetings of each Sub-Branch called for the purpose. In this event all property of whatsoever kind in the Mortuary Fund Account of the Divisional Branch shall be transferred to the General Account of the Divisional Branch.

END OF RULES

[105N-ATAI: Incorporates alterations to rules 9(14)(f), 18(iv), 31(iii) and 42(i) in matter R2005/219 certified on 29/7/2005]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 51 both inclusive contain a true and correct copy of the registered rules of Construction, Forestry, Mining and Energy Union, The Forestry, Furnishing, Building Products and Manufacturing Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU, Forestry, Furnishing, Building Products and Manufacturing Divisional Branches

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THE FORESTRY, FURNISHING, BUILDING PRODUCTS AND MANUFACTURING DIVISION RULES

1 - NAME

The name of the Division shall be "The Forestry, Furnishing, Building Products and Manufacturing Division". (FFPD)

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-Rule (C) and (F) of the National Rules shall belong to this Division.

3 - SEAL OF FFPD DIVISION

1. The seal of the FFPD Division shall be oval in shape inscribed on the outer edge the name of the Union and the words "FFPD Division" on the inside.

2. The Seal shall be kept in the custody of the Divisional Secretary.

3. Any document required or permitted by the Workplace Relations Act or any document required or permitted by law to be under seal of the Division shall be executed on behalf of the Division by affixing the Seal of the Division thereto and by being signed by the Divisional Secretary or, in the absence of the Divisional Secretary, either the Divisional President or Divisional Assistant Secretary.

4 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"FFPD DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to FFPD Division is a member of this Division.

"MEMBER" shall mean a member of FFPD Division and membership shall have a corresponding meaning.

"MANAGEMENT COMMITTEE" or "EXECUTIVE" shall be synonymous and shall mean in relation to a division or divisional branch the controlling and administrative body of such Division or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then the candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

5 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which the candidate resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for the Forestry and FFTS Divisions or their predecessors.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Branch Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which the member resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

6 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Applicants for membership of the FFPD Division shall pay on application an entrance fee in accordance with the Divisional Branch rules. Such entrance fee if applicable shall not exceed $50.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

(ii) The contribution payable by each member shall be fixed by the Divisional Branch in accordance with the rules thereof to which the member is attached. Provided also that the Divisional Executive shall have the power to review and alter any such increases or decreases or alterations made in the contributions or entrance fees of any Divisional Branch in accordance with the rules thereof if in its opinion it is in the interests of the Union to do so.

(iii) The Divisional Executive or Divisional Branch in accordance with the rules thereof may if, in its opinion it is desirable or necessary for financial or any other reason that the aforesaid entrance fees or contributions should be altered, waived or suspended, the said Divisional Executive or Divisional Branch in accordance with the rules thereof may make such decision as it deems desirable or necessary, and the altered, waived or suspended entrance fee and/or contribution payable in that Divisional Branch or Divisional Branch Sub-Branch shall be applicable to the member(s), group or class of members concerned.

(iv) Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch Rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

(v) A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

(vi) Contributions shall be paid to and collected by the Divisional Secretary, Divisional Branch Secretary, or an authorised agent of the Division or Divisional Branch.

(vii) The Division shall allow to the Divisional Branches, for the purpose of the Branch, the whole of the contributions collected by the Branch, except such sum as may be fixed by the Divisional Conference from time to time.

7 - SPECIAL MEMBERS

The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rule 6 be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference which shall meet at least every two (2) years.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter.

(iii) Each Divisional Branch shall be entitled to one (1) representative up to 500 members, one (1) additional representative between 500 members and 1,000 members and one representative for

each additional 1,000 members, based on the aggregate income received by each Divisional Branch (union contributions only) divided by the amount of the yearly contribution fixed by the rules from time to time, for the financial year ending on the 31st December in the year preceding the quadrennial election of representatives to act as its representatives at the Divisional Conference.

The Divisional Branch Secretary of each Branch shall, ipso facto, be one of that Branch's representatives to the Divisional Conference. The number of representatives to which each Divisional Branch is entitled shall remain unaltered throughout the period between the quadrennial elections.

(iv) Representatives of the Divisional Branches to the Divisional Conference shall be elected by secret postal ballot of all members of their respective Divisional Branches eligible to vote each four (4) years in accordance with the provisions of Rule 51 of these Rules.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the delegate is a member may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the delegate's predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

(vii) Where one or more representatives of a Divisional Branch is or are unable to attend a meeting of the Divisional Conference the Executive Committee of that Divisional Branch may itself select a proxy representative or representatives to act on its behalf at that meeting. Such representative or representatives shall vote in accordance with the instructions of the Executive Committee.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 51 of these Rules. Full time Divisional Officers, (Divisional Secretary and Divisional Assistant Secretaries), may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify of the intention in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that Divisional Branch entitlement to delegates shall be increased by the number of full-time Divisional Officers nominating as Divisional Conference delegates in that Divisional Branch in accordance with this sub-clause.

(ix) A majority of delegates eligible to attend the Divisional Conference shall form a quorum.

(x) All expenses of representatives to the Divisional Conference shall be borne by the Divisional Branch by which the representatives are elected unless otherwise determined by the Divisional Conference.

(xi) No alteration of the personnel of the representatives at a meeting of the Divisional Conference shall be permitted after the credentials of the representatives have been received and accepted by the Divisional Conference, unless such alteration is rendered necessary by death or serious illness.

(xii) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of $100, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members, organisers or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate concerned has been afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

A period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from the Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division or Divisional Executive.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish new Divisional Branches and amalgamate existing Divisional Branches, to close or disband Divisional Branches in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the No. 7 Divisional Branch without its consent), and generally to control Divisional Branches and the members thereof including the power to disallow By-Laws made by any Divisional Branch in conflict with these Rules.

(i) When establishing a new Divisional Branch the Divisional Conference shall have power to make rules providing for the admission of members of that new Divisional Branch, the establishment of a Management Committee of that new Divisional Branch, the election of officers of that new Divisional Branch and all such matters as may be necessary.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To deal with any Divisional Branch not working in conformity with the Rules and policy of the Union.

(m) To appoint and remove organisers.

(n) To vote moneys and pass accounts.

(o) To fix salaries and allowances for Officers, Conference delegates and representatives.

(p) To appoint a Returning Officer, who shall conduct any plebiscite upon any question submitted to the whole of the membership for determination, and who shall have power to appoint Deputy Returning Officers.

(q) To elect, appoint and remove officers and members of the Divisional Executive of the Union.

(r) To establish any special fund to achieve any of the objects of the Union.

(s) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one(1) week before the date of such meeting but no failure to notify will of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, email, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit by the Divisional Secretary conduct a postal, telephonic, telegraphic, facsimile, email and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter.

(xvii) The Divisional Conference shall be the Management Committee of the Division for the purposes of the Act and rules and regulations thereunder.

(xviii) All meetings of the Divisional Conference shall be held at such time and place as the Conference shall from time to time determine, and in case of default, or of special meetings, as the Divisional Executive shall determine.

(xix) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Conference -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of the Divisional President, one (1) Divisional Senior Vice President, two (2) Divisional Vice Presidents, Divisional Secretary, up to three (3) Divisional Assistant Secretaries and four (4) Trustees who shall be the officers and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive. Provided that no Divisional Branch shall be entitled to have more than five (5) representatives elected as officers of the Divisional Executive.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

3. Preceding such conferences the Divisional Executive shall appoint a Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers in accordance with these rules.

4. Nominations unless otherwise determined by the Divisional Executive shall be called for on the second day of the Divisional Conference. Where practicable the ballot shall be conducted also on that day. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

5. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the two Divisional Vice Presidents shall be dealt with and completed. The ballot for the four (4) Trustees shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

6. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive.

7. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

8. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

9. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where the delegate can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until the Returning Officer has given such delegates a reasonable opportunity to vote.

10. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

11. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and

dealing with nominations or the conduct of the ballot shall be recognised as validly holding such office.

12. A Divisional Executive member shall hold office until a successor is elected.

13. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14(a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 51 of these Rules of the Union as modified to suit the requirements of the election.

14. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, powers, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch or member. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with any Divisional Branch not working in conformity with the Rules**,** Decisions and policy of the Division.

(g) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(h) To confirm, over-rule or otherwise deal with decisions of the Divisional Branches of this Division.

(i) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(j) To appoint and remove organisers or specialist officers.

(k) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(l) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(m) Submit any matter to the members for decision by ballot.

(n) Ensure that officers, committee members, organisers, delegates or members of the Division and Divisional Branches comply with the rules, policies and decisions of the union and subject to Rule 11 impose penalties [i.e., fines not exceeding the sum of $100, suspension, expulsion or dismissal from office,] on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules, policies or the decisions of the Divisional Executive. Provided that the rules, policies or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(o) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division, take such action as may be necessary to ensure the adherence to the rules of the Union and decisions and policies of the Divisional Conference and/or Divisional Executive by any Divisional Branch and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(p) Control and supervise the work of the Divisional Officers.

(q) To establish new Divisional Branches and amalgamate existing Divisional Branches, to close or disband Divisional Branches in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the No. 7 Divisional Branch without its consent), and generally to control Divisional Branches and the members thereof including the power to disallow By-Laws made by any Divisional Branch in conflict with these Rules.

(r) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

15. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, telegram, telex, facsimile, email or otherwise in writing, telephone or verbally, provided that in the latter two instances such is confirmed by letter, telegram, facsimile, email or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches, or Divisional Branches whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, the Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union , or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(b) Should any officer be removed from office the Divisional Executive shall appoint a member to fill the vacancy until the next elections are held in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive. In the event of the appeal being upheld the Divisional Conference or National Executive may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of the Divisional Conference, Executive and meetings convened by the Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where the Divisional President is a full time officer the Divisional President shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall summon all meetings of the Divisional Conference and Divisional Executive, issue all necessary notices to members of the Divisional Conference or Divisional Executive or to Divisional Branches in connection with such meetings.

The Divisional Secretary shall sign all cheques in addition to one of the Trustees and shall be the signatory to all documents on behalf of the Division.

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the implementation and compliance by the Division and Divisional Branches of the decisions, rules and policies made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive or Divisional Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.

Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall have the authority to initiate any proceedings and/or actions to advance or defend the interests or objectives of the Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive or Divisional Conference and allocate the duties of Officers.

The Divisional Secretary shall be an ex officio member of all Divisional Branch Committees, but shall not be entitled to vote in respect of the decisions of those committees.

(iii) Divisional Assistant Secretary (s):

The Divisional Assistant Secretary(s) shall perform all duties assigned by the Divisional Executive. The Divisional Assistant Secretary(s) shall be under the control of the Divisional Secretary and shall attend all meetings of Divisional Executive, Divisional Conference and National Executive. The Divisional Assistant Secretary may exercise any and all of the powers and duties of the Divisional Secretary on the delegation of the Divisional Secretary and shall exercise such powers and duties while the Divisional Secretary is absent from duty.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(v) Divisional Vice-President(s):

The Divisional Vice-President(s) shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President(s) shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of the Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be determined from time to time by the Divisional Executive.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, and one (1) Divisional Trustee or on absence on leave of the Divisional Secretary, by the Assistant Secretary or Divisional President and one (1) Divisional Trustee.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the Divisional Office, may be disbursed by decision of the Divisional Secretary.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive or Divisional Conference.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Division. Where this is not possible, investments shall be made in the name of the Divisional Trustees. The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The Divisional Executive shall have the authority to hold, purchase, lease, sell, mortgage or otherwise deal in property on behalf of the Division and/or Branches which shall be executed on the Divisional Executive's behalf by the Divisional Secretary.

(vi) The property of the Division shall be under the control of the Divisional Executive.

15 - AUDITOR AND AUDITOR'S REPORT

(i) The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

(ii) The auditor shall, in the auditor's report, draw attention of the Divisional Executive, Divisional Conference to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

(iii) For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

(iv) On receipt of a petition signed by not less than 5% of the financial members of the union, the Divisional Secretary shall convene a general meeting of financial members to present the Auditor's Report, the general purpose financial report and the operating report.

(v) The petition shall have set out the members full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of financial members for a general meeting to be held, the petition shall be presented to the Divisional Secretary within 30 days of the first financial member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% financial members.

(vi) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice to the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

Provided that any such rescission, alteration or amendment which affects in any way the existence, structure or position under these rules of the Divisional No. 7 Branch, shall be of no effect unless endorsed by a resolution of the Divisional Branch Management Committee of that Divisional Branch.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(i) The following Divisional branches of the Union are hereby constituted:

(a) No. 1 Branch known as the New South Wales Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of New South Wales and the Australian Capital Territory (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(b) No. 2 Branch known as the Victorian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Victoria (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(c) No. 3 Branch known as the South Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of South Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(d) No. 4 Branch known as the West Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Western Australia. Provided that, notwithstanding any other rule to the contrary, any member of the United Timber Yards, Sawmills and Woodworkers Employees Union of Western Australia or any organisation that replaces that organisation shall be admitted as a member thereof, without the signing of an admission card or payment of an entrance fee, upon the payment of dues in accordance with the other divisional rules hereof.

(e) No. 6 Branch known as the Tasmanian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Tasmania (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(f) No 7 Branch known as the Pulp & Paper Workers Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members eligible for membership of the Union pursuant to Rule 2 (C) (ii) and those persons who are appointed to any office in the No. 7 Branch and are thereby eligible for membership of the Union pursuant to Rule 2 (C) (iii).

(g) No 8 Branch known as the Queensland Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Queensland (other than those persons who are eligible for membership of the No 7 Branch pursuant to the previous paragraph of this sub-rule).

(ii) The Divisional Conference or Divisional Executive shall have the power to constitute such other Divisional Branches or Sub Branches as it may determine appropriate from time to time.

(iii) A Divisional State Branch Principal Office shall be located in the Capital City of the State in which a State Branch is constituted in accordance with this rule unless otherwise determined by the National Divisional Conference or National Divisional Executive. The Divisional Branch Secretary shall attend to the effective operation and business of the Branch from the State Branch of the Division unless otherwise determined by the National Divisional Conference or National Divisional Executive.

(iv) Unless otherwise determined by the Divisional Conference or Divisional Executive**,** a Divisional Branch shall have autonomy in matters affecting members of the Divisional Branch only.

19 - DIVISIONAL BRANCH RULES

Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the FFPD Divisional Branch Rules make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

20 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute may be submitted to the appropriate industrial Tribunal, Court or Commission, upon a resolution in favour of so submitting such dispute carried by a majority of the members of the Divisional Executive.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such submission.

In the case of an emergency or necessity however, such proceedings may be initiated and matters may be submitted by the authority of the Divisional Secretary, who may also authorise a Divisional Branch Secretary to initiate such proceedings and submit such matters on behalf of the Division.

The aforesaid power shall extend to cases of defending and/or responding to any proceedings or matters instituted or submitted by any other person, corporation, association or organisation. The Divisional Secretary and Divisional Branch Secretary shall be subject to the control of the Divisional Executive on all matters connected with such legal proceedings and matters.

21 - INDUSTRIAL AGREEMENTS

Industrial agreements and other instruments may be made by or on behalf of the Union as follows:-

An industrial agreement, and any instrument not required by law to be under seal, may be executed by the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the Common Seal of the Division by the Divisional Secretary.

22 - INDUSTRIAL DISPUTES

(1) In the event of an Industrial dispute taking place in any Divisional Branch the officers of such Divisional Branch shall try, by conciliation to settle the dispute. In the event of the Divisional Branch officers concerned being unable to secure a satisfactory settlement the matter may be referred to the Divisional Branch Executive who shall seek to resolve the dispute.

(2) In the event of no satisfactory settlement of such dispute being secured the Divisional Branch Secretary shall immediately report the matter to the Divisional Secretary who shall on behalf of the Division take charge of such dispute and shall consult with the Division President and shall if necessary convene a meeting of the Divisional Executive to deal with the matter.

(3) (a) The Division Secretary or a person authorised to act on behalf of the Division Secretary shall make any submission to a tribunal.

The Division Secretary or a person authorised to act on behalf of the Division Secretary shall be the person to sign or issue any document necessary for such submission.

(b) The Division may be represented in any proceedings before any Commonwealth or State Industrial Tribunal by the Division Secretary or by such other officers or persons authorised by the Division Secretary and subject to any authorisation vested by State Legislation.

(4) Notwithstanding anything contained elsewhere in this Rule, Divisional Branch No. 7 shall have autonomy in industrial matters affecting its members only and no action will be taken in relation to such matters by the Divisional Conference or Divisional Executive unless authorised and requested by the Divisional Branch Management Committee of the No. 7 Branch.

23 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at Trades Hall, Adelaide, or such place as the Divisional Executive shall decide.

24 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

25 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

26 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Division or body having objects similar in whole or in part to those of this Division.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $10.00 per week and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $10.00 per week.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

27 - LIFE MEMBERSHIP

The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may, at their entire discretion, constitute a member a Life Member, provided that the member has been a member for a period of at least 20 years, has retired from the industry, and was financial at the time of retirement. Life members shall not be liable to pay dues of any kind to the Division, and shall not be entitled to nominate for or to hold any office, but shall be entitled to vote at the Division elections. The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may reduce the qualifying period of membership in special circumstances.

28 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time the Divisional Secretary may submit a resolution dealing with such matter to the members by letter, facsimile, email, telephone, telegram, verbally and/or any other means of communications or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in the Divisional Secretary's absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

29 - BRANCH INFORMATION

It shall be the duty of the Divisional Branch Secretary of each Divisional Branch to transmit to the Divisional Secretary, on written request from the Divisional Secretary, a true copy of the minutes of each meeting of the Divisional Management Committee or Executive of such Divisional Branch or of any special meeting thereof.

30 - RULES OF DEBATE

MOTIONS, HOW DEALT WITH:

(a) All motions shall be of an affirmative character and must be moved and seconded by members. Such motions become the property of the Union, and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless two-thirds of the members present agree to an extension of time.

(b) Unless a member opposes the motion or proposes an amendment thereto, the motion shall be immediately put to the meeting for decision.

(c) A motion may be superseded at any time by another motion "that it be discharged from the notice paper" or "that the next business be proceeded with" being resolved in the affirmative.

(d) A motion may be amended at any time during the debate thereon by -

(i) striking out certain words
(ii) adding certain words, or
(iii) striking out certain words and inserting others in their place.

Always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(e) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(f) (i) At meetings other than meetings of the membership of a Branch or of a sub-branch all motions shall be put to the meeting by the chairperson in a clear manner. Any member present may demand that the vote be by ballot and the Chairperson shall thereupon conduct a ballot. In the absence of such a demand all motions shall be put to the meeting by the Chairperson by asking for the "ayes" to vote first and then the "noes". The Chairperson's decision as to which has the majority will be final unless any member present demands a show of hands. Upon such a demand being made the chairperson shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(ii) At meetings of the membership of a Branch or of a Sub-Branch all motions shall be put to the meeting by the Chairperson in a clear manner by asking "ayes" to vote first and then the "noes".

The Chairperson's decision as to which has the majority will be final unless a member supported by one quarter of the number of members present demands a show of hands.

Upon such a demand being made the Chairperson shall appoint tellers to count the votes and shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(iii) If the votes are equal the question is resolved in the negative.

(g) No member shall be allowed to vote who was not present when the question was first put.

(h) A mover of a motion to be allowed 10 minutes to introduce and 5 minutes to reply. Other speakers 5 minutes unless two-thirds of the members present agree to an extension of time.

(i) Any member desiring to move to change a decision of the Union or of a Branch must submit notice in writing of such intention to the Divisional Secretary or the Divisional Branch Secretary of the Union as the case may be fourteen (14) days prior to the date of the meeting at which they will move for such change.

(j) During the course of a meeting any resolution which has been the business of that meeting may be recommitted at the hearing.

RIGHT TO SPEAK

(a) Any member desiring to speak shall rise and address the chairperson. If two (2) or more delegates begin to address the chairperson at the same time, the Chairperson shall call upon the one who, in the Chairpersons opinion, began to speak first. Provided that no member can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(i) In reply as the mover of the original motion.

(ii) In explanation or correction of some matter during the debate.

(iii) Upon a point of order raised during the debate.

(iv) Upon a resolution being carried "that a member be now heard".

(b) A member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by the member.

(c) Not more than two members shall be allowed to speak in succession for or against any question. If at the conclusion of the second speaker's remarks no member speaks on the other side, the motion or amendment shall be put to the vote.

(d) Any member speaking shall at once stop:-

(i) If the chairperson begins to speak; or

(b) If a point of order is raised;

and shall not resume speaking until the point of order is decided.

(e) No member may speak to any question after it has been put by the chairperson, or during a division.

REPORTS

(a) A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of the Conference/Executive thereon.

(b) If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An

amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

SITTING AS A COMMITTEE

Divisional Conference or Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Conference or Executive shall be observed when in Committee.

DEFINITION

In this rule "member" shall include any person attending a meeting.

CHAIRPERSON'S RULING

(a) The chairperson's rulings on all points of order shall be final, unless at the time a motion is carried that such ruling be disagreed with.

(b) When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

THE FORESTRY, FURNISHING, BUILDING PRODUCTS AND MANUFACTURING DIVISIONAL BRANCH RULES

31 - DIVISIONAL BRANCH NAME

(i) The following Divisional Branches of the Union are hereby constituted;

(a) No. 1 Branch known as the New South Wales Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of New South Wales and the Australian Capital Territory (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(b) No. 2 Branch known as the Victorian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Victoria (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(c) No. 3 Branch known as the South Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of

South Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(d) No. 4 Branch known as the Western Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members residing in the State of Western Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule). Provided that, notwithstanding any other rule to the contrary, any member of the United Timber Yards, Sawmills and Woodworkers Employees Union of Western Australia or any organisation that replaces that organisation shall be admitted as a member thereof, without the signing of an admission card or payment of an entrance fee, upon the payment of dues in accordance with the other divisional rules thereof.

(e) No. 6 Branch known as the Tasmanian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Tasmania (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(f) No. 7 Branch known as the Pulp & Paper Workers Branch of the Forestry Furnishing, Building Products and Manufacturing Division consisting of all members eligible for membership of the Union pursuant to Rule 2 (c)(ii) of the National Rules and those persons who are appointed to any office in the No. 7 Branch and are thereby eligible for membership of the Union pursuant to Rule 2 (c)(iii) of the National Rules.

(g) No. 8 Branch known as the Queensland Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Queensland (other than those persons who are eligible for membership of the No 7 Branch pursuant to the previous paragraph of this sub-rule).

(ii) The Divisional Conference and Divisional Executive shall have the power to constitute such other Divisional Branch or Branches as it may determine appropriate from time to time.

(iii) Unless otherwise determined by the Divisional Conference or Divisional Executive**,** a Divisional Branch shall have autonomy in matters affecting members of the Divisional Branch only.

32 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the FFPD Division of the Union residing or employed in the State, Territory or Industry sector concerned shall be and remain members of that Divisional Branch.

33 - SEAL OF DIVISIONAL BRANCH

The seal of the Divisional Branch shall be oval in shape, inscribed on the outer edge shall be the words "The Construction, Forestry, Mining and Energy Union" and on the inner space shall have the words "FFPD Division" and under that shall have the name of the Divisional Branch.

It shall be in the custody of the Divisional Branch Secretary, and shall be used or affixed to any document by the Branch Secretary where necessary or desirable and where that document has been made with the authority of the Divisional Branch.

34 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant and a financial member of the Divisional Branch.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) All applications for membership of the Divisional Branch shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Management Committee.

Applications for membership shall be dealt with by the Divisional Branch Management Committee or Divisional Branch Executive, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit the applicant to membership of the Divisional Branch and the Union.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the FFPD Division, the Divisional Branch, and the Union.

(d) A new member shall pay on application for membership all moneys required to be paid by a new member.

(e) Applicants for membership shall be workers of good character, and shall when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

35 - ENTRANCE FEE

(i) All applicants for membership of the Division shall pay an entrance fee if determined by the Divisional Branch Management Committee, such entrance fee shall not exceed $10.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

(ii) Applicants joining on clearances or transfers in accordance with the rules of Union or who have previously been members of the Union shall not be required to pay an entrance fee.

36 - CONTRIBUTIONS

(i) Each member shall pay a yearly contribution of not less than $10.00 said amount payable in one sum on or before the 30th June in each year, or within one week of becoming a member, provided that Branches shall be allowed to issue half-yearly tickets at not less than $5.00 per half-year, said amount payable in advance on the 1st January and the 1st July in each year, and quarterly tickets at not less than $2.50 per quarter, said amount payable in advance on the 1st January, the 1st April, the 1st July and the 1st October in each year. Any person joining during the currency of any quarter shall pay for the full quarter.

Provided further that the Management Committee or Executive of any Divisional Branch may, if in its opinion it is desirable or necessary for financial or other good reasons that the aforesaid

Entrance fees or Contributions should be increased, reduced, altered or waived, the said Management Committee or Executive Committee may make such decision as it deems desirable or necessary, and any such increase, reduction, alteration or waiver shall as far as that Divisional Branch is concerned, be the Entrance fee and/or Contribution payable in that Divisional Branch of the Union by the members of that Divisional Branch or Divisional Sub-Branch of the Union.

Provided also that the Divisional Conference or Executive shall have power to review and alter any such increases or decreases or alterations made in the contributions of any Divisional Branch if in its opinion it is in the interests of the Division to do so.

(ii) Notwithstanding anything contained elsewhere in these Rules the Division may through its Branches make an arrangement with an employer or employers employing members of the Division that the employer will on receipt of an authorisation acceptable to the Divisional Branch, deduct from the wages, or monies, payable to the members so employed amounts by way of contributions, fees, levies, fines, dues or monies owing by the member of the Union. If a member to whom any such arrangement is applicable, lodges such an authorisation with the Union or the employer, that member shall be deemed to be a financial member, as from the first pay day in respect of which deductions are made, pursuant to the authorisation, and shall remain a financial member, so long as the authorisation remains in force.

Provided that any member who at the time of the first deduction, pursuant to the authorisation, was an unfinancial member shall continue to be so until all arrears, in contributions, fees, levies, etc. are paid.

Provided further, that if a member ceases to be employed by an employer, who has been making deductions pursuant to such an arrangement, the amount of the contributions, fees levies etc., then unpaid by the member, shall become due and payable on the first day of the quarter next ensuing after the member ceases to be employed.

(iii) Such contributions shall be paid to and collected by the Divisional Branch Secretary or an authorised agent of the Divisional Branch.

Levies

(iv) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by the Divisional Branch Management Committee or the Divisional Branch Executive Committee.

Fines

(v) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by the Divisional Branch Management Committee or the Divisional Branch Executive Committee.

All moneys paid by a member shall be credited in the following order:

(a) In payment of any levies due; and

(b) In payment of any fines due, and

(c) In payment of any contributions due

Unfinancial Member

(vi) Any member who has failed to pay all contributions, levies and fines imposed in accordance with the Rules of the Union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any deliberations, nominate for official positions, propose any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

37 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of the Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $5.00 per copy.

38 - UNEMPLOYED MEMBERS

(i) When, in the opinion of the Divisional Branch Management Committee, a condition of unemployment in the industry exists the following conditions may be applied:

(ii) Members becoming unemployed, ie, being employed under the terms of the Award or Agreement covered by this Division for less than one month in any quarter, may apply to be placed on an unemployed members list if any.

(iii) This list shall be kept at the Divisional Branch office under the control and supervision of the Divisional Branch Management Committee.

(iv) Members wishing to be placed on the unemployed list must apply in writing to the Divisional Branch Secretary, and shall attend at the Divisional Branch Office or such place as may be decided by the Divisional Branch Management Committee, or give satisfactory proof of their inability to attend.

(v) All applications for inclusion on the unemployed members' list shall be dealt with by the Divisional Branch Management Committee Executive Committee or other authorised committee who shall, if satisfied that the application is genuine, include them on the list.

(vi) Members placed on the list shall be exempt from the payment of contributions for the period specified in this Rule. They shall be entitled to all rights under these rules, but shall only qualify for funeral benefit applicable at the discretion, or upon conditions determined by the Divisional Branch Management Committee.

(vii) Exemption from payment of contributions shall operate for a period of twelve months from the date of inclusion on the unemployed members' list, or until again employed, whichever is the lesser.

(viii) On expiration of the 12 months' period, unemployed members may make further application to be again placed on the unemployed list. Each further application may be approved by the Divisional Branch Management Committee who may require payment of such amount of contributions as may be considered reasonable.

(ix) Any member commencing employment without notifying the Divisional Branch Secretary and continuing to receive the benefits of this unemployed clause while in employment shall be deemed to have committed a breach of the Rules. Such member(s) shall be required to pay full contributions for the period of employment and in addition, may be dealt with under the provisions relating to misconduct.

(x) Continuous membership for the purpose of this Rule, and wherever encountered in these Rules, means continuous membership without any break in the continuity of membership from the last date of acceptance into the Branch.

39 - FUNDS OF THE DIVISIONAL BRANCH

(i) The Divisional Branch shall raise funds by entrance fees, contributions, levies and fines, which funds, together with any other monies received, shall be applied for the following purposes:-

(a) Defraying the cost of administering the affairs of the Divisional Branch;

(b) Subscribing on a pro rata basis to any organisation or Labor Council with which the Union may become affiliated and to which affiliation the Divisional Branch agrees;

(c) Defraying any expenses incurred in any legal proceedings;

(d) Assisting any members out of work through any trade dispute;

(e) Making all necessary payments as determined by the Divisional Branch Committee in connection with any matters affecting members in regard to:-

(i) Preservation of life and limb;
(ii) Compensation for injuries and death;
(iii) The hours of labour;
(iv) The remuneration of labour;
(v) Protection of salaries and wages;
(vi) Other conditions affecting employment of members;
(vii) For the furtherance of any of the matters as set forth in the objects of the Union;
(viii) And any other matters when the Divisional Executive or Divisional Branch Management Committee determines the best interests of members require it.

(ii) The Divisional Branch Fund which shall be managed and controlled by each Divisional Branch Management Committee shall consist of:-

(a) Any real or personal property of which the Divisional Branch by the Rules or by any established practice not inconsistent with the Rules has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;

(b) All entrance fees and all contributions collected in accordance with the Rules save and except such part of the contributions as are fixed by the Divisional Conference from time to time and are Divisional Funds in accordance with Sub-Rule (vii) of Rule 6 of the Division Rules.

(i) Shall pay such moneys required by the Rules of the Union or in accordance with the rules of the Union.

(c) All fines and levies raised pursuant to Divisional Branch Rules;

(d) Any interest, rents or dividends derived from the investment of the Fund;

(e) Any superannuation or long service leave fund operated or controlled by the Divisional Branch for the benefit of its officers or employees;

(f) Any sick pay fund, accident pay fund, mortuary or funeral fund, tool benefit fund or like fund operated or controlled by the Divisional Branch for the benefit of its members;

(g) Any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and

(h) The proceeds of any disposal of parts of the Fund.

40 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Management Committee who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

(b) The auditor shall have full and complete access to the books and documents of the Branch.

(c) On receipt of a petition signed by not less than 5% of the financial members of the union, the Divisional Branch Secretary shall convene a general meeting of financial members to present the Auditor's Report, the general purpose financial report and the operating report.

(d) The petition shall have set out the members full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of financial members for a general meeting to be held, the petition shall be presented to the Divisional Branch Secretary within 30 days of the first financial member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% financial members.

(e) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

41 - MANAGEMENT COMMITTEE AND OFFICERS

The business of each Divisional Branch shall be conducted in accordance with these Rules by a Management Committee consisting of a President, a Senior Vice President, two (2) Vice Presidents - one (1) of which will be designated an affirmative action position to be filled by a woman member, Secretary, Assistant Secretary/ies (the number, if any, to be decided by the Divisional Branch Management Committee prior to the calling of nominations), and four (4) Trustees - one (1) of which will be designated an affirmative action position to be filled by a woman member who shall be the Officers of the Management Committee and who shall form the Executive, and not more than ten (10) other members - two (2) of which will be designated affirmative action positions to be filled by women members, who shall with the Executive, form the Management Committee. In respect to the NSW Divisional Branch there shall be an additional President (full-time) and one (1) additional Trustee who shall be officers of the Management Committee and who shall also form the Executive Committee of the Divisional Branch.

Nominations for the designated affirmative action positions will be called from women members only, although this does not preclude women members from holding any other Management Committee, Executive or Officer positions.

The failure to fill the designated affirmative action positions shall not prevent a Divisional Branch carrying out or conducting the business of a Divisional Branch.

42 - DUTIES OF MANAGEMENT COMMITTEE

(i) The Divisional Branch Management Committee shall be the highest deliberative body of the Divisional Branch and shall subject to the Rules**,** Policies and Decisions of the Divisional Conference and/or Divisional Executive**,** manage and superintend the affairs of the Divisional Branch protect the funds and perform all the duties allotted to them by the Rules. The Divisional Branch Management Committee shall have the power subject to these rules to:-

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Union and to raise or spend such funds as are necessary to carry out the objects and to employ such assistance as it may deem necessary.

(b) Direct the policy of the Divisional Branch.

(c) Subject to rules 16 and 60, amend or add to the Rules.

(d) Hear and determine all appeals that are submitted in accordance with the Rules.

(e) Fix the salaries, allowances, conditions of employment and/or entitlements of the Divisional Branch Officers, employees, delegates and members as it deems to be appropriate and to appoint and/or remove and/or suspend officers, organisers and employees of the Divisional Branch.

(f) Fine, suspend or expel Committee members, delegates and/or members for knowingly refusing to comply with the Rules or the decisions or policy of the Divisional Conference, Divisional Branch Management Committee or Divisional Branch Executive.

(g) All Divisional Branch Officials and assistants shall be under the control of the Management Committee and Executive, subject to the Rules.

(h) Investigate, report and take such action in accordance with these rules upon all grievances and disputes of officials, officers and members that are placed before them.

(i) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated and to select persons as delegates to represent the Divisional Branch at meetings and committees.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $10.00 per week provided that in no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

(l) Subject to Rule 40 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Executive Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers (if any) under the provisions of the Rules.

(s) Appoint Temporary Organisers under the provisions of the Rules.

(t) Appoint a Divisional Branch Returning Officer for the conduct of any elections as may be necessary.

(1) The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(2) The Divisional Branch Returning Officer so appointed:

(i) may not be a member of the Union; and

(ii) shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(ii) The Management Committee shall meet at least twice per annum, five (5) members shall form a quorum. The Executive Officers shall pass accounts, subject to the review of the Management Committee and deal with applications for membership.

(iii) Each member of the Committee shall be paid the sum of not less than $4.00 or the expenses and loss of time for each meeting the Committee member attends.

(iv) Each Divisional Branch shall hold General Meetings as may be deemed necessary.

(v) The Divisional Branch Management Committee shall ensure the Divisional Branch and its officers and members carry out the decisions and policies determined by the Divisional Conference and/or Divisional Executive and the rules of the Union are complied with.

43 - DIVISIONAL BRANCH EXECUTIVE COMMITTEE

(a) The Divisional Branch Executive Committee shall meet at least six (6) times in a calendar year and subject to a review of their actions by the Divisional Branch Management Committee, shall have the care, control, superintendence, management, administration, powers and responsibility in all respects of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee.

(b) A quorum for any meeting shall be a majority of the Executive Officers as set out in Rule 41 hereof.

(c) The Divisional Branch Executive shall meet at a time and place determined by the Executive when special meetings are required to be convened wherein the time and place shall be determined by the Divisional Branch Secretary and the Divisional Branch President. The Divisional Branch Secretary and the Divisional Branch President may determine the time and place of any meeting of the Divisional Branch Executive and shall notify the members of the Divisional Branch Executive of such time and place as soon as is convenient and the Divisional Branch Executive and/or the Divisional Branch Secretary and Divisional Branch President may determine the time

and place of the meeting of the Divisional Branch Management Committee and shall notify the members of the Divisional Branch Management Committee as soon as is convenient of such time and place.

(d) The Divisional Branch Executive shall carry out any duties which they have been directed to perform by the Divisional Branch Management Committee.

44 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President (which shall mean the honorary Divisional Branch President in NSW) shall preside at meetings of the Divisional Branch Management Committee or Divisional Branch Executive Committee and meetings convened by the Divisional Branch Management Committee or Divisional Branch Executive.

(b) The Divisional Branch President(s) shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee or Divisional Branch Executive.

(c) The Divisional Branch President(s) shall conduct business in accordance with Rules laid down for guidance. The President shall not enter debate on any question, but shall endeavour to bring the business to a satisfactory conclusion, and shall have a deliberate vote only.

(d) The Divisional Branch President(s) shall sign the minutes of proceedings of all meetings convened by the Divisional Branch Management Committee or Divisional Branch Executive Committee when same have been duly confirmed.

(e) The Divisional Branch President(s) may be required by resolution of the Divisional Branch Management Committee or Divisional Branch Executive Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Management Committee, Divisional Branch Executive Committee or any Committees established in accordance with these Rules and shall if so required submit a report in writing of the findings to the Divisional Branch Management Committee or Divisional Branch Executive Committee members.

(f) The Divisional Branch President(s) shall be an ex-officio member of all Committees.

45 - DUTIES OF DIVISIONAL BRANCH VICE PRESIDENTS

The Divisional Branch Vice Presidents shall attend all meetings of the Divisional Branch, and assist the Divisional Branch President in the duties of the Divisional Branch President's office. The Divisional Branch Senior Vice President shall officiate in the Divisional Branch President's absence, with all the powers conferred on the chair. In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, a Divisional Branch Vice President shall officiate, with all the powers conferred on the chair. In the absence of the Divisional Branch President and Divisional Branch Vice Presidents the meeting shall elect one of its number to preside.

46 - DUTIES OF DIVISIONAL BRANCH TRUSTEES

(1) Divisional Branch Trustees shall be elected in accordance with Rule 51.

(2) Such Divisional Branch Trustees:-

(a) Shall be responsible for the safe custody of the Common Seal, documents and securities of the Divisional Branch of the Union. Documents and securities shall be deposited in the name of the Divisional Branch of the Union, countersigned by the Divisional Branch Trustees on behalf of the Divisional Branch.

(b) Shall act only on resolution of the Divisional Branch Management Committee or Executive, certified under the hands of the Divisional Branch Secretary.

(c) Shall, subject to the directions of the Divisional Branch Management Committee or Executive, have custody of all property of the Divisional Branch.

(d) Shall be signatory for any accumulated funds invested in securities allowed by law as the Divisional Branch Management Committee or Executive may direct;

(e) Shall sign cheques or warrant for the withdrawal of funds which shall be countersigned by the Divisional Branch Secretary.

47 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Management Committee and the Divisional Branch Executive Committee and shall be employed in a full time capacity (unless otherwise determined by the Divisional Executive) and shall among other things conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Management Committee or Divisional Branch Executive Committee.

(c) The Divisional Branch Secretary shall prepare and forward to the Industrial Registrar returns as required by law.

(d) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Management Committee and Executive meeting; and shall attend meetings of the Divisional Branch Management Committee, Divisional Branch Executive Committee and other meetings called by the Divisional Branch Management Committee or Divisional Branch Executive Committee.

(e) Be in charge of the office and subject to Rule 42 shall direct the labours of the officials and employees of the Union.

(f) Keep a correct account of all monies received and expended.

(g) The Divisional Branch Secretary shall sign all cheques in addition to one of the Trustees and shall be the signatory to all documents on behalf of the Divisional Branch and be responsible for the affixing of the official seal of the Divisional Branch.

(h) Be permitted to hold petty cash to the amount of $500.00.

(i) Be paid incidental and travelling expenses.

(j) Generally conduct all financial transactions of the Branch.

(k) Draw up a report and balance sheet, to be submitted to the Divisional Branch Management Committee as directed, and submit the books and accounts annually to the auditors.

(l) Keep a record of the names and addresses of all members of the Union, the names, addresses and occupations of all officers of the Branch, with the dates when they were admitted, died or left, their financial position in the Union and all other particulars necessary to enable the Rules to be enforced.

(m) Receive all monies, and pay same into such Bank as the Divisional Branch Management Committee may direct, to the credit of the Union within seven (7) days after the receipt of same.

(n) When vacating office, deliver to the successor in office, in the presence of the Divisional Branch Management Committee or Executive, all books, documents and other property of the Divisional Branch in the Divisional Branch Secretary's possession.

(o) Produce for audit at least once a year, and at such other times as the Divisional Branch Management Committee may direct, all books and documents of the Divisional Branch appertaining to finance.

(p) Forward to the Divisional Secretary when requested a true copy of the minutes of each meeting of the Divisional Branch Management Committee or Executive or any special meeting thereof.

(q) The Divisional Branch Secretary shall summon all meetings of the Divisional Branch Management Committee and Divisional Branch Executive, issue all necessary notices to members of the Divisional Branch Management Committee or Divisional Branch Executive in connection with such meetings. In consultation with the Divisional Branch President the Divisional Branch Secretary shall be authorised to convene any extraordinary meeting as deemed necessary.

(r) The Divisional Branch Secretary shall be ex officio member of all committees of the Divisional Branch.

(s) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of the Divisional Branch Secretary office.

(t) The Divisional Branch Secretary shall be responsible for the implementation and compliance of the decisions, rules and policies determined by the Divisional Conference or Divisional Executive by the Divisional Branch of which the Divisional Branch Secretary was elected.

48 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY/IES

(If Required)

(a) The Divisional Branch Assistant Secretary/ies shall be under the control of the Divisional Branch Management Committee and the Divisional Branch Executive Committee and shall, under the direction and authority of the Divisional Branch Secretary, carry out all responsibilities allocated to the position.

(b) The Assistant Secretary shall in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary.

(c) The Assistant Secretary shall attend meetings of the Divisional Branch Management Committee, Divisional Branch Executive Committee and other meetings called by the Divisional Branch Management Committee or Divisional Branch Executive Committee.

49 - DUTIES OF ORGANISERS

The Divisional Branch Management Committee may determine the number (if any) of Organisers of the Divisional Branch and the number (if any) to be appointed by it or elected pursuant to Rule 51 and shall determine the duties to be performed by any such Organisers.

50 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any position in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wages and conditions as shall be

determined at a properly constituted meeting of the Divisional Branch Management Committee/ Executive Committee.

(b) Full-time paid officers shall be under the control of the Divisional Branch Executive Committee between Divisional Branch Management Committee meetings and shall carry out all instructions of the Divisional Branch Management Committee or Divisional Branch Executive Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of the intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Management Committee first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Executive Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Executive Committee a medical certificate setting out that the officer has recovered and is capable to carry out the duties in accordance with the Rules.

51 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who is financial as provided for in Rule 6, at the time of nominations and has financial membership of the Divisional Branch in accordance with the scale set out in this rule, may nominate for such positions according to this scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member a decision as to which position the member wishes to contest.

(iv) Where no decision is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-

Secretary, Assistant Secretary, President, Organiser.

(v) The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Assistant Secretary/ies	) 3 years'
Divisional Branch President(s)	) financial
Divisional Branch Delegate to	) membership
Divisional Conference	)
Divisional Branch Senior Vice President	) 1 year's
Divisional Branch Vice Presidents	) financial
Divisional Branch Trustees	) membership

Divisional Branch Management Committee)
and)
Organiser)

Provided that for the purposes of this sub-rule financial membership of the State Registered union being the United Timber Yards, Sawmills and Woodworkers Employees' Union of Western Australia or its successor shall be for all purposes continuous with and counted as financial membership of this Division.

(b) The term of office for the above positions shall be four years and such term shall commence from the 2nd January, following the election.

(c) Nominations for the above positions, shall be called by the Divisional Returning Officer by notification in the union journal if one is due to be published and in one daily newspaper circulating in the Divisional Branch area on or before the last day of August of every fourth year commencing on and from the last day of August, 1996.

Provided that such advertisements shall clearly indicate that the Divisional Executive Committee members and the full-time Divisional Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations shall open on the second Monday in September. Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

(f) A member having nominated for any office in accordance with these Rules may withdraw the nomination by notifying the returning officer in writing of an intention to do so at any time up to 14 days after the closing of nominations. The returning officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the members name from the ballot papers prior to their distribution.

(g) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Management Committee member 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(h) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(i) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or a nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable the supply of a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by prepaid post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary and that envelope shall contain only the following documents -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(ii) a declaration envelope and an empty unsealed pre-paid post envelope addressed to the Divisional Branch Returning Officer, c/- the numbered mail box referred to in this rule;

(iii) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Branch Returning Officer may consider necessary;

(iv) the candidates statement provided for in accordance with sub-rule (g) of this rule.

(v) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail each relevant ballot paper.

(o) For the purpose of the election the books of the Divisional Branches shall be deemed to have closed as at 1st September in the year of the election. Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines prior to the 1st September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Branch Returning Officer that they have paid all contributions, levies and fines prior to the 1st September in the year of the election shall be entitled to receive a ballot paper and the Divisional Branch Returning Officer shall send by post, a ballot paper in accordance with sub-rule (n) of this rule.

(p) The opening date of the ballot shall be the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the

Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(q) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box until the commencement of the count of the ballot which will take place no later than the first working day following the closing of the ballot and shall be completed as soon as is practicable.

(r) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(s) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 68, Definitions, and the candidate or candidates receiving the necessary votes shall be deemed elected.

(t) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

(u) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Secretary of the result of the ballot and the Divisional Branch Management Committee or Divisional Branch Executive shall issue instructions for the publication of same in their minutes. The Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

(v) The Divisional Branch Returning Officer's report to the Divisional Branch Secretary shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposes.

(w) The successful candidates shall take up their respective duties at a date determined by the Divisional Branch Executive which shall be a date between the 1st day and the 14th day of January following the election held in the preceding year and shall remain elected until their successors take up office.

(x) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(y) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(z) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in this sub-clause, the Divisional Branch Returning Officer shall conduct an election in accordance with this rule with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

52 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Management Committee.

53 - EXTRAORDINARY VACANCIES

(1) An Officer of a Divisional Branch including a Member of the Divisional Branch Management Committee shall cease to hold office and such office shall thereupon become vacant if and when:-

(a) an officer/member dies, or has by reason of physical or mental disability become incapable of carrying out the duties of the office;

(b) the officer/member resigns from office or membership of the Union;

(c) the officer/member is dismissed from office in accordance with Rule 54;

(d) the officer/member ceases to be a member of the Divisional Branch in which the officer/member holds office.

(e) the officer/member becoming unfinancial in accordance with these Rules.

(2) Any extraordinary vacancy which occurs in the office of any officer including a member of the Divisional Branch Management Committee shall be filled by the holding of an election in accordance with Rule 51, with the necessary changes, and the member so elected shall hold office for the remainder of the term for which the predecessor to the office was elected provided that where the remainder of the term does not exceed

(a) twelve months, or

(b) three-quarters of the term of the office whichever is the greater - the Divisional Branch Management Committee may select by resolution any eligible member of the Divisional Branch to fill the office for the remainder of the term.

54 - REMOVAL OF OFFICERS AND MANAGEMENT COMMITTEE MEMBERS

(a) Any officer/member of a Divisional Branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(b) Any officer/member of the Divisional Branch Management Committee charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of the rules. The officer or Divisional Branch Management Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in their defence, or if the officer prefers, may answer the charges in writing.

In the case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to the Divisional Conference or Executive whichever is appropriate as soon as it is conveniently possible from the date of the decision. Rule 71 - Appeals of Members shall apply.

55 - DUTIES OF MEMBERS AND OFFENCES

A. DUTIES

(a) To adhere strictly to the Rules of the Union, Division and its Divisional Branches.

(b) To promote the industrial welfare of every other member.

(c) To attend the meetings of the Divisional Branch as often as possible and to assist the Officers to the best of the members' ability.

(d) To supply the Divisional Branch Secretary with information as to where work is procurable for members.

(e) Not to knowingly divulge any portion of the Union's business to any non-member or to discuss it with members in the presence or within the hearing of non-members.

(f) When joining the Union to furnish the Divisional Branch with an address and notify any change of address within fourteen (14) days of such change.

(g) Not to defraud other members.

(h) To render every assistance to Shop Stewards/Job Delegates in their respective work places in the carrying out of their duties.

(i) To answer or cause to answer any correspondence received from the Divisional Branch Secretary and to supply any information that may be required.

(j) To report to the Divisional Branch Secretary or the Divisional Secretary any member believed to be guilty of a breach of the Rules.

B. OFFENCES

(1) Any member may charge any other member with;

(a) Committing any breach of the Rules.

(b) Failing to comply with any lawful resolution or direction passed or given under any Rule of the Union after having been given notice thereof.

(c) Committing any fraudulent act or unlawful act in relation to funds or property of the Union or in relation to any election held under its Rules.

(d) Wrongfully holding themselves out as occupying any office or position in the Union or any Divisional Branch thereof, or as being entitled to represent the Union or any Divisional Branch in any capacity.

(e) Behaving in a drunken, disorderly or offensive manner towards an officer of the union or at any meeting held under the Rules of the Union or in the office of the Union or of any Divisional Branch.

(f) Knowingly giving false information to any officer, representative or employee of the Union or any person acting as or on behalf of a Returning Officer conducting any election under its Rules relating to any Union business or election or any matter affecting the interest of the Union or its members, or refusing to give information to such persons when reasonably requested to do so.

(g) Aiding or encouraging any other member in any offence under these Rules.

(h) Doing any act calculated to injure or destroy the Union or making any wilful false statement concerning the administration of its affairs.

(i) Failing to report to the Divisional Branch Management Committee or the Divisional Conference a member believed to be guilty of a breach of the Rules.

(j) being the holder of any office within the Union

(i) misappropriation of the funds of the Union;

(ii) a substantial breach of the Rules of the Union; or

(iii) gross misbehaviour or gross neglect of duty.

(2) Any charge must be made in writing and shall be made to the Divisional Secretary or the Divisional Branch Secretary. Such Officer shall, if directed by the Divisional Branch Management or Executive Committee or the Divisional Conference or the Divisional Executive, summon the member charged. Such summons shall be in writing and shall state the time and place of the hearing and the substance of the charge. The member's fares to and from the place of the meeting shall be paid. The member shall on written request, be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is charged.

(3) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be investigated, whether or not the person charged is present, unless a satisfactory explanation of the absence has been received.

(4) At the hearing the member charged must be given a reasonable opportunity to present a defence to the charges including a reasonable opportunity to call any witness upon whose evidence the member wishes to rely, and if necessary to tender a written submission.

(5) If the Divisional Conference or the Divisional Executive or Divisional Branch Management Committee or Divisional Branch Executive finds the member concerned so charged guilty it may:

(a) Impose a fine of a sum not exceeding $100.00, and/or

(b) Suspend the member from membership; and/or

(c) Remove the member from any office or position; and/or

(d) Expel the member from membership of the Union.

(6) Suspension from membership shall deprive a member of the rights and benefits of membership, but shall not relieve the member of the obligations of membership and shall not exceed six months for any one offence.

(7) An appeal under this Rule shall lie in respect of any decision from a Divisional Branch to the Divisional Conference, or the Divisional Executive, provided that Notice of Appeal shall be given in writing to the Divisional Secretary within twenty-one days from the date of the member being notified of the Divisional Branch decision and shall set forth in full all matters which the appellant desires to be considered.

(8) The Divisional Conference or the Divisional Executive shall decide the appeal at its next meeting after the appeal is made and the appellant shall have the right to attend the meeting and state a case on the appeal.

(9) Notwithstanding anything to the contrary in these Rules a person elected to any office within the Union shall not be dismissed from office unless found guilty of misappropriation of the funds of the Union a substantial breach of the Rules of the Union or of gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold the office.

56 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's union subscriptions.

57 - SHOP STEWARDS/JOB DELEGATES

(1) A majority of members in each workplace or where appropriate department of the workplace present may select from amongst their number a person or persons to act as Steward or Stewards, Job Delegate or Job Delegates who shall as far as possible perform the following duties:-

(a) To see that these Rules are strictly adhered to.

(b) To investigate and if possible rectify any complaints or disputes and if unsuccessful to refer any such matters to the Divisional Branch Secretary for resolution.

(c) To report any infringement of any award or agreement affecting the Union to the Divisional Branch Secretary at once.

(d) To attend all meetings as regularly as possible.

(e) To notify the Divisional Branch Secretary when possible within twenty-four hours, of all accidents to members of the Union. All such information shall be supplied where possible on a form furnished by the Divisional Branch Secretary.

(g) It shall be the duty of all Shop Stewards/Job Delegates to endeavour to enrol appropriate workers in their respective workplace or jobs into the Union.

(h) On the start of every job where two or more workers are working there shall be a show of cards and also at any time the Shop Steward/Job Delegate may determine.

(i) Any member refusing to show their card when required by a Shop Steward/Job Delegate shall be liable to be fined up to $100 by the Divisional Branch Management Committee.

(j) It shall be the duty of Shop Stewards/Job Delegates to interest themselves in the welfare of the worker probationers, indentured apprentices and trainees.

(k) On direction of the Divisional Branch Management Committee or at the request of one third of the members on the job, they shall be required to call a meeting as soon as convenient.

(2) The Divisional Branch Secretary shall be advised of the appointment of Shop Stewards/Job Delegates in accordance with paragraph (1) and approved by the Divisional Branch Management Committee or Executive. In the event of failure of the members to appoint a Steward/Job Delegate in accordance with paragraph (1) the Divisional Branch Secretary or an officer authorised by the Divisional Branch Secretary shall have the power to appoint a Steward/Job Delegate or Stewards/Job Delegates.

(3) Where no alternative arrangements for the payment of Union contributions have been determined by the Union, the Steward/Job Delegate shall collect all contributions, fines and levies due to the Union by members in the work place where the Steward/Job Delegate is employed, the same to be paid to the Secretary within 14 days. The Steward/Job Delegate may be paid a Commission to be fixed by the Divisional Branch Management Committee on all monies (except levies) collected, and shall be paid quarterly.

(4) If the Divisional Branch Secretary is advised by members in any work place of their dissatisfaction with the performance of a Shop Steward/Job Delegate then a meeting of members will be convened to consider the complaints.

58 - VICTIMISATION

Should any Shop Steward or Job Delegate be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee/Executive Committee shall take all necessary steps to see that the Shop Steward/Job Delegate interests are protected.

59 - ALLOWANCES

The Divisional Branch Management Committee/Executive Committee may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

61 - LOANS, GRANTS AND DONATIONS

A loan, grant or donation of an amount exceeding $1,000.00 shall not be made by any Divisional Branch, unless the Divisional Branch Management Committee or the Branch Executive Committee, as the case may be:

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the other Rules of the Union or of the Divisional Branch, as the case may be; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory, and

(b) has approved the making of the loan, grant or donation.

62 - FUNDS - HOW COLLECTED

All entrance fees, contributions, levies, fines, fees and dues payable by members shall be paid to and collected by the Divisional Branch Secretaries, or their authorised agents, or any other authorised agent of the Divisional Executive.

63 - CHANGE OF RESIDENCE

Any member changing residence shall report the same to the Divisional Branch Secretary within fourteen (14) days and in default shall be liable to a fine of up to $100.

64 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary.

65 - SETTLEMENT OF INDUSTRIAL DISPUTES

(1) Whenever a dispute arises between any employer and a member or members, such member or members shall report the same to the Divisional Branch Secretary, who shall endeavour to settle same, failing which:-

(2) The Divisional Branch Secretary may call a meeting of the Divisional Branch Executive and such Executive Committee shall consider such dispute and endeavour to settle the same amicably.

(3) Failing a settlement being obtained, the Divisional Branch Secretary shall, if the Divisional Branch Executive Committee so direct, refer the dispute to the Divisional Secretary.

66 - ACCIDENT AND MORTUARY FUNDS

Divisional Branches may establish Accident and Mortuary Funds in accordance with By-Laws approved by the Divisional Conference.

67 - LIFE MEMBERSHIP

The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may, at their entire discretion, constitute a member a Life Member, provided that member has been a member for a period of at least 20 years, has retired from the industry, and was financial at the time of retirement. Life members shall not be liable to pay dues of any kind to the Union, and shall not be entitled to nominate for or to hold any office, but shall be entitled to vote at the Union elections. The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may reduce the qualifying period of membership in special circumstances.

68 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter votes as the first preference, and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the voters preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

69 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

In addition to powers elsewhere provided in the Rules, a Divisional Branch Management Committee member shall have the powers of a shop Steward.

70 - REFERENDA

(a) (i) On receipt of a petition signed by not less than 10% financial members of the union, the Divisional Branch Management Committee shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by the Divisional Branch Management Committee and/or Executive.

(ii) The petition shall have set out the members full name, address, signature and the date the said petition was signed by the member. In determining the 10% requirement of financial members for a referendum to be conducted, the petition shall be presented to the Divisional Branch Secretary within 30 days of the first financial member signing the

aforesaid petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 10% financial members.

(iii) Such referendum shall take place within 2 months of the receipt of the petition.

(iv) The decision reached by a majority of the actual votes recorded shall be binding on the Divisional Branch Management Committee and the members of the Divisional Branch and on the Divisional Branch Executive.

(b) The Divisional Branch Management or Executive Committee may at any time, by its own motion, take a referendum of the whole of the financial members of the Divisional Branch upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Management Committee shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

71 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Divisional Branch may make a written appeal to the Divisional Branch Executive Committee for redress, who shall in the case of appeals on any matter that does not relate to the Divisional Branch Executive forward the appeal to the Divisional Branch Executive Committee within one (1) month.

(b) Any members dissatisfied with the decision of the Divisional Branch Executive Committee may appeal to the Divisional Branch Management Committee within one (1) month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Executive within one (1) month after the hearing of the case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Executive or Divisional Executive may confirm, annul or modify the penalty or finding. Should the appellant desire to appear in person the appellant member shall be afforded the opportunity to do so.

72 - SPECIAL RULE - NO.7 BRANCH PULP AND PAPER WORKERS BRANCH

The following provisions shall apply in respect of the No. 7 Branch - Pulp and Paper Workers' Branch of the Division (in this Rule called "the Pulp and Paper Workers' Branch")

(1) Nothing in this Rule shall affect the application of the Rules to the No 7 Branch - Pulp and Paper Workers' Branch - and to the holders of offices within and to the members of that Branch except insofar as this Rule may be inconsistent with another rule in which event the provisions of this Rule shall prevail to the extent of such inconsistency.

(2) The word "Branch" in the Rules shall include a "Sub-Branch of the No. 7 Branch" unless the context indicates otherwise.

DIVISIONAL SUB-BRANCH PROVISIONS

(3) The business of the Divisional Branch shall be conducted by the Divisional Branch Management Committee which shall consist of the Divisional Branch Secretary and Sub-Branch Delegates.

(4) The powers of the Divisional Branch Management Committee shall include the following powers:-

(a) To establish new Sub-Branches and amalgamate existing Sub-Branches, to close or disband Sub-Branches in accordance with the Rules, and generally to control Sub-Branches and the members thereof including the power to disallow By-Laws made by any Sub-Branch in conflict with the Rules.

(b) When establishing a new Sub-Branch to make Rules providing for the admission of members to that new Sub-Branch, the establishment of a Management Committee of that new Sub-Branch, the election of officers of that new Sub-Branch and all such matters as may be necessary.

(c) To fix the amount of per capita payments by the Sub-Branches to the Divisional Branch Management Committee - such payments not to exceed 75% of the members' contributions unless agreed by a majority of the Sub-Branches.

(d) To establish and or operate a Superannuation Fund for the benefit of the members of the Divisional Branch and others.

(4A) The Divisional Branch shall hold an Annual General Meeting and such other meetings as may be necessary. Such meetings shall consist of a series of meetings of the members of each Sub-Branch held at times, places and dates to be decided by the Divisional Branch Management Committee. Members entitled to attend the meetings shall be notified thereof by circular or advertisement, or by printed notices or by such other similar means as the Divisional Branch Management Committee may deem reasonable. Any proposed resolution put to the series of meetings shall have been passed if it receives on the aggregate of all meetings held in the series, the majority of votes.

(5) The Divisional Conference or Divisional Branch Management Committee shall have the power to suspend any Sub-Branch Management Committee and/or all or any officers, committee members and delegates of a Sub-Branch if it is satisfied after due enquiry and after giving it or them the opportunity of being heard:-

(a) That the Rules of the Divisional Branch or Sub-Branch have not been bona fide observed or enforced by the Sub-Branch.

(b) That any lawful decision of the Divisional Branch Management Committee has not, after notification, been bona fide observed and enforced by the Sub-Branch.

(c) That the Sub-Branch is wilfully neglecting to provide for the collection of fees, levies, fines or contributions.

(d) That the accounts of the Sub-Branch have not been duly audited or that the accounts of the Sub-Branch or the Auditor do not disclose the true financial position of the Sub-Branch.

(e) That for any reason the Sub-Branch cannot or fails to meet in accordance with the Rules.

(f) That the officers of the Management Committee of the Sub-Branch refuse to disclose to the Divisional Branch Management Committee information concerning the Sub-Branch or the Management Committee.

(6) If a Sub-Branch or a Sub-Branch Management Committee fails to comply with any lawful direction of the Divisional Branch and incurs legal costs or has imposed upon it a fine and/or legal costs arising from the conduct of the Sub-Branch, the Sub-Branch Management Committee or members of the Sub-Branch, which conduct is in contravention of the lawful direction of the Divisional Branch Management Committee then the Divisional Conference or Divisional Branch Management Committee shall have the power to direct that the amount of legal costs, fine and/or legal costs so incurred by and/or imposed upon the Divisional Branch shall be paid to the Divisional Branch Management Committee from the funds of the Sub-Branch.

(7) The Divisional Branch Management Committee shall call a meeting upon the requisition of three (3) Sub-Branches.

(8) The Sub-Branch Delegates to the Divisional Branch Management Committee shall be the Sub-Branch Secretary together with the additional Delegates who shall be elected quadrennially by the membership of each Sub-Branch in accordance with Rule 51. The additional Delegates shall be elected on the following basis:-

(a) Each Sub-Branch with a membership of less than 100 members - the Sub-Branch Secretary only.

(b) Each Sub-Branch with a membership of 100 members or more but less than 400 members - the Sub-Branch Secretary together with one (1) additional Delegate.

(c) Each Sub-Branch with a membership of 400 members or more but less than 1,000 members - the Sub-Branch Secretary together with two (2) additional Delegates.

(d) Each Sub-Branch with a membership of 1,000 members or more but less than 2,000 - the Sub-Branch Secretary together with three (3) additional Delegates.

(e) Each Sub-Branch with a membership of 2,000 members or more but less than 3,000 members - the Sub-Branch Secretary together with four (4) additional delegates.

(f) Each Sub-Branch with a membership of 3,000 members or more - the Sub-Branch Secretary together with five (5) additional Delegates.

(9) The Sub-Branch Management Committee may appoint a proxy delegate to any meeting of the Divisional Branch Management Committee when the delegate or delegates of the Sub-Branch to the Divisional Branch Management Committee (being either the Sub-Branch Secretary or additional Delegate or Delegates) is or are unable to attend that meeting: Provided that such proxy delegate shall be entitled to speak and vote on any matter except that such proxy delegate shall not participate in any step in any election for an office conducted amongst members of the Divisional Branch Management Committee.

(10) The Divisional Branch Secretary and Divisional Conference Delegates shall be elected quadrennially by the members of the Branch in accordance with the provisions of Rule 51.

(11) The Divisional Branch President, Senior Divisional Branch Vice President, Junior Divisional Branch Vice President and three (3) Trustees shall be elected by secret ballot after nominations have been called for by the Returning Officer at the meeting of the Divisional Branch Management Committee held next after the declaration of the quadrennial elections by and from the members of the Divisional Branch Management Committee in accordance with the provisions of Rule 51 with the necessary changes.

(12) In the event of a member being elected to the office of Divisional Branch Secretary and as an Additional Delegate of a Sub-Branch to the Divisional Branch Management Committee such position of Additional Delegate shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 51 with the necessary changes.

(13) In the event of a member being elected to the offices of Divisional Branch Secretary and Sub-Branch Secretary the office of Sub-Branch Secretary shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 51

(14) (a) In the event of an industrial dispute taking place in any Sub-Branch the officers of such Sub-Branch shall try, by conciliation, to settle the dispute. In the event of the Sub-Branch officers concerned being unable to secure a satisfactory settlement the matter shall be referred to the Divisional Branch Secretary who shall, on behalf of the Divisional Branch Management Committee take charge of such dispute and shall consult with the Divisional Branch President and shall, if necessary, convene a meeting of the Branch Management Committee to deal with the matter.

(b) (i) A majority of the Sub-Branches shall, at special meetings of the Sub-Branch Management Committees called for that purpose, decide whether an industrial dispute affecting members of the Divisional Branch is to be submitted by the Divisional Branch to the appropriate tribunal established under the Industrial Relations Act 1988.

(ii) The Divisional Branch President and Divisional Branch Secretary or such other person or persons as the Divisional Branch Management Committee may decide shall be empowered to make submissions on behalf of and represent the Divisional Branch before a Federal or State Industrial Tribunal and to sign or issue any document including any agreement for the Divisional Branch which is necessary in respect of any such submission or presentation.

(15) Any delegates representing the Divisional Branch or a Sub-Branch on the Australian Labor Party shall be a member of that party.

(15A) The Divisional Branch Secretary shall be ex-officio a member of all committees of the Sub-Branches but shall not be entitled to exercise a vote on matters appertaining exclusively to only one Sub-Branch.

SUB-BRANCH PROVISIONS

(16) (a) The following Sub-Branches are and shall be deemed to have been established as from the several dates on which they began to function:-

Melbourne, Maryvale, Broadford, Millicent, Sydney, Nowra, Wesley Vale, Boyer, Albury, Burnie and Myrtleford.

(b) The Sub-Branches shall consist of members of the Divisional Branch as follows:-

(i) The Melbourne Sub-Branch shall consist of members who are employed within a radius of forty (40) kilometres of the General Post Office.

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(ii) The Maryvale Sub-Branch shall consist of members employed within a radius of forty (40) kilometres from either the Traralgon or the Morwell Post Office.

(iii) The Broadford Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Broadford Post Office, but not including the districts covered by the Melbourne Sub-Branch.

(iv) the Millicent Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Millicent Post Office.

(v) The Sydney Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Sydney Post Office.

(vi) The Nowra Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Nowra Post Office.

(vii) The Burnie Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Burnie Post Office

(viii) The Myrtleford Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Myrtleford Post Office.

(ix) The Wesley Vale Sub Branch shall consist of members employed within a radius of forty (40) kilometres of the Devonport Post Office

(x) The Boyer Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Hobart Post Office

(xi) The Albury Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Albury Post Office.

(16) (c) Additional Sub-Branches may be established by resolution of the Branch Committee of Management.

(d) Any member not employed within a Sub-Branch area shall be attached to the Sub-Branch nearest to where he is employed.

(17) (a) Officers of the Sub-Branches shall be the President, two (2) Vice-Presidents (a Senior and Junior Vice President) and a Secretary such officers shall also be officers of the Union. These officers together with such number of other members which shall not be less than three (3) or exceed ten (10) as the Sub-Branch shall determine shall form the Sub-Branch Committee of Management. The Sub-Branch Secretary shall also mean the Sub-Branch Secretary-Treasurer.

(b) Delegates to the Branch Committee of Management shall be ex-officio members of all Committees and Sub-Committees of the Sub-Branch to which they belong.

(c) The Officers of the Sub-Branch together with the other members of the Sub-Branch Committee of Management shall be elected quadrennially by the members of the Sub-Branch in accordance with the provisions of Rule 51.

(18) (a) No member shall hold more than one of the offices of Sub-Branch President, Sub-Branch Senior Vice-President, Sub-Branch Junior Vice-President, Sub-Branch Committeeman, or Sub-Branch Secretary. If a member is elected to any two or more of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch Secretary signify which one of the said offices such member elects to hold. The member shall thereupon be deemed to have resigned from

the other office or offices and the vacancy shall be filled in accordance with the provisions of Rule 51 mutatis mutandis.

(b) No member shall hold the office of Sub-Branch Secretary and Sub-Branch Additional Delegate from the Sub-Branch to the Branch Committee of Management. If a member is elected to each of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch President signify which one of the said offices such member elects to hold and shall thereupon be deemed to have resigned from the other office. The vacancy so occurring in the other office shall be filled in accordance with the provisions of Rule 51 mutatis mutandis.

(19) Entrance fees and contributions shall be paid to and collected by the Sub-Branch Secretary or by an authorised agent of the Sub-Branch.

(20) The Sub-Branch Fund which shall be managed and controlled by each Sub-Branch Management Committee shall consist of:-

(i) Any real or personal property of which the Sub-Branch by the rules or by any established practice not inconsistent with the Rules has, or in the absence of any limited term lease, bailment or arrangement, would have, the of right custody, control or management;

(ii) All entrance fees and all contributions collected in accordance with the Rules save and except such part of the contributions as are fixed by the Divisional Branch Management Committee from time to time and are part of the Divisional Branch Funds pursuant to Rule 42 (4)(c) hereof;

(iii) All fines and levies raised pursuant to Divisional Branch Rules;

(iv) Any interest, rents or dividends derived from the investment of the Fund;

(v) Any superannuation or long service leave fund operated or controlled by the Sub-Branch for the benefit of its officers or employees;

(vi) Any sick pay fund, accident pay fund, mortuary or funeral fund or like fund operated or controlled by the Sub-Branch for the benefit of its members;

(vii) Any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and

(viii)The proceeds of any disposal of parts of the Fund.

(21) The per capita payments fixed by the Divisional Branch Management Committee pursuant to Rule 42 (4)(c) hereof shall be the first charge on the gross income of each Sub-Branch.

(22) Each Sub-Branch shall fix the salaries and/or allowances and/or honorariums and/or appropriate conditions of service of Officers of the Sub-Branches.

(23) Each Sub-Branch shall elect delegates to represent it on any body with which the Sub-Branch is affiliated. The election shall be conducted amongst members of the Sub-Branch Management Committee and be held at the next Sub-Branch Management Committee meeting following Sub-Branch elections. Nominees are required to be a member of the Sub-Branch Management Committee.

(24) Times and places of meetings of a Sub-Branch shall be fixed by the Sub-Branch Management Committee and shall be notified to members by being posted on work place notice boards at least three (3) days prior to the date of such meetings. At least one meeting shall be carried quarterly.

(25) Each Sub-Branch shall decide the starting and finishing times of its meetings and no extension shall exceed thirty (30) minutes beyond the time of normal finishing.

(26) The Sub-Branch President and Sub-Branch Secretary may call a meeting of the Sub-Branch Management Committee at any time by giving the membership of such Committee three (3) days notice in writing of the date, time and place of such meeting. The Sub-Branch President and Sub-Branch Secretary shall call a meeting of the Sub-Branch Management Committee. The Sub-Branch Management Committee if required to do so, by a written request of a majority of members of the Sub-Branch Management Committee may, at any meeting held of such Management Committee, decide the date, time and place of future meetings.

(27) A quorum for a Sub-Branch meeting shall consist of five (5) members (not including officers or members of the Branch Management Committee) where the Sub-Branch has a membership of 100 or less members; a quorum for a Sub-Branch meeting shall consist of ten (10) members (not including officers or members of the Sub-Branch Management Committee) where the Sub-Branch has a membership of over 100 members. If no such quorum is present at a meeting of a Sub-Branch thirty (30) minutes after the normal starting time of such meeting that meeting shall lapse.

(28) If due to the absence of a quorum at a meeting, a Sub-Branch is unable to conduct its business, the Sub-Branch Management Committee shall conduct such business with the full authority of a properly constituted Sub-Branch meeting.

(29) The Sub-Branch President and the Sub-Branch Secretary may call a Special Meeting of the Sub-Branch at any time. Special Meetings of the Sub-Branch shall be called by the President on receipt of a requisition in writing by twenty-five (25) financial members of the Sub-Branch. Such requisition must set out the purpose for which it is desired the meeting shall be called. No other business may be transacted unless urgent and by resolution of the meeting. Such Special Meetings shall be called with twenty-one (21) days of the receipt of such requisition and the time, place and purpose of such Special Meeting shall be notified to members by being posted on the workplace notice boards at least three (3) days prior to the date of the meeting.

(30) MORTUARY FUND

(a) For the purposes of this Rule "spouse" includes the defacto husband or wife of a member.

(b) There shall be established a Mortuary Fund of the Pulp & Paper Workers Branch from which Mortuary Benefits shall be paid upon the death of members of the Branch or the dependent spouse of members of the Branch towards the cost of burial as hereinafter provided.

(c) The Mortuary Fund shall be administered by the Divisional Branch Management Committee.

(d) Each member of the Divisional Branch shall nominate on a form to be provided by the Divisional Branch the full name and address of the person to whom the Mortuary Benefit is to be paid in the event of death. Members shall return completed forms to their Sub-Branch Secretary who shall forward them to the Divisional Branch Secretary.

(e) Upon the death of a member in respect of whom a Mortuary Benefit is payable such payment shall be made to the person nominated by the member irrespective of the number or status of the claimants. Where there is no nominee of the deceased member the Mortuary Benefit may be paid to whomsoever the Divisional Branch President and

Divisional Branch Secretary in their absolute discretion may determine and their decision shall be final.

(f) Upon the death of the dependant spouse of a member of the Branch in respect of whom a Mortuary Benefit is payable such payment shall be made to the member.

(g) When a claim for Mortuary Benefit is made it shall be accompanied by a Death Certificate or a photostat copy of the Certificate.

(h) The amount of the Mortuary Benefit shall be as determined from time to time by the Divisional Branch Management Committee.

(i) There shall be paid into the Mortuary Fund the proceeds of the winding up of the Excess Bonus Funds in the mills of the Australian Paper Manufacturers Ltd. and monies raised by such levies on the members of the Branch as are determined by the Divisional Branch Management Committee to be necessary to operate the Fund. All property of whatsoever kind in the Mortuary Fund is and shall remain the property of the Branch.

(j) Notwithstanding anything contained elsewhere in the Rules of the Union the funds of the Mortuary Fund may be invested in Government Bond Fixed Bank Deposit or Debentures, Shares of Companies who are parties or signatories of the Pulp & Paper Industry Consent Award or Industry Agreement or in other investment as the Divisional Branch Management Committee in its absolute discretion may determine.

(k) The Mortuary Fund of the Divisional Branch alone shall be liable to meet payments of Mortuary Benefits in respect of the death of members or their dependant spouses and no other Fund Account or Assets of the Union shall be so liable to any extent whatsoever.

(l) The Divisional Branch Secretary shall submit annually to members of the Divisional Branch a report of operation of the Mortuary Fund and an audited balance sheet of the accounts including trading, investment interest and outgoings for the period 1st January to 31st December.

(m) If in the future significant benefits become payable on or in respect of the death of members or their dependent spouses either by Government legislation, industrial award or in any other manner the Divisional Branch Management Committee may recommend to members of the Branch that the Mortuary Fund be wound up and all assets in the Fund transferred to the General Account of the Divisional Branch.

(n) The Mortuary Fund shall be wound up within twelve (12) months after a majority of the members of the Divisional Branch have voted for its termination at Special Meetings of each Sub-Branch called for the purpose. In this event all property of whatsoever kind in the Mortuary Fund Account of the Divisional Branch shall be transferred to the General Account of the Divisional Branch.

END OF RULES

[105N-ATAI: Incorporates alterations to rule 72 in matter R2005/245 certified on 3/8/2005]

I CERTIFY under section 161 of Schedule 1B of the Workplace Relations Act 1996 that the pages herein numbered 1 to 51 both inclusive contain a true and correct copy of the registered rules of Construction, Forestry, Mining and Energy Union, The Forestry, Furnishing, Building Products and Manufacturing Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU, Forestry, Furnishing, Building Products and Manufacturing Divisional Branches

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THE FORESTRY, FURNISHING, BUILDING PRODUCTS AND MANUFACTURING DIVISION RULES

1 - NAME

The name of the Division shall be "The Forestry, Furnishing, Building Products and Manufacturing Division". (FFPD)

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-Rule (C) and (F) of the National Rules shall belong to this Division.

3 - SEAL OF FFPD DIVISION

1. The seal of the FFPD Division shall be oval in shape inscribed on the outer edge the name of the Union and the words "FFPD Division" on the inside.

2. The Seal shall be kept in the custody of the Divisional Secretary.

3. Any document required or permitted by the Workplace Relations Act or any document required or permitted by law to be under seal of the Division shall be executed on behalf of the Division by affixing the Seal of the Division thereto and by being signed by the Divisional Secretary or, in the absence of the Divisional Secretary, either the Divisional President or Divisional Assistant Secretary.

4 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"FFPD DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to FFPD Division is a member of this Division.

"MEMBER" shall mean a member of FFPD Division and membership shall have a corresponding meaning.

"MANAGEMENT COMMITTEE" or "EXECUTIVE" shall be synonymous and shall mean in relation to a division or divisional branch the controlling and administrative body of such Division or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then the candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

5 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which the candidate resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for the Forestry and FFTS Divisions or their predecessors.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Branch Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which the member resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

6 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Applicants for membership of the FFPD Division shall pay on application an entrance fee in accordance with the Divisional Branch rules. Such entrance fee if applicable shall not exceed $50.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

(ii) The contribution payable by each member shall be fixed by the Divisional Branch in accordance with the rules thereof to which the member is attached. Provided also that the Divisional Executive shall have the power to review and alter any such increases or decreases or alterations made in the contributions or entrance fees of any Divisional Branch in accordance with the rules thereof if in its opinion it is in the interests of the Union to do so.

(iii) The Divisional Executive or Divisional Branch in accordance with the rules thereof may if, in its opinion it is desirable or necessary for financial or any other reason that the aforesaid entrance fees or contributions should be altered, waived or suspended, the said Divisional Executive or Divisional Branch in accordance with the rules thereof may make such decision as it deems desirable or necessary, and the altered, waived or suspended entrance fee and/or contribution payable in that Divisional Branch or Divisional Branch Sub-Branch shall be applicable to the member(s), group or class of members concerned.

(iv) Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch Rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

(v) A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

(vi) Contributions shall be paid to and collected by the Divisional Secretary, Divisional Branch Secretary, or an authorised agent of the Division or Divisional Branch.

(vii) The Division shall allow to the Divisional Branches, for the purpose of the Branch, the whole of the contributions collected by the Branch, except such sum as may be fixed by the Divisional Conference from time to time.

7 - SPECIAL MEMBERS

The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rule 6 be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference which shall meet at least every two (2) years.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter.

(iii) Each Divisional Branch shall be entitled to one (1) representative up to 500 members, one (1) additional representative between 500 members and 1,000 members and one representative for

each additional 1,000 members, based on the aggregate income received by each Divisional Branch (union contributions only) divided by the amount of the yearly contribution fixed by the rules from time to time, for the financial year ending on the 31st December in the year preceding the quadrennial election of representatives to act as its representatives at the Divisional Conference.

The Divisional Branch Secretary of each Branch shall, ipso facto, be one of that Branch's representatives to the Divisional Conference. The number of representatives to which each Divisional Branch is entitled shall remain unaltered throughout the period between the quadrennial elections.

(iv) Representatives of the Divisional Branches to the Divisional Conference shall be elected by secret postal ballot of all members of their respective Divisional Branches eligible to vote each four (4) years in accordance with the provisions of Rule 51 of these Rules.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the delegate is a member may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the delegate's predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

(vii) Where one or more representatives of a Divisional Branch is or are unable to attend a meeting of the Divisional Conference the Executive Committee of that Divisional Branch may itself select a proxy representative or representatives to act on its behalf at that meeting. Such representative or representatives shall vote in accordance with the instructions of the Executive Committee.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 51 of these Rules. Full time Divisional Officers, (Divisional Secretary and Divisional Assistant Secretaries), may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify of the intention in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that Divisional Branch entitlement to delegates shall be increased by the number of full-time Divisional Officers nominating as Divisional Conference delegates in that Divisional Branch in accordance with this sub-clause.

(ix) A majority of delegates eligible to attend the Divisional Conference shall form a quorum.

(x) All expenses of representatives to the Divisional Conference shall be borne by the Divisional Branch by which the representatives are elected unless otherwise determined by the Divisional Conference.

(xi) No alteration of the personnel of the representatives at a meeting of the Divisional Conference shall be permitted after the credentials of the representatives have been received and accepted by the Divisional Conference, unless such alteration is rendered necessary by death or serious illness.

(xii) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of $100, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members, organisers or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate concerned has been afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

A period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from the Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division or Divisional Executive.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish new Divisional Branches and amalgamate existing Divisional Branches, to close or disband Divisional Branches in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the No. 7 Divisional Branch without its consent), and generally to control Divisional Branches and the members thereof including the power to disallow By-Laws made by any Divisional Branch in conflict with these Rules.

(i) When establishing a new Divisional Branch the Divisional Conference shall have power to make rules providing for the admission of members of that new Divisional Branch, the establishment of a Management Committee of that new Divisional Branch, the election of officers of that new Divisional Branch and all such matters as may be necessary.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To deal with any Divisional Branch not working in conformity with the Rules and policy of the Union.

(m) To appoint and remove organisers.

(n) To vote moneys and pass accounts.

(o) To fix salaries and allowances for Officers, Conference delegates and representatives.

(p) To appoint a Returning Officer, who shall conduct any plebiscite upon any question submitted to the whole of the membership for determination, and who shall have power to appoint Deputy Returning Officers.

(q) To elect, appoint and remove officers and members of the Divisional Executive of the Union.

(r) To establish any special fund to achieve any of the objects of the Union.

(s) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one(1) week before the date of such meeting but no failure to notify will of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, email, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit by the Divisional Secretary conduct a postal, telephonic, telegraphic, facsimile, email and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter.

(xvii) The Divisional Conference shall be the Management Committee of the Division for the purposes of the Act and rules and regulations thereunder.

(xviii) All meetings of the Divisional Conference shall be held at such time and place as the Conference shall from time to time determine, and in case of default, or of special meetings, as the Divisional Executive shall determine.

(xix) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Conference -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of the Divisional President, one (1) Divisional Senior Vice President, two (2) Divisional Vice Presidents, Divisional Secretary, up to three (3) Divisional Assistant Secretaries and four (4) Trustees who shall be the officers and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive. Provided that no Divisional Branch shall be entitled to have more than five (5) representatives elected as officers of the Divisional Executive.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

3. Preceding such conferences the Divisional Executive shall appoint a Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers in accordance with these rules.

4. Nominations unless otherwise determined by the Divisional Executive shall be called for on the second day of the Divisional Conference. Where practicable the ballot shall be conducted also on that day. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

5. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the two Divisional Vice Presidents shall be dealt with and completed. The ballot for the four (4) Trustees shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

6. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive.

7. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

8. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

9. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where the delegate can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until the Returning Officer has given such delegates a reasonable opportunity to vote.

10. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

11. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and

dealing with nominations or the conduct of the ballot shall be recognised as validly holding such office.

12. A Divisional Executive member shall hold office until a successor is elected.

13. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14(a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 51 of these Rules of the Union as modified to suit the requirements of the election.

14. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, powers, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch or member. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with any Divisional Branch not working in conformity with the Rules**,** Decisions and policy of the Division.

(g) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(h) To confirm, over-rule or otherwise deal with decisions of the Divisional Branches of this Division.

(i) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(j) To appoint and remove organisers or specialist officers.

(k) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(l) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(m) Submit any matter to the members for decision by ballot.

(n) Ensure that officers, committee members, organisers, delegates or members of the Division and Divisional Branches comply with the rules, policies and decisions of the union and subject to Rule 11 impose penalties [i.e., fines not exceeding the sum of $100, suspension, expulsion or dismissal from office,] on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules, policies or the decisions of the Divisional Executive. Provided that the rules, policies or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(o) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division, take such action as may be necessary to ensure the adherence to the rules of the Union and decisions and policies of the Divisional Conference and/or Divisional Executive by any Divisional Branch and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(p) Control and supervise the work of the Divisional Officers.

(q) To establish new Divisional Branches and amalgamate existing Divisional Branches, to close or disband Divisional Branches in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the No. 7 Divisional Branch without its consent), and generally to control Divisional Branches and the members thereof including the power to disallow By-Laws made by any Divisional Branch in conflict with these Rules.

(r) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

15. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, telegram, telex, facsimile, email or otherwise in writing, telephone or verbally, provided that in the latter two instances such is confirmed by letter, telegram, facsimile, email or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches, or Divisional Branches whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, the Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union , or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(b) Should any officer be removed from office the Divisional Executive shall appoint a member to fill the vacancy until the next elections are held in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive. In the event of the appeal being upheld the Divisional Conference or National Executive may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of the Divisional Conference, Executive and meetings convened by the Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where the Divisional President is a full time officer the Divisional President shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall summon all meetings of the Divisional Conference and Divisional Executive, issue all necessary notices to members of the Divisional Conference or Divisional Executive or to Divisional Branches in connection with such meetings.

The Divisional Secretary shall sign all cheques in addition to one of the Trustees and shall be the signatory to all documents on behalf of the Division.

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the implementation and compliance by the Division and Divisional Branches of the decisions, rules and policies made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive or Divisional Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.

Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall have the authority to initiate any proceedings and/or actions to advance or defend the interests or objectives of the Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive or Divisional Conference and allocate the duties of Officers.

The Divisional Secretary shall be an ex officio member of all Divisional Branch Committees, but shall not be entitled to vote in respect of the decisions of those committees.

(iii) Divisional Assistant Secretary (s):

The Divisional Assistant Secretary(s) shall perform all duties assigned by the Divisional Executive. The Divisional Assistant Secretary(s) shall be under the control of the Divisional Secretary and shall attend all meetings of Divisional Executive, Divisional Conference and National Executive. The Divisional Assistant Secretary may exercise any and all of the powers and duties of the Divisional Secretary on the delegation of the Divisional Secretary and shall exercise such powers and duties while the Divisional Secretary is absent from duty.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(v) Divisional Vice-President(s):

The Divisional Vice-President(s) shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President(s) shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of the Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be determined from time to time by the Divisional Executive.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, and one (1) Divisional Trustee or on absence on leave of the Divisional Secretary, by the Assistant Secretary or Divisional President and one (1) Divisional Trustee.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the Divisional Office, may be disbursed by decision of the Divisional Secretary.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive or Divisional Conference.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Division. Where this is not possible, investments shall be made in the name of the Divisional Trustees. The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The Divisional Executive shall have the authority to hold, purchase, lease, sell, mortgage or otherwise deal in property on behalf of the Division and/or Branches which shall be executed on the Divisional Executive's behalf by the Divisional Secretary.

(vi) The property of the Division shall be under the control of the Divisional Executive.

15 - AUDITOR AND AUDITOR'S REPORT

(i) The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

(ii) The auditor shall, in the auditor's report, draw attention of the Divisional Executive, Divisional Conference to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

(iii) For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

(iv) On receipt of a petition signed by not less than 5% of the financial members of the union, the Divisional Secretary shall convene a general meeting of financial members to present the Auditor's Report, the general purpose financial report and the operating report.

(v) The petition shall have set out the members full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of financial members for a general meeting to be held, the petition shall be presented to the Divisional Secretary within 30 days of the first financial member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% financial members.

(vi) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice to the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

Provided that any such rescission, alteration or amendment which affects in any way the existence, structure or position under these rules of the Divisional No. 7 Branch, shall be of no effect unless endorsed by a resolution of the Divisional Branch Management Committee of that Divisional Branch.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(i) The following Divisional branches of the Union are hereby constituted:

(a) No. 1 Branch known as the New South Wales Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of New South Wales and the Australian Capital Territory (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(b) No. 2 Branch known as the Victorian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Victoria (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(c) No. 3 Branch known as the South Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of South Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(d) No. 4 Branch known as the West Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Western Australia. Provided that, notwithstanding any other rule to the contrary, any member of the United Timber Yards, Sawmills and Woodworkers Employees Union of Western Australia or any organisation that replaces that organisation shall be admitted as a member thereof, without the signing of an admission card or payment of an entrance fee, upon the payment of dues in accordance with the other divisional rules hereof.

(e) No. 6 Branch known as the Tasmanian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Tasmania (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(f) No 7 Branch known as the Pulp & Paper Workers Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members eligible for membership of the Union pursuant to Rule 2 (C) (ii) and those persons who are appointed to any office in the No. 7 Branch and are thereby eligible for membership of the Union pursuant to Rule 2 (C) (iii).

(g) No 8 Branch known as the Queensland Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Queensland (other than those persons who are eligible for membership of the No 7 Branch pursuant to the previous paragraph of this sub-rule).

(ii) The Divisional Conference or Divisional Executive shall have the power to constitute such other Divisional Branches or Sub Branches as it may determine appropriate from time to time.

(iii) A Divisional State Branch Principal Office shall be located in the Capital City of the State in which a State Branch is constituted in accordance with this rule unless otherwise determined by the National Divisional Conference or National Divisional Executive. The Divisional Branch Secretary shall attend to the effective operation and business of the Branch from the State Branch of the Division unless otherwise determined by the National Divisional Conference or National Divisional Executive.

(iv) Unless otherwise determined by the Divisional Conference or Divisional Executive**,** a Divisional Branch shall have autonomy in matters affecting members of the Divisional Branch only.

19 - DIVISIONAL BRANCH RULES

Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the FFPD Divisional Branch Rules make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

20 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute may be submitted to the appropriate industrial Tribunal, Court or Commission, upon a resolution in favour of so submitting such dispute carried by a majority of the members of the Divisional Executive.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such submission.

In the case of an emergency or necessity however, such proceedings may be initiated and matters may be submitted by the authority of the Divisional Secretary, who may also authorise a Divisional Branch Secretary to initiate such proceedings and submit such matters on behalf of the Division.

The aforesaid power shall extend to cases of defending and/or responding to any proceedings or matters instituted or submitted by any other person, corporation, association or organisation. The Divisional Secretary and Divisional Branch Secretary shall be subject to the control of the Divisional Executive on all matters connected with such legal proceedings and matters.

21 - INDUSTRIAL AGREEMENTS

Industrial agreements and other instruments may be made by or on behalf of the Union as follows:-

An industrial agreement, and any instrument not required by law to be under seal, may be executed by the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the Common Seal of the Division by the Divisional Secretary.

22 - INDUSTRIAL DISPUTES

(1) In the event of an Industrial dispute taking place in any Divisional Branch the officers of such Divisional Branch shall try, by conciliation to settle the dispute. In the event of the Divisional Branch officers concerned being unable to secure a satisfactory settlement the matter may be referred to the Divisional Branch Executive who shall seek to resolve the dispute.

(2) In the event of no satisfactory settlement of such dispute being secured the Divisional Branch Secretary shall immediately report the matter to the Divisional Secretary who shall on behalf of the Division take charge of such dispute and shall consult with the Division President and shall if necessary convene a meeting of the Divisional Executive to deal with the matter.

(3) (a) The Division Secretary or a person authorised to act on behalf of the Division Secretary shall make any submission to a tribunal.

The Division Secretary or a person authorised to act on behalf of the Division Secretary shall be the person to sign or issue any document necessary for such submission.

(b) The Division may be represented in any proceedings before any Commonwealth or State Industrial Tribunal by the Division Secretary or by such other officers or persons authorised by the Division Secretary and subject to any authorisation vested by State Legislation.

(4) Notwithstanding anything contained elsewhere in this Rule, Divisional Branch No. 7 shall have autonomy in industrial matters affecting its members only and no action will be taken in relation to such matters by the Divisional Conference or Divisional Executive unless authorised and requested by the Divisional Branch Management Committee of the No. 7 Branch.

23 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at Trades Hall, Adelaide, or such place as the Divisional Executive shall decide.

24 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

25 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

26 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Division or body having objects similar in whole or in part to those of this Division.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $10.00 per week and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $10.00 per week.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

27 - LIFE MEMBERSHIP

The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may, at their entire discretion, constitute a member a Life Member, provided that the member has been a member for a period of at least 20 years, has retired from the industry, and was financial at the time of retirement. Life members shall not be liable to pay dues of any kind to the Division, and shall not be entitled to nominate for or to hold any office, but shall be entitled to vote at the Division elections. The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may reduce the qualifying period of membership in special circumstances.

28 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time the Divisional Secretary may submit a resolution dealing with such matter to the members by letter, facsimile, email, telephone, telegram, verbally and/or any other means of communications or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in the Divisional Secretary's absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

29 - BRANCH INFORMATION

It shall be the duty of the Divisional Branch Secretary of each Divisional Branch to transmit to the Divisional Secretary, on written request from the Divisional Secretary, a true copy of the minutes of each meeting of the Divisional Management Committee or Executive of such Divisional Branch or of any special meeting thereof.

30 - RULES OF DEBATE

MOTIONS, HOW DEALT WITH:

(a) All motions shall be of an affirmative character and must be moved and seconded by members. Such motions become the property of the Union, and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless two-thirds of the members present agree to an extension of time.

(b) Unless a member opposes the motion or proposes an amendment thereto, the motion shall be immediately put to the meeting for decision.

(c) A motion may be superseded at any time by another motion "that it be discharged from the notice paper" or "that the next business be proceeded with" being resolved in the affirmative.

(d) A motion may be amended at any time during the debate thereon by -

(i) striking out certain words
(ii) adding certain words, or
(iii) striking out certain words and inserting others in their place.

Always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(e) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(f) (i) At meetings other than meetings of the membership of a Branch or of a sub-branch all motions shall be put to the meeting by the chairperson in a clear manner. Any member present may demand that the vote be by ballot and the Chairperson shall thereupon conduct a ballot. In the absence of such a demand all motions shall be put to the meeting by the Chairperson by asking for the "ayes" to vote first and then the "noes". The Chairperson's decision as to which has the majority will be final unless any member present demands a show of hands. Upon such a demand being made the chairperson shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(ii) At meetings of the membership of a Branch or of a Sub-Branch all motions shall be put to the meeting by the Chairperson in a clear manner by asking "ayes" to vote first and then the "noes".

The Chairperson's decision as to which has the majority will be final unless a member supported by one quarter of the number of members present demands a show of hands.

Upon such a demand being made the Chairperson shall appoint tellers to count the votes and shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(iii) If the votes are equal the question is resolved in the negative.

(g) No member shall be allowed to vote who was not present when the question was first put.

(h) A mover of a motion to be allowed 10 minutes to introduce and 5 minutes to reply. Other speakers 5 minutes unless two-thirds of the members present agree to an extension of time.

(i) Any member desiring to move to change a decision of the Union or of a Branch must submit notice in writing of such intention to the Divisional Secretary or the Divisional Branch Secretary of the Union as the case may be fourteen (14) days prior to the date of the meeting at which they will move for such change.

(j) During the course of a meeting any resolution which has been the business of that meeting may be recommitted at the hearing.

RIGHT TO SPEAK

(a) Any member desiring to speak shall rise and address the chairperson. If two (2) or more delegates begin to address the chairperson at the same time, the Chairperson shall call upon the one who, in the Chairpersons opinion, began to speak first. Provided that no member can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(i) In reply as the mover of the original motion.

(ii) In explanation or correction of some matter during the debate.

(iii) Upon a point of order raised during the debate.

(iv) Upon a resolution being carried "that a member be now heard".

(b) A member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by the member.

(c) Not more than two members shall be allowed to speak in succession for or against any question. If at the conclusion of the second speaker's remarks no member speaks on the other side, the motion or amendment shall be put to the vote.

(d) Any member speaking shall at once stop:-

(i) If the chairperson begins to speak; or

(b) If a point of order is raised;

and shall not resume speaking until the point of order is decided.

(e) No member may speak to any question after it has been put by the chairperson, or during a division.

REPORTS

(a) A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of the Conference/Executive thereon.

(b) If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An

amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

SITTING AS A COMMITTEE

Divisional Conference or Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Conference or Executive shall be observed when in Committee.

DEFINITION

In this rule "member" shall include any person attending a meeting.

CHAIRPERSON'S RULING

(a) The chairperson's rulings on all points of order shall be final, unless at the time a motion is carried that such ruling be disagreed with.

(b) When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

THE FORESTRY, FURNISHING, BUILDING PRODUCTS AND MANUFACTURING DIVISIONAL BRANCH RULES

31 - DIVISIONAL BRANCH NAME

(i) The following Divisional Branches of the Union are hereby constituted;

(a) No. 1 Branch known as the New South Wales Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of New South Wales and the Australian Capital Territory (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(b) No. 2 Branch known as the Victorian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Victoria (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(c) No. 3 Branch known as the South Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of

South Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(d) No. 4 Branch known as the Western Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members residing in the State of Western Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule). Provided that, notwithstanding any other rule to the contrary, any member of the United Timber Yards, Sawmills and Woodworkers Employees Union of Western Australia or any organisation that replaces that organisation shall be admitted as a member thereof, without the signing of an admission card or payment of an entrance fee, upon the payment of dues in accordance with the other divisional rules thereof.

(e) No. 6 Branch known as the Tasmanian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Tasmania (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(f) No. 7 Branch known as the Pulp & Paper Workers Branch of the Forestry Furnishing, Building Products and Manufacturing Division consisting of all members eligible for membership of the Union pursuant to Rule 2 (c)(ii) of the National Rules and those persons who are appointed to any office in the No. 7 Branch and are thereby eligible for membership of the Union pursuant to Rule 2 (c)(iii) of the National Rules.

(g) No. 8 Branch known as the Queensland Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Queensland (other than those persons who are eligible for membership of the No 7 Branch pursuant to the previous paragraph of this sub-rule).

(ii) The Divisional Conference and Divisional Executive shall have the power to constitute such other Divisional Branch or Branches as it may determine appropriate from time to time.

(iii) Unless otherwise determined by the Divisional Conference or Divisional Executive**,** a Divisional Branch shall have autonomy in matters affecting members of the Divisional Branch only.

32 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the FFPD Division of the Union residing or employed in the State, Territory or Industry sector concerned shall be and remain members of that Divisional Branch.

33 - SEAL OF DIVISIONAL BRANCH

The seal of the Divisional Branch shall be oval in shape, inscribed on the outer edge shall be the words "The Construction, Forestry, Mining and Energy Union" and on the inner space shall have the words "FFPD Division" and under that shall have the name of the Divisional Branch.

It shall be in the custody of the Divisional Branch Secretary, and shall be used or affixed to any document by the Branch Secretary where necessary or desirable and where that document has been made with the authority of the Divisional Branch.

34 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant and a financial member of the Divisional Branch.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) All applications for membership of the Divisional Branch shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Management Committee.

Applications for membership shall be dealt with by the Divisional Branch Management Committee or Divisional Branch Executive, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit the applicant to membership of the Divisional Branch and the Union.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the FFPD Division, the Divisional Branch, and the Union.

(d) A new member shall pay on application for membership all moneys required to be paid by a new member.

(e) Applicants for membership shall be workers of good character, and shall when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

35 - ENTRANCE FEE

(i) All applicants for membership of the Division shall pay an entrance fee if determined by the Divisional Branch Management Committee, such entrance fee shall not exceed $10.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

(ii) Applicants joining on clearances or transfers in accordance with the rules of Union or who have previously been members of the Union shall not be required to pay an entrance fee.

36 - CONTRIBUTIONS

(i) Each member shall pay a yearly contribution of not less than $10.00 said amount payable in one sum on or before the 30th June in each year, or within one week of becoming a member, provided that Branches shall be allowed to issue half-yearly tickets at not less than $5.00 per half-year, said amount payable in advance on the 1st January and the 1st July in each year, and quarterly tickets at not less than $2.50 per quarter, said amount payable in advance on the 1st January, the 1st April, the 1st July and the 1st October in each year. Any person joining during the currency of any quarter shall pay for the full quarter.

Provided further that the Management Committee or Executive of any Divisional Branch may, if in its opinion it is desirable or necessary for financial or other good reasons that the aforesaid

Entrance fees or Contributions should be increased, reduced, altered or waived, the said Management Committee or Executive Committee may make such decision as it deems desirable or necessary, and any such increase, reduction, alteration or waiver shall as far as that Divisional Branch is concerned, be the Entrance fee and/or Contribution payable in that Divisional Branch of the Union by the members of that Divisional Branch or Divisional Sub-Branch of the Union.

Provided also that the Divisional Conference or Executive shall have power to review and alter any such increases or decreases or alterations made in the contributions of any Divisional Branch if in its opinion it is in the interests of the Division to do so.

(ii) Notwithstanding anything contained elsewhere in these Rules the Division may through its Branches make an arrangement with an employer or employers employing members of the Division that the employer will on receipt of an authorisation acceptable to the Divisional Branch, deduct from the wages, or monies, payable to the members so employed amounts by way of contributions, fees, levies, fines, dues or monies owing by the member of the Union. If a member to whom any such arrangement is applicable, lodges such an authorisation with the Union or the employer, that member shall be deemed to be a financial member, as from the first pay day in respect of which deductions are made, pursuant to the authorisation, and shall remain a financial member, so long as the authorisation remains in force.

Provided that any member who at the time of the first deduction, pursuant to the authorisation, was an unfinancial member shall continue to be so until all arrears, in contributions, fees, levies, etc. are paid.

Provided further, that if a member ceases to be employed by an employer, who has been making deductions pursuant to such an arrangement, the amount of the contributions, fees levies etc., then unpaid by the member, shall become due and payable on the first day of the quarter next ensuing after the member ceases to be employed.

(iii) Such contributions shall be paid to and collected by the Divisional Branch Secretary or an authorised agent of the Divisional Branch.

Levies

(iv) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by the Divisional Branch Management Committee or the Divisional Branch Executive Committee.

Fines

(v) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by the Divisional Branch Management Committee or the Divisional Branch Executive Committee.

All moneys paid by a member shall be credited in the following order:

(a) In payment of any levies due; and

(b) In payment of any fines due, and

(c) In payment of any contributions due

Unfinancial Member

(vi) Any member who has failed to pay all contributions, levies and fines imposed in accordance with the Rules of the Union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any deliberations, nominate for official positions, propose any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

37 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of the Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $5.00 per copy.

38 - UNEMPLOYED MEMBERS

(i) When, in the opinion of the Divisional Branch Management Committee, a condition of unemployment in the industry exists the following conditions may be applied:

(ii) Members becoming unemployed, ie, being employed under the terms of the Award or Agreement covered by this Division for less than one month in any quarter, may apply to be placed on an unemployed members list if any.

(iii) This list shall be kept at the Divisional Branch office under the control and supervision of the Divisional Branch Management Committee.

(iv) Members wishing to be placed on the unemployed list must apply in writing to the Divisional Branch Secretary, and shall attend at the Divisional Branch Office or such place as may be decided by the Divisional Branch Management Committee, or give satisfactory proof of their inability to attend.

(v) All applications for inclusion on the unemployed members' list shall be dealt with by the Divisional Branch Management Committee Executive Committee or other authorised committee who shall, if satisfied that the application is genuine, include them on the list.

(vi) Members placed on the list shall be exempt from the payment of contributions for the period specified in this Rule. They shall be entitled to all rights under these rules, but shall only qualify for funeral benefit applicable at the discretion, or upon conditions determined by the Divisional Branch Management Committee.

(vii) Exemption from payment of contributions shall operate for a period of twelve months from the date of inclusion on the unemployed members' list, or until again employed, whichever is the lesser.

(viii) On expiration of the 12 months' period, unemployed members may make further application to be again placed on the unemployed list. Each further application may be approved by the Divisional Branch Management Committee who may require payment of such amount of contributions as may be considered reasonable.

(ix) Any member commencing employment without notifying the Divisional Branch Secretary and continuing to receive the benefits of this unemployed clause while in employment shall be deemed to have committed a breach of the Rules. Such member(s) shall be required to pay full contributions for the period of employment and in addition, may be dealt with under the provisions relating to misconduct.

(x) Continuous membership for the purpose of this Rule, and wherever encountered in these Rules, means continuous membership without any break in the continuity of membership from the last date of acceptance into the Branch.

39 - FUNDS OF THE DIVISIONAL BRANCH

(i) The Divisional Branch shall raise funds by entrance fees, contributions, levies and fines, which funds, together with any other monies received, shall be applied for the following purposes:-

(a) Defraying the cost of administering the affairs of the Divisional Branch;

(b) Subscribing on a pro rata basis to any organisation or Labor Council with which the Union may become affiliated and to which affiliation the Divisional Branch agrees;

(c) Defraying any expenses incurred in any legal proceedings;

(d) Assisting any members out of work through any trade dispute;

(e) Making all necessary payments as determined by the Divisional Branch Committee in connection with any matters affecting members in regard to:-

(i) Preservation of life and limb;
(ii) Compensation for injuries and death;
(iii) The hours of labour;
(iv) The remuneration of labour;
(v) Protection of salaries and wages;
(vi) Other conditions affecting employment of members;
(vii) For the furtherance of any of the matters as set forth in the objects of the Union;
(viii) And any other matters when the Divisional Executive or Divisional Branch Management Committee determines the best interests of members require it.

(ii) The Divisional Branch Fund which shall be managed and controlled by each Divisional Branch Management Committee shall consist of:-

(a) Any real or personal property of which the Divisional Branch by the Rules or by any established practice not inconsistent with the Rules has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;

(b) All entrance fees and all contributions collected in accordance with the Rules save and except such part of the contributions as are fixed by the Divisional Conference from time to time and are Divisional Funds in accordance with Sub-Rule (vii) of Rule 6 of the Division Rules.

(i) Shall pay such moneys required by the Rules of the Union or in accordance with the rules of the Union.

(c) All fines and levies raised pursuant to Divisional Branch Rules;

(d) Any interest, rents or dividends derived from the investment of the Fund;

(e) Any superannuation or long service leave fund operated or controlled by the Divisional Branch for the benefit of its officers or employees;

(f) Any sick pay fund, accident pay fund, mortuary or funeral fund, tool benefit fund or like fund operated or controlled by the Divisional Branch for the benefit of its members;

(g) Any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and

(h) The proceeds of any disposal of parts of the Fund.

40 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Management Committee who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

(b) The auditor shall have full and complete access to the books and documents of the Branch.

(c) On receipt of a petition signed by not less than 5% of the financial members of the union, the Divisional Branch Secretary shall convene a general meeting of financial members to present the Auditor's Report, the general purpose financial report and the operating report.

(d) The petition shall have set out the members full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of financial members for a general meeting to be held, the petition shall be presented to the Divisional Branch Secretary within 30 days of the first financial member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% financial members.

(e) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

41 - MANAGEMENT COMMITTEE AND OFFICERS

The business of each Divisional Branch shall be conducted in accordance with these Rules by a Management Committee consisting of a President, a Senior Vice President, two (2) Vice Presidents - one (1) of which will be designated an affirmative action position to be filled by a woman member, Secretary, Assistant Secretary/ies (the number, if any, to be decided by the Divisional Branch Management Committee prior to the calling of nominations), and four (4) Trustees - one (1) of which will be designated an affirmative action position to be filled by a woman member who shall be the Officers of the Management Committee and who shall form the Executive, and not more than ten (10) other members - two (2) of which will be designated affirmative action positions to be filled by women members, who shall with the Executive, form the Management Committee. In respect to the NSW Divisional Branch there shall be an additional President (full-time) and one (1) additional Trustee who shall be officers of the Management Committee and who shall also form the Executive Committee of the Divisional Branch.

Nominations for the designated affirmative action positions will be called from women members only, although this does not preclude women members from holding any other Management Committee, Executive or Officer positions.

The failure to fill the designated affirmative action positions shall not prevent a Divisional Branch carrying out or conducting the business of a Divisional Branch.

42 - DUTIES OF MANAGEMENT COMMITTEE

(i) The Divisional Branch Management Committee shall be the highest deliberative body of the Divisional Branch and shall subject to the Rules**,** Policies and Decisions of the Divisional Conference and/or Divisional Executive**,** manage and superintend the affairs of the Divisional Branch protect the funds and perform all the duties allotted to them by the Rules. The Divisional Branch Management Committee shall have the power subject to these rules to:-

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Union and to raise or spend such funds as are necessary to carry out the objects and to employ such assistance as it may deem necessary.

(b) Direct the policy of the Divisional Branch.

(c) Subject to rules 16 and 60, amend or add to the Rules.

(d) Hear and determine all appeals that are submitted in accordance with the Rules.

(e) Fix the salaries, allowances, conditions of employment and/or entitlements of the Divisional Branch Officers, employees, delegates and members as it deems to be appropriate and to appoint and/or remove and/or suspend officers, organisers and employees of the Divisional Branch.

(f) Fine, suspend or expel Committee members, delegates and/or members for knowingly refusing to comply with the Rules or the decisions or policy of the Divisional Conference, Divisional Branch Management Committee or Divisional Branch Executive.

(g) All Divisional Branch Officials and assistants shall be under the control of the Management Committee and Executive, subject to the Rules.

(h) Investigate, report and take such action in accordance with these rules upon all grievances and disputes of officials, officers and members that are placed before them.

(i) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated and to select persons as delegates to represent the Divisional Branch at meetings and committees.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $10.00 per week provided that in no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

(l) Subject to Rule 40 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Executive Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers (if any) under the provisions of the Rules.

(s) Appoint Temporary Organisers under the provisions of the Rules.

(t) Appoint a Divisional Branch Returning Officer for the conduct of any elections as may be necessary.

(1) The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(2) The Divisional Branch Returning Officer so appointed:

(i) may not be a member of the Union; and

(ii) shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(ii) The Management Committee shall meet at least twice per annum, five (5) members shall form a quorum. The Executive Officers shall pass accounts, subject to the review of the Management Committee and deal with applications for membership.

(iii) Each member of the Committee shall be paid the sum of not less than $4.00 or the expenses and loss of time for each meeting the Committee member attends.

(iv) Each Divisional Branch shall hold General Meetings as may be deemed necessary.

(v) The Divisional Branch Management Committee shall ensure the Divisional Branch and its officers and members carry out the decisions and policies determined by the Divisional Conference and/or Divisional Executive and the rules of the Union are complied with.

43 - DIVISIONAL BRANCH EXECUTIVE COMMITTEE

(a) The Divisional Branch Executive Committee shall meet at least six (6) times in a calendar year and subject to a review of their actions by the Divisional Branch Management Committee, shall have the care, control, superintendence, management, administration, powers and responsibility in all respects of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee.

(b) A quorum for any meeting shall be a majority of the Executive Officers as set out in Rule 41 hereof.

(c) The Divisional Branch Executive shall meet at a time and place determined by the Executive when special meetings are required to be convened wherein the time and place shall be determined by the Divisional Branch Secretary and the Divisional Branch President. The Divisional Branch Secretary and the Divisional Branch President may determine the time and place of any meeting of the Divisional Branch Executive and shall notify the members of the Divisional Branch Executive of such time and place as soon as is convenient and the Divisional Branch Executive and/or the Divisional Branch Secretary and Divisional Branch President may determine the time

and place of the meeting of the Divisional Branch Management Committee and shall notify the members of the Divisional Branch Management Committee as soon as is convenient of such time and place.

(d) The Divisional Branch Executive shall carry out any duties which they have been directed to perform by the Divisional Branch Management Committee.

44 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President (which shall mean the honorary Divisional Branch President in NSW) shall preside at meetings of the Divisional Branch Management Committee or Divisional Branch Executive Committee and meetings convened by the Divisional Branch Management Committee or Divisional Branch Executive.

(b) The Divisional Branch President(s) shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee or Divisional Branch Executive.

(c) The Divisional Branch President(s) shall conduct business in accordance with Rules laid down for guidance. The President shall not enter debate on any question, but shall endeavour to bring the business to a satisfactory conclusion, and shall have a deliberate vote only.

(d) The Divisional Branch President(s) shall sign the minutes of proceedings of all meetings convened by the Divisional Branch Management Committee or Divisional Branch Executive Committee when same have been duly confirmed.

(e) The Divisional Branch President(s) may be required by resolution of the Divisional Branch Management Committee or Divisional Branch Executive Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Management Committee, Divisional Branch Executive Committee or any Committees established in accordance with these Rules and shall if so required submit a report in writing of the findings to the Divisional Branch Management Committee or Divisional Branch Executive Committee members.

(f) The Divisional Branch President(s) shall be an ex-officio member of all Committees.

45 - DUTIES OF DIVISIONAL BRANCH VICE PRESIDENTS

The Divisional Branch Vice Presidents shall attend all meetings of the Divisional Branch, and assist the Divisional Branch President in the duties of the Divisional Branch President's office. The Divisional Branch Senior Vice President shall officiate in the Divisional Branch President's absence, with all the powers conferred on the chair. In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, a Divisional Branch Vice President shall officiate, with all the powers conferred on the chair. In the absence of the Divisional Branch President and Divisional Branch Vice Presidents the meeting shall elect one of its number to preside.

46 - DUTIES OF DIVISIONAL BRANCH TRUSTEES

(1) Divisional Branch Trustees shall be elected in accordance with Rule 51.

(2) Such Divisional Branch Trustees:-

(a) Shall be responsible for the safe custody of the Common Seal, documents and securities of the Divisional Branch of the Union. Documents and securities shall be deposited in the name of the Divisional Branch of the Union, countersigned by the Divisional Branch Trustees on behalf of the Divisional Branch.

(b) Shall act only on resolution of the Divisional Branch Management Committee or Executive, certified under the hands of the Divisional Branch Secretary.

(c) Shall, subject to the directions of the Divisional Branch Management Committee or Executive, have custody of all property of the Divisional Branch.

(d) Shall be signatory for any accumulated funds invested in securities allowed by law as the Divisional Branch Management Committee or Executive may direct;

(e) Shall sign cheques or warrant for the withdrawal of funds which shall be countersigned by the Divisional Branch Secretary.

47 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Management Committee and the Divisional Branch Executive Committee and shall be employed in a full time capacity (unless otherwise determined by the Divisional Executive) and shall among other things conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Management Committee or Divisional Branch Executive Committee.

(c) The Divisional Branch Secretary shall prepare and forward to the Industrial Registrar returns as required by law.

(d) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Management Committee and Executive meeting; and shall attend meetings of the Divisional Branch Management Committee, Divisional Branch Executive Committee and other meetings called by the Divisional Branch Management Committee or Divisional Branch Executive Committee.

(e) Be in charge of the office and subject to Rule 42 shall direct the labours of the officials and employees of the Union.

(f) Keep a correct account of all monies received and expended.

(g) The Divisional Branch Secretary shall sign all cheques in addition to one of the Trustees and shall be the signatory to all documents on behalf of the Divisional Branch and be responsible for the affixing of the official seal of the Divisional Branch.

(h) Be permitted to hold petty cash to the amount of $500.00.

(i) Be paid incidental and travelling expenses.

(j) Generally conduct all financial transactions of the Branch.

(k) Draw up a report and balance sheet, to be submitted to the Divisional Branch Management Committee as directed, and submit the books and accounts annually to the auditors.

(l) Keep a record of the names and addresses of all members of the Union, the names, addresses and occupations of all officers of the Branch, with the dates when they were admitted, died or left, their financial position in the Union and all other particulars necessary to enable the Rules to be enforced.

(m) Receive all monies, and pay same into such Bank as the Divisional Branch Management Committee may direct, to the credit of the Union within seven (7) days after the receipt of same.

(n) When vacating office, deliver to the successor in office, in the presence of the Divisional Branch Management Committee or Executive, all books, documents and other property of the Divisional Branch in the Divisional Branch Secretary's possession.

(o) Produce for audit at least once a year, and at such other times as the Divisional Branch Management Committee may direct, all books and documents of the Divisional Branch appertaining to finance.

(p) Forward to the Divisional Secretary when requested a true copy of the minutes of each meeting of the Divisional Branch Management Committee or Executive or any special meeting thereof.

(q) The Divisional Branch Secretary shall summon all meetings of the Divisional Branch Management Committee and Divisional Branch Executive, issue all necessary notices to members of the Divisional Branch Management Committee or Divisional Branch Executive in connection with such meetings. In consultation with the Divisional Branch President the Divisional Branch Secretary shall be authorised to convene any extraordinary meeting as deemed necessary.

(r) The Divisional Branch Secretary shall be ex officio member of all committees of the Divisional Branch.

(s) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of the Divisional Branch Secretary office.

(t) The Divisional Branch Secretary shall be responsible for the implementation and compliance of the decisions, rules and policies determined by the Divisional Conference or Divisional Executive by the Divisional Branch of which the Divisional Branch Secretary was elected.

48 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY/IES

(If Required)

(a) The Divisional Branch Assistant Secretary/ies shall be under the control of the Divisional Branch Management Committee and the Divisional Branch Executive Committee and shall, under the direction and authority of the Divisional Branch Secretary, carry out all responsibilities allocated to the position.

(b) The Assistant Secretary shall in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary.

(c) The Assistant Secretary shall attend meetings of the Divisional Branch Management Committee, Divisional Branch Executive Committee and other meetings called by the Divisional Branch Management Committee or Divisional Branch Executive Committee.

49 - DUTIES OF ORGANISERS

The Divisional Branch Management Committee may determine the number (if any) of Organisers of the Divisional Branch and the number (if any) to be appointed by it or elected pursuant to Rule 51 and shall determine the duties to be performed by any such Organisers.

50 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any position in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wages and conditions as shall be

determined at a properly constituted meeting of the Divisional Branch Management Committee/ Executive Committee.

(b) Full-time paid officers shall be under the control of the Divisional Branch Executive Committee between Divisional Branch Management Committee meetings and shall carry out all instructions of the Divisional Branch Management Committee or Divisional Branch Executive Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of the intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Management Committee first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Executive Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Executive Committee a medical certificate setting out that the officer has recovered and is capable to carry out the duties in accordance with the Rules.

51 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who is financial as provided for in Rule 6, at the time of nominations and has financial membership of the Divisional Branch in accordance with the scale set out in this rule, may nominate for such positions according to this scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member a decision as to which position the member wishes to contest.

(iv) Where no decision is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-

Secretary, Assistant Secretary, President, Organiser.

(v) The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Assistant Secretary/ies	) 3 years'
Divisional Branch President(s)	) financial
Divisional Branch Delegate to	) membership
Divisional Conference	)
Divisional Branch Senior Vice President	) 1 year's
Divisional Branch Vice Presidents	) financial
Divisional Branch Trustees	) membership

Divisional Branch Management Committee)
and)
Organiser)

Provided that for the purposes of this sub-rule financial membership of the State Registered union being the United Timber Yards, Sawmills and Woodworkers Employees' Union of Western Australia or its successor shall be for all purposes continuous with and counted as financial membership of this Division.

(b) The term of office for the above positions shall be four years and such term shall commence from the 2nd January, following the election.

(c) Nominations for the above positions, shall be called by the Divisional Returning Officer by notification in the union journal if one is due to be published and in one daily newspaper circulating in the Divisional Branch area on or before the last day of August of every fourth year commencing on and from the last day of August, 1996.

Provided that such advertisements shall clearly indicate that the Divisional Executive Committee members and the full-time Divisional Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations shall open on the second Monday in September. Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

(f) A member having nominated for any office in accordance with these Rules may withdraw the nomination by notifying the returning officer in writing of an intention to do so at any time up to 14 days after the closing of nominations. The returning officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the members name from the ballot papers prior to their distribution.

(g) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Management Committee member 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(h) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(i) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or a nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable the supply of a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by prepaid post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary and that envelope shall contain only the following documents -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(ii) a declaration envelope and an empty unsealed pre-paid post envelope addressed to the Divisional Branch Returning Officer, c/- the numbered mail box referred to in this rule;

(iii) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Branch Returning Officer may consider necessary;

(iv) the candidates statement provided for in accordance with sub-rule (g) of this rule.

(v) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail each relevant ballot paper.

(o) For the purpose of the election the books of the Divisional Branches shall be deemed to have closed as at 1st September in the year of the election. Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines prior to the 1st September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Branch Returning Officer that they have paid all contributions, levies and fines prior to the 1st September in the year of the election shall be entitled to receive a ballot paper and the Divisional Branch Returning Officer shall send by post, a ballot paper in accordance with sub-rule (n) of this rule.

(p) The opening date of the ballot shall be the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the

Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(q) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box until the commencement of the count of the ballot which will take place no later than the first working day following the closing of the ballot and shall be completed as soon as is practicable.

(r) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(s) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 68, Definitions, and the candidate or candidates receiving the necessary votes shall be deemed elected.

(t) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

(u) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Secretary of the result of the ballot and the Divisional Branch Management Committee or Divisional Branch Executive shall issue instructions for the publication of same in their minutes. The Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

(v) The Divisional Branch Returning Officer's report to the Divisional Branch Secretary shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposes.

(w) The successful candidates shall take up their respective duties at a date determined by the Divisional Branch Executive which shall be a date between the 1st day and the 14th day of January following the election held in the preceding year and shall remain elected until their successors take up office.

(x) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(y) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(z) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in this sub-clause, the Divisional Branch Returning Officer shall conduct an election in accordance with this rule with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

52 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Management Committee.

53 - EXTRAORDINARY VACANCIES

(1) An Officer of a Divisional Branch including a Member of the Divisional Branch Management Committee shall cease to hold office and such office shall thereupon become vacant if and when:-

(a) an officer/member dies, or has by reason of physical or mental disability become incapable of carrying out the duties of the office;

(b) the officer/member resigns from office or membership of the Union;

(c) the officer/member is dismissed from office in accordance with Rule 54;

(d) the officer/member ceases to be a member of the Divisional Branch in which the officer/member holds office.

(e) the officer/member becoming unfinancial in accordance with these Rules.

(2) Any extraordinary vacancy which occurs in the office of any officer including a member of the Divisional Branch Management Committee shall be filled by the holding of an election in accordance with Rule 51, with the necessary changes, and the member so elected shall hold office for the remainder of the term for which the predecessor to the office was elected provided that where the remainder of the term does not exceed

(a) twelve months, or

(b) three-quarters of the term of the office whichever is the greater - the Divisional Branch Management Committee may select by resolution any eligible member of the Divisional Branch to fill the office for the remainder of the term.

54 - REMOVAL OF OFFICERS AND MANAGEMENT COMMITTEE MEMBERS

(a) Any officer/member of a Divisional Branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(b) Any officer/member of the Divisional Branch Management Committee charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of the rules. The officer or Divisional Branch Management Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in their defence, or if the officer prefers, may answer the charges in writing.

In the case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to the Divisional Conference or Executive whichever is appropriate as soon as it is conveniently possible from the date of the decision. Rule 71 - Appeals of Members shall apply.

55 - DUTIES OF MEMBERS AND OFFENCES

A. DUTIES

(a) To adhere strictly to the Rules of the Union, Division and its Divisional Branches.

(b) To promote the industrial welfare of every other member.

(c) To attend the meetings of the Divisional Branch as often as possible and to assist the Officers to the best of the members' ability.

(d) To supply the Divisional Branch Secretary with information as to where work is procurable for members.

(e) Not to knowingly divulge any portion of the Union's business to any non-member or to discuss it with members in the presence or within the hearing of non-members.

(f) When joining the Union to furnish the Divisional Branch with an address and notify any change of address within fourteen (14) days of such change.

(g) Not to defraud other members.

(h) To render every assistance to Shop Stewards/Job Delegates in their respective work places in the carrying out of their duties.

(i) To answer or cause to answer any correspondence received from the Divisional Branch Secretary and to supply any information that may be required.

(j) To report to the Divisional Branch Secretary or the Divisional Secretary any member believed to be guilty of a breach of the Rules.

B. OFFENCES

(1) Any member may charge any other member with;

(a) Committing any breach of the Rules.

(b) Failing to comply with any lawful resolution or direction passed or given under any Rule of the Union after having been given notice thereof.

(c) Committing any fraudulent act or unlawful act in relation to funds or property of the Union or in relation to any election held under its Rules.

(d) Wrongfully holding themselves out as occupying any office or position in the Union or any Divisional Branch thereof, or as being entitled to represent the Union or any Divisional Branch in any capacity.

(e) Behaving in a drunken, disorderly or offensive manner towards an officer of the union or at any meeting held under the Rules of the Union or in the office of the Union or of any Divisional Branch.

(f) Knowingly giving false information to any officer, representative or employee of the Union or any person acting as or on behalf of a Returning Officer conducting any election under its Rules relating to any Union business or election or any matter affecting the interest of the Union or its members, or refusing to give information to such persons when reasonably requested to do so.

(g) Aiding or encouraging any other member in any offence under these Rules.

(h) Doing any act calculated to injure or destroy the Union or making any wilful false statement concerning the administration of its affairs.

(i) Failing to report to the Divisional Branch Management Committee or the Divisional Conference a member believed to be guilty of a breach of the Rules.

(j) being the holder of any office within the Union

(i) misappropriation of the funds of the Union;

(ii) a substantial breach of the Rules of the Union; or

(iii) gross misbehaviour or gross neglect of duty.

(2) Any charge must be made in writing and shall be made to the Divisional Secretary or the Divisional Branch Secretary. Such Officer shall, if directed by the Divisional Branch Management or Executive Committee or the Divisional Conference or the Divisional Executive, summon the member charged. Such summons shall be in writing and shall state the time and place of the hearing and the substance of the charge. The member's fares to and from the place of the meeting shall be paid. The member shall on written request, be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is charged.

(3) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be investigated, whether or not the person charged is present, unless a satisfactory explanation of the absence has been received.

(4) At the hearing the member charged must be given a reasonable opportunity to present a defence to the charges including a reasonable opportunity to call any witness upon whose evidence the member wishes to rely, and if necessary to tender a written submission.

(5) If the Divisional Conference or the Divisional Executive or Divisional Branch Management Committee or Divisional Branch Executive finds the member concerned so charged guilty it may:

(a) Impose a fine of a sum not exceeding $100.00, and/or

(b) Suspend the member from membership; and/or

(c) Remove the member from any office or position; and/or

(d) Expel the member from membership of the Union.

(6) Suspension from membership shall deprive a member of the rights and benefits of membership, but shall not relieve the member of the obligations of membership and shall not exceed six months for any one offence.

(7) An appeal under this Rule shall lie in respect of any decision from a Divisional Branch to the Divisional Conference, or the Divisional Executive, provided that Notice of Appeal shall be given in writing to the Divisional Secretary within twenty-one days from the date of the member being notified of the Divisional Branch decision and shall set forth in full all matters which the appellant desires to be considered.

(8) The Divisional Conference or the Divisional Executive shall decide the appeal at its next meeting after the appeal is made and the appellant shall have the right to attend the meeting and state a case on the appeal.

(9) Notwithstanding anything to the contrary in these Rules a person elected to any office within the Union shall not be dismissed from office unless found guilty of misappropriation of the funds of the Union a substantial breach of the Rules of the Union or of gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold the office.

56 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's union subscriptions.

57 - SHOP STEWARDS/JOB DELEGATES

(1) A majority of members in each workplace or where appropriate department of the workplace present may select from amongst their number a person or persons to act as Steward or Stewards, Job Delegate or Job Delegates who shall as far as possible perform the following duties:-

(a) To see that these Rules are strictly adhered to.

(b) To investigate and if possible rectify any complaints or disputes and if unsuccessful to refer any such matters to the Divisional Branch Secretary for resolution.

(c) To report any infringement of any award or agreement affecting the Union to the Divisional Branch Secretary at once.

(d) To attend all meetings as regularly as possible.

(e) To notify the Divisional Branch Secretary when possible within twenty-four hours, of all accidents to members of the Union. All such information shall be supplied where possible on a form furnished by the Divisional Branch Secretary.

(g) It shall be the duty of all Shop Stewards/Job Delegates to endeavour to enrol appropriate workers in their respective workplace or jobs into the Union.

(h) On the start of every job where two or more workers are working there shall be a show of cards and also at any time the Shop Steward/Job Delegate may determine.

(i) Any member refusing to show their card when required by a Shop Steward/Job Delegate shall be liable to be fined up to $100 by the Divisional Branch Management Committee.

(j) It shall be the duty of Shop Stewards/Job Delegates to interest themselves in the welfare of the worker probationers, indentured apprentices and trainees.

(k) On direction of the Divisional Branch Management Committee or at the request of one third of the members on the job, they shall be required to call a meeting as soon as convenient.

(2) The Divisional Branch Secretary shall be advised of the appointment of Shop Stewards/Job Delegates in accordance with paragraph (1) and approved by the Divisional Branch Management Committee or Executive. In the event of failure of the members to appoint a Steward/Job Delegate in accordance with paragraph (1) the Divisional Branch Secretary or an officer authorised by the Divisional Branch Secretary shall have the power to appoint a Steward/Job Delegate or Stewards/Job Delegates.

(3) Where no alternative arrangements for the payment of Union contributions have been determined by the Union, the Steward/Job Delegate shall collect all contributions, fines and levies due to the Union by members in the work place where the Steward/Job Delegate is employed, the same to be paid to the Secretary within 14 days. The Steward/Job Delegate may be paid a Commission to be fixed by the Divisional Branch Management Committee on all monies (except levies) collected, and shall be paid quarterly.

(4) If the Divisional Branch Secretary is advised by members in any work place of their dissatisfaction with the performance of a Shop Steward/Job Delegate then a meeting of members will be convened to consider the complaints.

58 - VICTIMISATION

Should any Shop Steward or Job Delegate be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee/Executive Committee shall take all necessary steps to see that the Shop Steward/Job Delegate interests are protected.

59 - ALLOWANCES

The Divisional Branch Management Committee/Executive Committee may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

61 - LOANS, GRANTS AND DONATIONS

A loan, grant or donation of an amount exceeding $1,000.00 shall not be made by any Divisional Branch, unless the Divisional Branch Management Committee or the Branch Executive Committee, as the case may be:

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the other Rules of the Union or of the Divisional Branch, as the case may be; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory, and

(b) has approved the making of the loan, grant or donation.

62 - FUNDS - HOW COLLECTED

All entrance fees, contributions, levies, fines, fees and dues payable by members shall be paid to and collected by the Divisional Branch Secretaries, or their authorised agents, or any other authorised agent of the Divisional Executive.

63 - CHANGE OF RESIDENCE

Any member changing residence shall report the same to the Divisional Branch Secretary within fourteen (14) days and in default shall be liable to a fine of up to $100.

64 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary.

65 - SETTLEMENT OF INDUSTRIAL DISPUTES

(1) Whenever a dispute arises between any employer and a member or members, such member or members shall report the same to the Divisional Branch Secretary, who shall endeavour to settle same, failing which:-

(2) The Divisional Branch Secretary may call a meeting of the Divisional Branch Executive and such Executive Committee shall consider such dispute and endeavour to settle the same amicably.

(3) Failing a settlement being obtained, the Divisional Branch Secretary shall, if the Divisional Branch Executive Committee so direct, refer the dispute to the Divisional Secretary.

66 - ACCIDENT AND MORTUARY FUNDS

Divisional Branches may establish Accident and Mortuary Funds in accordance with By-Laws approved by the Divisional Conference.

67 - LIFE MEMBERSHIP

The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may, at their entire discretion, constitute a member a Life Member, provided that member has been a member for a period of at least 20 years, has retired from the industry, and was financial at the time of retirement. Life members shall not be liable to pay dues of any kind to the Union, and shall not be entitled to nominate for or to hold any office, but shall be entitled to vote at the Union elections. The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may reduce the qualifying period of membership in special circumstances.

68 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter votes as the first preference, and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the voters preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

69 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

In addition to powers elsewhere provided in the Rules, a Divisional Branch Management Committee member shall have the powers of a shop Steward.

70 - REFERENDA

(a) (i) On receipt of a petition signed by not less than 10% financial members of the union, the Divisional Branch Management Committee shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by the Divisional Branch Management Committee and/or Executive.

(ii) The petition shall have set out the members full name, address, signature and the date the said petition was signed by the member. In determining the 10% requirement of financial members for a referendum to be conducted, the petition shall be presented to the Divisional Branch Secretary within 30 days of the first financial member signing the

aforesaid petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 10% financial members.

(iii) Such referendum shall take place within 2 months of the receipt of the petition.

(iv) The decision reached by a majority of the actual votes recorded shall be binding on the Divisional Branch Management Committee and the members of the Divisional Branch and on the Divisional Branch Executive.

(b) The Divisional Branch Management or Executive Committee may at any time, by its own motion, take a referendum of the whole of the financial members of the Divisional Branch upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Management Committee shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

71 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Divisional Branch may make a written appeal to the Divisional Branch Executive Committee for redress, who shall in the case of appeals on any matter that does not relate to the Divisional Branch Executive forward the appeal to the Divisional Branch Executive Committee within one (1) month.

(b) Any members dissatisfied with the decision of the Divisional Branch Executive Committee may appeal to the Divisional Branch Management Committee within one (1) month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Executive within one (1) month after the hearing of the case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Executive or Divisional Executive may confirm, annul or modify the penalty or finding. Should the appellant desire to appear in person the appellant member shall be afforded the opportunity to do so.

72 - SPECIAL RULE - NO.7 BRANCH PULP AND PAPER WORKERS BRANCH

The following provisions shall apply in respect of the No. 7 Branch - Pulp and Paper Workers' Branch of the Division (in this Rule called "the Pulp and Paper Workers' Branch")

(1) Nothing in this Rule shall affect the application of the Rules to the No 7 Branch - Pulp and Paper Workers' Branch - and to the holders of offices within and to the members of that Branch except insofar as this Rule may be inconsistent with another rule in which event the provisions of this Rule shall prevail to the extent of such inconsistency.

(2) The word "Branch" in the Rules shall include a "Sub-Branch of the No. 7 Branch" unless the context indicates otherwise.

DIVISIONAL SUB-BRANCH PROVISIONS

(3) The business of the Divisional Branch shall be conducted by the Divisional Branch Management Committee which shall consist of the Divisional Branch Secretary and Sub-Branch Delegates.

(4) The powers of the Divisional Branch Management Committee shall include the following powers:-

(a) To establish new Sub-Branches and amalgamate existing Sub-Branches, to close or disband Sub-Branches in accordance with the Rules, and generally to control Sub-Branches and the members thereof including the power to disallow By-Laws made by any Sub-Branch in conflict with the Rules.

(b) When establishing a new Sub-Branch to make Rules providing for the admission of members to that new Sub-Branch, the establishment of a Management Committee of that new Sub-Branch, the election of officers of that new Sub-Branch and all such matters as may be necessary.

(c) To fix the amount of per capita payments by the Sub-Branches to the Divisional Branch Management Committee - such payments not to exceed 75% of the members' contributions unless agreed by a majority of the Sub-Branches.

(d) To establish and or operate a Superannuation Fund for the benefit of the members of the Divisional Branch and others.

(4A) The Divisional Branch shall hold an Annual General Meeting and such other meetings as may be necessary. Such meetings shall consist of a series of meetings of the members of each Sub-Branch held at times, places and dates to be decided by the Divisional Branch Management Committee. Members entitled to attend the meetings shall be notified thereof by circular or advertisement, or by printed notices or by such other similar means as the Divisional Branch Management Committee may deem reasonable. Any proposed resolution put to the series of meetings shall have been passed if it receives on the aggregate of all meetings held in the series, the majority of votes.

(5) The Divisional Conference or Divisional Branch Management Committee shall have the power to suspend any Sub-Branch Management Committee and/or all or any officers, committee members and delegates of a Sub-Branch if it is satisfied after due enquiry and after giving it or them the opportunity of being heard:-

(a) That the Rules of the Divisional Branch or Sub-Branch have not been bona fide observed or enforced by the Sub-Branch.

(b) That any lawful decision of the Divisional Branch Management Committee has not, after notification, been bona fide observed and enforced by the Sub-Branch.

(c) That the Sub-Branch is wilfully neglecting to provide for the collection of fees, levies, fines or contributions.

(d) That the accounts of the Sub-Branch have not been duly audited or that the accounts of the Sub-Branch or the Auditor do not disclose the true financial position of the Sub-Branch.

(e) That for any reason the Sub-Branch cannot or fails to meet in accordance with the Rules.

(f) That the officers of the Management Committee of the Sub-Branch refuse to disclose to the Divisional Branch Management Committee information concerning the Sub-Branch or the Management Committee.

(6) If a Sub-Branch or a Sub-Branch Management Committee fails to comply with any lawful direction of the Divisional Branch and incurs legal costs or has imposed upon it a fine and/or legal costs arising from the conduct of the Sub-Branch, the Sub-Branch Management Committee or members of the Sub-Branch, which conduct is in contravention of the lawful direction of the Divisional Branch Management Committee then the Divisional Conference or Divisional Branch Management Committee shall have the power to direct that the amount of legal costs, fine and/or legal costs so incurred by and/or imposed upon the Divisional Branch shall be paid to the Divisional Branch Management Committee from the funds of the Sub-Branch.

(7) The Divisional Branch Management Committee shall call a meeting upon the requisition of three (3) Sub-Branches.

(8) The Sub-Branch Delegates to the Divisional Branch Management Committee shall be the Sub-Branch Secretary together with the additional Delegates who shall be elected quadrennially by the membership of each Sub-Branch in accordance with Rule 51. The additional Delegates shall be elected on the following basis:-

(a) Each Sub-Branch with a membership of less than 100 members - the Sub-Branch Secretary only.

(b) Each Sub-Branch with a membership of 100 members or more but less than 400 members - the Sub-Branch Secretary together with one (1) additional Delegate.

(c) Each Sub-Branch with a membership of 400 members or more but less than 1,000 members - the Sub-Branch Secretary together with two (2) additional Delegates.

(d) Each Sub-Branch with a membership of 1,000 members or more but less than 2,000 - the Sub-Branch Secretary together with three (3) additional Delegates.

(e) Each Sub-Branch with a membership of 2,000 members or more but less than 3,000 members - the Sub-Branch Secretary together with four (4) additional delegates.

(f) Each Sub-Branch with a membership of 3,000 members or more - the Sub-Branch Secretary together with five (5) additional Delegates.

(9) The Sub-Branch Management Committee may appoint a proxy delegate to any meeting of the Divisional Branch Management Committee when the delegate or delegates of the Sub-Branch to the Divisional Branch Management Committee (being either the Sub-Branch Secretary or additional Delegate or Delegates) is or are unable to attend that meeting: Provided that such proxy delegate shall be entitled to speak and vote on any matter except that such proxy delegate shall not participate in any step in any election for an office conducted amongst members of the Divisional Branch Management Committee.

(10) The Divisional Branch Secretary and Divisional Conference Delegates shall be elected quadrennially by the members of the Branch in accordance with the provisions of Rule 51.

(11) The Divisional Branch President, Senior Divisional Branch Vice President, Junior Divisional Branch Vice President and three (3) Trustees shall be elected by secret ballot after nominations have been called for by the Returning Officer at the meeting of the Divisional Branch Management Committee held next after the declaration of the quadrennial elections by and from the members of the Divisional Branch Management Committee in accordance with the provisions of Rule 51 with the necessary changes.

(12) In the event of a member being elected to the office of Divisional Branch Secretary and as an Additional Delegate of a Sub-Branch to the Divisional Branch Management Committee such position of Additional Delegate shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 51 with the necessary changes.

(13) In the event of a member being elected to the offices of Divisional Branch Secretary and Sub-Branch Secretary the office of Sub-Branch Secretary shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 51

(14) (a) In the event of an industrial dispute taking place in any Sub-Branch the officers of such Sub-Branch shall try, by conciliation, to settle the dispute. In the event of the Sub-Branch officers concerned being unable to secure a satisfactory settlement the matter shall be referred to the Divisional Branch Secretary who shall, on behalf of the Divisional Branch Management Committee take charge of such dispute and shall consult with the Divisional Branch President and shall, if necessary, convene a meeting of the Branch Management Committee to deal with the matter.

(b) (i) A majority of the Sub-Branches shall, at special meetings of the Sub-Branch Management Committees called for that purpose, decide whether an industrial dispute affecting members of the Divisional Branch is to be submitted by the Divisional Branch to the appropriate tribunal established under the Industrial Relations Act 1988.

(ii) The Divisional Branch President and Divisional Branch Secretary or such other person or persons as the Divisional Branch Management Committee may decide shall be empowered to make submissions on behalf of and represent the Divisional Branch before a Federal or State Industrial Tribunal and to sign or issue any document including any agreement for the Divisional Branch which is necessary in respect of any such submission or presentation.

(15) Any delegates representing the Divisional Branch or a Sub-Branch on the Australian Labor Party shall be a member of that party.

(15A) The Divisional Branch Secretary shall be ex-officio a member of all committees of the Sub-Branches but shall not be entitled to exercise a vote on matters appertaining exclusively to only one Sub-Branch.

SUB-BRANCH PROVISIONS

(16) (a) The following Sub-Branches are and shall be deemed to have been established as from the several dates on which they began to function:-

Melbourne, Maryvale, Millicent, Sydney, Nowra, Wesley Vale, Boyer, Albury, Burnie and Myrtleford.

(b) The Sub-Branches shall consist of members of the Divisional Branch as follows:-

(i) The Melbourne Sub-Branch shall consist of members who are employed within a radius of forty (40) kilometres of the General Post Office.

(ii) The Maryvale Sub-Branch shall consist of members employed within a radius of forty (40) kilometres from either the Traralgon or the Morwell Post Office.

(iii) the Millicent Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Millicent Post Office.

(iv) The Sydney Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Sydney Post Office.

(v) The Nowra Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Nowra Post Office.

(vi) The Burnie Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Burnie Post Office

(vii) The Myrtleford Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Myrtleford Post Office.

(viii) The Wesley Vale Sub Branch shall consist of members employed within a radius of forty (40) kilometres of the Devonport Post Office

(ix) The Boyer Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Hobart Post Office

(x) The Albury Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Albury Post Office.

(16) (c) Additional Sub-Branches may be established by resolution of the Branch Committee of Management.

(d) Any member not employed within a Sub-Branch area shall be attached to the Sub-Branch nearest to where he is employed.

(17) (a) Officers of the Sub-Branches shall be the President, two (2) Vice-Presidents (a Senior and Junior Vice President) and a Secretary such officers shall also be officers of the Union. These officers together with such number of other members which shall not be less than three (3) or exceed ten (10) as the Sub-Branch shall determine shall form the Sub-Branch Committee of Management. The Sub-Branch Secretary shall also mean the Sub-Branch Secretary-Treasurer.

(b) Delegates to the Branch Committee of Management shall be ex-officio members of all Committees and Sub-Committees of the Sub-Branch to which they belong.

(c) The Officers of the Sub-Branch together with the other members of the Sub-Branch Committee of Management shall be elected quadrennially by the members of the Sub-Branch in accordance with the provisions of Rule 51.

(18) (a) No member shall hold more than one of the offices of Sub-Branch President, Sub-Branch Senior Vice-President, Sub-Branch Junior Vice-President, Sub-Branch Committeeman, or Sub-Branch Secretary. If a member is elected to any two or more of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch Secretary signify which one of the said offices such member elects to hold. The member shall thereupon be deemed to have resigned from

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the other office or offices and the vacancy shall be filled in accordance with the provisions of Rule 51 mutatis mutandis.

(b) No member shall hold the office of Sub-Branch Secretary and Sub-Branch Additional Delegate from the Sub-Branch to the Branch Committee of Management. If a member is elected to each of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch President signify which one of the said offices such member elects to hold and shall thereupon be deemed to have resigned from the other office. The vacancy so occurring in the other office shall be filled in accordance with the provisions of Rule 51 mutatis mutandis.

(19) Entrance fees and contributions shall be paid to and collected by the Sub-Branch Secretary or by an authorised agent of the Sub-Branch.

(20) The Sub-Branch Fund which shall be managed and controlled by each Sub-Branch Management Committee shall consist of:-

(i) Any real or personal property of which the Sub-Branch by the rules or by any established practice not inconsistent with the Rules has, or in the absence of any limited term lease, bailment or arrangement, would have, the of right custody, control or management;

(ii) All entrance fees and all contributions collected in accordance with the Rules save and except such part of the contributions as are fixed by the Divisional Branch Management Committee from time to time and are part of the Divisional Branch Funds pursuant to Rule 42 (4)(c) hereof;

(iii) All fines and levies raised pursuant to Divisional Branch Rules;

(iv) Any interest, rents or dividends derived from the investment of the Fund;

(v) Any superannuation or long service leave fund operated or controlled by the Sub-Branch for the benefit of its officers or employees;

(vi) Any sick pay fund, accident pay fund, mortuary or funeral fund or like fund operated or controlled by the Sub-Branch for the benefit of its members;

(vii) Any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and

(viii)The proceeds of any disposal of parts of the Fund.

(21) The per capita payments fixed by the Divisional Branch Management Committee pursuant to Rule 42 (4)(c) hereof shall be the first charge on the gross income of each Sub-Branch.

(22) Each Sub-Branch shall fix the salaries and/or allowances and/or honorariums and/or appropriate conditions of service of Officers of the Sub-Branches.

(23) Each Sub-Branch shall elect delegates to represent it on any body with which the Sub-Branch is affiliated. The election shall be conducted amongst members of the Sub-Branch Management Committee and be held at the next Sub-Branch Management Committee meeting following Sub-Branch elections. Nominees are required to be a member of the Sub-Branch Management Committee.

(24) Times and places of meetings of a Sub-Branch shall be fixed by the Sub-Branch Management Committee and shall be notified to members by being posted on work place notice boards at least three (3) days prior to the date of such meetings. At least one meeting shall be carried quarterly.

(25) Each Sub-Branch shall decide the starting and finishing times of its meetings and no extension shall exceed thirty (30) minutes beyond the time of normal finishing.

(26) The Sub-Branch President and Sub-Branch Secretary may call a meeting of the Sub-Branch Management Committee at any time by giving the membership of such Committee three (3) days notice in writing of the date, time and place of such meeting. The Sub-Branch President and Sub-Branch Secretary shall call a meeting of the Sub-Branch Management Committee. The Sub-Branch Management Committee if required to do so, by a written request of a majority of members of the Sub-Branch Management Committee may, at any meeting held of such Management Committee, decide the date, time and place of future meetings.

(27) A quorum for a Sub-Branch meeting shall consist of five (5) members (not including officers or members of the Branch Management Committee) where the Sub-Branch has a membership of 100 or less members; a quorum for a Sub-Branch meeting shall consist of ten (10) members (not including officers or members of the Sub-Branch Management Committee) where the Sub-Branch has a membership of over 100 members. If no such quorum is present at a meeting of a Sub-Branch thirty (30) minutes after the normal starting time of such meeting that meeting shall lapse.

(28) If due to the absence of a quorum at a meeting, a Sub-Branch is unable to conduct its business, the Sub-Branch Management Committee shall conduct such business with the full authority of a properly constituted Sub-Branch meeting.

(29) The Sub-Branch President and the Sub-Branch Secretary may call a Special Meeting of the Sub-Branch at any time. Special Meetings of the Sub-Branch shall be called by the President on receipt of a requisition in writing by twenty-five (25) financial members of the Sub-Branch. Such requisition must set out the purpose for which it is desired the meeting shall be called. No other business may be transacted unless urgent and by resolution of the meeting. Such Special Meetings shall be called with twenty-one (21) days of the receipt of such requisition and the time, place and purpose of such Special Meeting shall be notified to members by being posted on the workplace notice boards at least three (3) days prior to the date of the meeting.

(30) MORTUARY FUND

(a) For the purposes of this Rule "spouse" includes the defacto husband or wife of a member.

(b) There shall be established a Mortuary Fund of the Pulp & Paper Workers Branch from which Mortuary Benefits shall be paid upon the death of members of the Branch or the dependent spouse of members of the Branch towards the cost of burial as hereinafter provided.

(c) The Mortuary Fund shall be administered by the Divisional Branch Management Committee.

(d) Each member of the Divisional Branch shall nominate on a form to be provided by the Divisional Branch the full name and address of the person to whom the Mortuary Benefit is to be paid in the event of death. Members shall return completed forms to their Sub-Branch Secretary who shall forward them to the Divisional Branch Secretary.

(e) Upon the death of a member in respect of whom a Mortuary Benefit is payable such payment shall be made to the person nominated by the member irrespective of the number or status of the claimants. Where there is no nominee of the deceased member the Mortuary Benefit may be paid to whomsoever the Divisional Branch President and

Divisional Branch Secretary in their absolute discretion may determine and their decision shall be final.

(f) Upon the death of the dependant spouse of a member of the Branch in respect of whom a Mortuary Benefit is payable such payment shall be made to the member.

(g) When a claim for Mortuary Benefit is made it shall be accompanied by a Death Certificate or a photostat copy of the Certificate.

(h) The amount of the Mortuary Benefit shall be as determined from time to time by the Divisional Branch Management Committee.

(i) There shall be paid into the Mortuary Fund the proceeds of the winding up of the Excess Bonus Funds in the mills of the Australian Paper Manufacturers Ltd. and monies raised by such levies on the members of the Branch as are determined by the Divisional Branch Management Committee to be necessary to operate the Fund. All property of whatsoever kind in the Mortuary Fund is and shall remain the property of the Branch.

(j) Notwithstanding anything contained elsewhere in the Rules of the Union the funds of the Mortuary Fund may be invested in Government Bond Fixed Bank Deposit or Debentures, Shares of Companies who are parties or signatories of the Pulp & Paper Industry Consent Award or Industry Agreement or in other investment as the Divisional Branch Management Committee in its absolute discretion may determine.

(k) The Mortuary Fund of the Divisional Branch alone shall be liable to meet payments of Mortuary Benefits in respect of the death of members or their dependant spouses and no other Fund Account or Assets of the Union shall be so liable to any extent whatsoever.

(l) The Divisional Branch Secretary shall submit annually to members of the Divisional Branch a report of operation of the Mortuary Fund and an audited balance sheet of the accounts including trading, investment interest and outgoings for the period 1st January to 31st December.

(m) If in the future significant benefits become payable on or in respect of the death of members or their dependent spouses either by Government legislation, industrial award or in any other manner the Divisional Branch Management Committee may recommend to members of the Branch that the Mortuary Fund be wound up and all assets in the Fund transferred to the General Account of the Divisional Branch.

(n) The Mortuary Fund shall be wound up within twelve (12) months after a majority of the members of the Divisional Branch have voted for its termination at Special Meetings of each Sub-Branch called for the purpose. In this event all property of whatsoever kind in the Mortuary Fund Account of the Divisional Branch shall be transferred to the General Account of the Divisional Branch.

END OF RULES

[105N-ATAI: Incorporates alterations in matter R2006/208 certified on 15/8/2006]

I CERTIFY under section 161 of Schedule 1 of the Workplace Relations Act 1996 that the pages herein numbered 1 to 51 both inclusive contain a true and correct copy of the registered rules of Construction, Forestry, Mining and Energy Union, The Forestry, Furnishing, Building Products and Manufacturing Division and Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU, Forestry, Furnishing, Building Products and Manufacturing Divisional Branches

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THE FORESTRY, FURNISHING, BUILDING PRODUCTS AND MANUFACTURING DIVISION RULES

1 - NAME

The name of the Division shall be "The Forestry, Furnishing, Building Products and Manufacturing Division". (FFPD)

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-Rule (C) and (F) of the National Rules shall belong to this Division.

3 - SEAL OF FFPD DIVISION

1. The seal of the FFPD Division shall be oval in shape inscribed on the outer edge the name of the Union and the words "FFPD Division" on the inside.

2. The Seal shall be kept in the custody of the Divisional Secretary.

3. Any document required or permitted by the Workplace Relations Act or any document required or permitted by law to be under seal of the Division shall be executed on behalf of the Division by affixing the Seal of the Division thereto and by being signed by the Divisional Secretary or, in the absence of the Divisional Secretary, either the Divisional President or Divisional Assistant Secretary.

4 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"FFPD DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to FFPD Division is a member of this Division.

"MEMBER" shall mean a member of FFPD Division and membership shall have a corresponding meaning.

"MANAGEMENT COMMITTEE" or "EXECUTIVE" shall be synonymous and shall mean in relation to a division or divisional branch the controlling and administrative body of such Division or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

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If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then the candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

5 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which the candidate resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for the Forestry and FFTS Divisions or their predecessors.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Branch Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which the member resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

6 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Applicants for membership of the FFPD Division shall pay on application an entrance fee in accordance with the Divisional Branch rules. Such entrance fee if applicable shall not exceed $50.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

(ii) The contribution payable by each member shall be fixed by the Divisional Branch in accordance with the rules thereof to which the member is attached. Provided also that the Divisional Executive shall have the power to review and alter any such increases or decreases or alterations made in the contributions or entrance fees of any Divisional Branch in accordance with the rules thereof if in its opinion it is in the interests of the Union to do so.

(iii) The Divisional Executive or Divisional Branch in accordance with the rules thereof may if, in its opinion it is desirable or necessary for financial or any other reason that the aforesaid entrance fees or contributions should be altered, waived or suspended, the said Divisional Executive or Divisional Branch in accordance with the rules thereof may make such decision as it deems desirable or necessary, and the altered, waived or suspended entrance fee and/or contribution payable in that Divisional Branch or Divisional Branch Sub-Branch shall be applicable to the member(s), group or class of members concerned.

(iv) Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch Rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

(v) A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

(vi) Contributions shall be paid to and collected by the Divisional Secretary, Divisional Branch Secretary, or an authorised agent of the Division or Divisional Branch.

(vii) The Division shall allow to the Divisional Branches, for the purpose of the Branch, the whole of the contributions collected by the Branch, except such sum as may be fixed by the Divisional Conference from time to time.

7 - SPECIAL MEMBERS

The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rule 6 be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference which shall meet at least every two (2) years.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter.

(iii) Each Divisional Branch shall be entitled to one (1) representative up to 500 members, one (1) additional representative between 500 members and 1,000 members and one representative for

each additional 1,000 members, based on the aggregate income received by each Divisional Branch (union contributions only) divided by the amount of the yearly contribution fixed by the rules from time to time, for the financial year ending on the 31st December in the year preceding the quadrennial election of representatives to act as its representatives at the Divisional Conference.

The Divisional Branch Secretary of each Branch shall, ipso facto, be one of that Branch's representatives to the Divisional Conference. The number of representatives to which each Divisional Branch is entitled shall remain unaltered throughout the period between the quadrennial elections.

(iv) Representatives of the Divisional Branches to the Divisional Conference shall be elected by secret postal ballot of all members of their respective Divisional Branches eligible to vote each four (4) years in accordance with the provisions of Rule 51 of these Rules.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the delegate is a member may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the delegate's predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

(vii) Where one or more representatives of a Divisional Branch is or are unable to attend a meeting of the Divisional Conference the Executive Committee of that Divisional Branch may itself select a proxy representative or representatives to act on its behalf at that meeting. Such representative or representatives shall vote in accordance with the instructions of the Executive Committee.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 51 of these Rules. Full time Divisional Officers, (Divisional Secretary and Divisional Assistant Secretaries), may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify of the intention in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that Divisional Branch entitlement to delegates shall be increased by the number of full-time Divisional Officers nominating as Divisional Conference delegates in that Divisional Branch in accordance with this sub-clause.

(ix) A majority of delegates eligible to attend the Divisional Conference shall form a quorum.

(x) All expenses of representatives to the Divisional Conference shall be borne by the Divisional Branch by which the representatives are elected unless otherwise determined by the Divisional Conference.

(xi) No alteration of the personnel of the representatives at a meeting of the Divisional Conference shall be permitted after the credentials of the representatives have been received and accepted by the Divisional Conference, unless such alteration is rendered necessary by death or serious illness.

(xii) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of $100, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members, organisers or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate concerned has been afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

A period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from the Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division or Divisional Executive.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish new Divisional Branches and amalgamate existing Divisional Branches, to close or disband Divisional Branches in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the No. 7 Divisional Branch without its consent), and generally to control Divisional Branches and the members thereof including the power to disallow By-Laws made by any Divisional Branch in conflict with these Rules.

(i) When establishing a new Divisional Branch the Divisional Conference shall have power to make rules providing for the admission of members of that new Divisional Branch, the establishment of a Management Committee of that new Divisional Branch, the election of officers of that new Divisional Branch and all such matters as may be necessary.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To deal with any Divisional Branch not working in conformity with the Rules and policy of the Union.

(m) To appoint and remove organisers.

(n) To vote moneys and pass accounts.

(o) To fix salaries and allowances for Officers, Conference delegates and representatives.

(p) To appoint a Returning Officer, who shall conduct any plebiscite upon any question submitted to the whole of the membership for determination, and who shall have power to appoint Deputy Returning Officers.

(q) To elect, appoint and remove officers and members of the Divisional Executive of the Union.

(r) To establish any special fund to achieve any of the objects of the Union.

(s) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one(1) week before the date of such meeting but no failure to notify will of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, email, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit by the Divisional Secretary conduct a postal, telephonic, telegraphic, facsimile, email and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter.

(xvii) The Divisional Conference shall be the Management Committee of the Division for the purposes of the Act and rules and regulations thereunder.

(xviii) All meetings of the Divisional Conference shall be held at such time and place as the Conference shall from time to time determine, and in case of default, or of special meetings, as the Divisional Executive shall determine.

(xix) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Conference -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of the Divisional President, one (1) Divisional Senior Vice President, two (2) Divisional Vice Presidents, Divisional Secretary, up to three (3) Divisional Assistant Secretaries and four (4) Trustees who shall be the officers and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive. Provided that no Divisional Branch shall be entitled to have more than five (5) representatives elected as officers of the Divisional Executive.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

3. Preceding such conferences the Divisional Executive shall appoint a Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers in accordance with these rules.

4. Nominations unless otherwise determined by the Divisional Executive shall be called for on the second day of the Divisional Conference. Where practicable the ballot shall be conducted also on that day. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

5. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the two Divisional Vice Presidents shall be dealt with and completed. The ballot for the four (4) Trustees shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

6. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive.

7. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

8. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

9. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where the delegate can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until the Returning Officer has given such delegates a reasonable opportunity to vote.

10. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

11. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and

dealing with nominations or the conduct of the ballot shall be recognised as validly holding such office.

12. A Divisional Executive member shall hold office until a successor is elected.

13. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14(a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 51 of these Rules of the Union as modified to suit the requirements of the election.

14. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, powers, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch or member. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with any Divisional Branch not working in conformity with the Rules**,** Decisions and policy of the Division.

(g) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(h) To confirm, over-rule or otherwise deal with decisions of the Divisional Branches of this Division.

(i) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(j) To appoint and remove organisers or specialist officers.

(k) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(l) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(m) Submit any matter to the members for decision by ballot.

(n) Ensure that officers, committee members, organisers, delegates or members of the Division and Divisional Branches comply with the rules, policies and decisions of the union and subject to Rule 11 impose penalties [i.e., fines not exceeding the sum of $100, suspension, expulsion or dismissal from office,] on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules, policies or the decisions of the Divisional Executive. Provided that the rules, policies or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(o) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division, take such action as may be necessary to ensure the adherence to the rules of the Union and decisions and policies of the Divisional Conference and/or Divisional Executive by any Divisional Branch and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(p) Control and supervise the work of the Divisional Officers.

(q) To establish new Divisional Branches and amalgamate existing Divisional Branches, to close or disband Divisional Branches in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the No. 7 Divisional Branch without its consent), and generally to control Divisional Branches and the members thereof including the power to disallow By-Laws made by any Divisional Branch in conflict with these Rules.

(r) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

15. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, telegram, telex, facsimile, email or otherwise in writing, telephone or verbally, provided that in the latter two instances such is confirmed by letter, telegram, facsimile, email or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches, or Divisional Branches whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, the Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union , or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(b) Should any officer be removed from office the Divisional Executive shall appoint a member to fill the vacancy until the next elections are held in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive. In the event of the appeal being upheld the Divisional Conference or National Executive may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of the Divisional Conference, Executive and meetings convened by the Divisional Executive.

The Divisional President shall have a deliberative vote only.

In the absence of the Divisional Secretary and in circumstances where there is no delegation in accordance with Rule 13(iii), at the request of two or more Divisional Executive members, the Divisional President shall summon a meeting of the Divisional Executive to determine who, from the Divisional Executive, fulfils the office and performs the duties of Divisional Secretary.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where the Divisional President is a full time officer the Divisional President shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall summon all meetings of the Divisional Conference and Divisional Executive, issue all necessary notices to members of the Divisional Conference or Divisional Executive or to Divisional Branches in connection with such meetings.

The Divisional Secretary shall sign all cheques in addition to one of the Trustees and shall be the signatory to all documents on behalf of the Division.

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the implementation and compliance by the Division and Divisional Branches of the decisions, rules and policies made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive or Divisional Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.

Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall have the authority to initiate any proceedings and/or actions to advance or defend the interests or objectives of the Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive or Divisional Conference and allocate the duties of Officers.

The Divisional Secretary shall be an ex officio member of all Divisional Branch Committees, but shall not be entitled to vote in respect of the decisions of those committees.

(iii) Divisional Assistant Secretary (s):

The Divisional Assistant Secretary(s) shall perform all duties assigned by the Divisional Executive. The Divisional Assistant Secretary(s) shall be under the control of the Divisional Secretary and shall attend all meetings of Divisional Executive, Divisional Conference and National Executive.

The Divisional Assistant Secretary may exercise any and all of the powers and duties of the Divisional Secretary on the delegation of the Divisional Secretary and shall exercise such powers and duties while the Divisional Secretary is absent from duty. In the absence of such delegation, the Divisional Executive shall determine who, from the Divisional Executive, fulfils the office and performs the duties of Divisional Secretary.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(v) Divisional Vice-President(s):

The Divisional Vice-President(s) shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President(s) shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of the Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be determined from time to time by the Divisional Executive.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, and one (1) Divisional Trustee or on absence on leave of the Divisional Secretary, by the Assistant Secretary or Divisional President and one (1) Divisional Trustee.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the Divisional Office, may be disbursed by decision of the Divisional Secretary.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive or Divisional Conference.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Division. Where this is not possible, investments shall be made in the name of the Divisional Trustees. The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The Divisional Executive shall have the authority to hold, purchase, lease, sell, mortgage or otherwise deal in property on behalf of the Division and/or Branches which shall be executed on the Divisional Executive's behalf by the Divisional Secretary.

(vi) The property of the Division shall be under the control of the Divisional Executive.

15 - AUDITOR AND AUDITOR'S REPORT

(i) The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

(ii) The auditor shall, in the auditor's report, draw attention of the Divisional Executive, Divisional Conference to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

(iii) For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

(iv) On receipt of a petition signed by not less than 5% of the financial members of the union, the Divisional Secretary shall convene a general meeting of financial members to present the Auditor's Report, the general purpose financial report and the operating report.

(v) The petition shall have set out the members full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of financial members for a general meeting to be held, the petition shall be presented to the Divisional Secretary within 30 days of the first financial member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% financial members.

(vi) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice to the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

Provided that any such rescission, alteration or amendment which affects in any way the existence, structure or position under these rules of the Divisional No. 7 Branch, shall be of no effect unless endorsed by a resolution of the Divisional Branch Management Committee of that Divisional Branch.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(i) The following Divisional branches of the Union are hereby constituted:

(a) No. 1 Branch known as the New South Wales Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of New South Wales and the Australian Capital Territory (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(b) No. 2 Branch known as the Victorian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Victoria (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(c) No. 3 Branch known as the South Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of South Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(d) No. 4 Branch known as the West Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Western Australia. Provided that, notwithstanding any other rule to the contrary, any member of the United Timber Yards, Sawmills and Woodworkers Employees Union of Western Australia or any organisation that replaces that organisation shall be admitted as a member thereof, without the signing of an admission card or payment of an entrance fee, upon the payment of dues in accordance with the other divisional rules hereof.

(e) No. 6 Branch known as the Tasmanian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Tasmania (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(f) No 7 Branch known as the Pulp & Paper Workers Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members eligible for membership of the Union pursuant to Rule 2 (C) (ii) and those persons who are appointed to any office in the No. 7 Branch and are thereby eligible for membership of the Union pursuant to Rule 2 (C) (iii).

(g) No 8 Branch known as the Queensland Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of

Queensland (other than those persons who are eligible for membership of the No 7 Branch pursuant to the previous paragraph of this sub-rule).

(ii) The Divisional Conference or Divisional Executive shall have the power to constitute such other Divisional Branches or Sub Branches as it may determine appropriate from time to time.

(iii) A Divisional State Branch Principal Office shall be located in the Capital City of the State in which a State Branch is constituted in accordance with this rule unless otherwise determined by the National Divisional Conference or National Divisional Executive. The Divisional Branch Secretary shall attend to the effective operation and business of the Branch from the State Branch of the Division unless otherwise determined by the National Divisional Conference or National Divisional Executive.

(iv) Unless otherwise determined by the Divisional Conference or Divisional Executive**,** a Divisional Branch shall have autonomy in matters affecting members of the Divisional Branch only.

19 - DIVISIONAL BRANCH RULES

Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the FFPD Divisional Branch Rules make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

20 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute may be submitted to the appropriate industrial Tribunal, Court or Commission, upon a resolution in favour of so submitting such dispute carried by a majority of the members of the Divisional Executive.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such submission.

In the case of an emergency or necessity however, such proceedings may be initiated and matters may be submitted by the authority of the Divisional Secretary, who may also authorise a Divisional Branch Secretary to initiate such proceedings and submit such matters on behalf of the Division.

The aforesaid power shall extend to cases of defending and/or responding to any proceedings or matters instituted or submitted by any other person, corporation, association or organisation. The Divisional Secretary and Divisional Branch Secretary shall be subject to the control of the Divisional Executive on all matters connected with such legal proceedings and matters.

21 - INDUSTRIAL AGREEMENTS

Industrial agreements and other instruments may be made by or on behalf of the Union as follows:-

An industrial agreement, and any instrument not required by law to be under seal, may be executed by the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the Common Seal of the Division by the Divisional Secretary.

22 - INDUSTRIAL DISPUTES

(1) In the event of an Industrial dispute taking place in any Divisional Branch the officers of such Divisional Branch shall try, by conciliation to settle the dispute. In the event of the Divisional

Branch officers concerned being unable to secure a satisfactory settlement the matter may be referred to the Divisional Branch Executive who shall seek to resolve the dispute.

(2) In the event of no satisfactory settlement of such dispute being secured the Divisional Branch Secretary shall immediately report the matter to the Divisional Secretary who shall on behalf of the Division take charge of such dispute and shall consult with the Division President and shall if necessary convene a meeting of the Divisional Executive to deal with the matter.

(3) (a) The Division Secretary or a person authorised to act on behalf of the Division Secretary shall make any submission to a tribunal.

The Division Secretary or a person authorised to act on behalf of the Division Secretary shall be the person to sign or issue any document necessary for such submission.

(b) The Division may be represented in any proceedings before any Commonwealth or State Industrial Tribunal by the Division Secretary or by such other officers or persons authorised by the Division Secretary and subject to any authorisation vested by State Legislation.

(4) Notwithstanding anything contained elsewhere in this Rule, Divisional Branch No. 7 shall have autonomy in industrial matters affecting its members only and no action will be taken in relation to such matters by the Divisional Conference or Divisional Executive unless authorised and requested by the Divisional Branch Management Committee of the No. 7 Branch.

23 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at Trades Hall, Adelaide, or such place as the Divisional Executive shall decide.

24 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

25 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

26 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Division or body having objects similar in whole or in part to those of this Division.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $10.00 per week and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $10.00 per week.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

27 - LIFE MEMBERSHIP

The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may, at their entire discretion, constitute a member a Life Member, provided that the member has been a member for a period of at least 20 years, has retired from the industry, and was financial at the time of retirement. Life members shall not be liable to pay dues of any kind to the Division, and shall not be entitled to nominate for or to hold any office, but shall be entitled to vote at the Division elections. The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may reduce the qualifying period of membership in special circumstances.

28 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time the Divisional Secretary may submit a resolution dealing with such matter to the members by letter, facsimile, email, telephone, telegram, verbally and/or any other means of communications or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in the Divisional Secretary's absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

29 - BRANCH INFORMATION

It shall be the duty of the Divisional Branch Secretary of each Divisional Branch to transmit to the Divisional Secretary, on written request from the Divisional Secretary, a true copy of the minutes of each meeting of the Divisional Management Committee or Executive of such Divisional Branch or of any special meeting thereof.

30 - RULES OF DEBATE

MOTIONS, HOW DEALT WITH:

(a) All motions shall be of an affirmative character and must be moved and seconded by members. Such motions become the property of the Union, and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless two-thirds of the members present agree to an extension of time.

(b) Unless a member opposes the motion or proposes an amendment thereto, the motion shall be immediately put to the meeting for decision.

(c) A motion may be superseded at any time by another motion "that it be discharged from the notice paper" or "that the next business be proceeded with" being resolved in the affirmative.

(d) A motion may be amended at any time during the debate thereon by -

(i) striking out certain words
(ii) adding certain words, or
(iii) striking out certain words and inserting others in their place.

Always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(e) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(f) (i) At meetings other than meetings of the membership of a Branch or of a sub-branch all motions shall be put to the meeting by the chairperson in a clear manner. Any member present may demand that the vote be by ballot and the Chairperson shall thereupon conduct a ballot. In the absence of such a demand all motions shall be put to the meeting by the Chairperson by asking for the "ayes" to vote first and then the "noes". The Chairperson's decision as to which has the majority will be final unless any member present demands a show of hands. Upon such a demand being made the chairperson shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(ii) At meetings of the membership of a Branch or of a Sub-Branch all motions shall be put to the meeting by the Chairperson in a clear manner by asking "ayes" to vote first and then the "noes".

The Chairperson's decision as to which has the majority will be final unless a member supported by one quarter of the number of members present demands a show of hands.

Upon such a demand being made the Chairperson shall appoint tellers to count the votes and shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(iii) If the votes are equal the question is resolved in the negative.

(g) No member shall be allowed to vote who was not present when the question was first put.

(h) A mover of a motion to be allowed 10 minutes to introduce and 5 minutes to reply. Other speakers 5 minutes unless two-thirds of the members present agree to an extension of time.

(i) Any member desiring to move to change a decision of the Union or of a Branch must submit notice in writing of such intention to the Divisional Secretary or the Divisional Branch Secretary of the Union as the case may be fourteen (14) days prior to the date of the meeting at which they will move for such change.

(j) During the course of a meeting any resolution which has been the business of that meeting may be recommitted at the hearing.

RIGHT TO SPEAK

(a) Any member desiring to speak shall rise and address the chairperson. If two (2) or more delegates begin to address the chairperson at the same time, the Chairperson shall call upon the one who, in the Chairpersons opinion, began to speak first. Provided that no member can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(i) In reply as the mover of the original motion.

(ii) In explanation or correction of some matter during the debate.

(iii) Upon a point of order raised during the debate.

(iv) Upon a resolution being carried "that a member be now heard".

(b) A member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by the member.

(c) Not more than two members shall be allowed to speak in succession for or against any question. If at the conclusion of the second speaker's remarks no member speaks on the other side, the motion or amendment shall be put to the vote.

(d) Any member speaking shall at once stop:-

(i) If the chairperson begins to speak; or

(b) If a point of order is raised;

and shall not resume speaking until the point of order is decided.

(e) No member may speak to any question after it has been put by the chairperson, or during a division.

REPORTS

(a) A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of the Conference/Executive thereon.

(b) If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An

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amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

SITTING AS A COMMITTEE

Divisional Conference or Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Conference or Executive shall be observed when in Committee.

DEFINITION

In this rule "member" shall include any person attending a meeting.

CHAIRPERSON'S RULING

(a) The chairperson's rulings on all points of order shall be final, unless at the time a motion is carried that such ruling be disagreed with.

(b) When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

THE FORESTRY, FURNISHING, BUILDING PRODUCTS AND MANUFACTURING DIVISIONAL BRANCH RULES

31 - DIVISIONAL BRANCH NAME

(i) The following Divisional Branches of the Union are hereby constituted;

(a) No. 1 Branch known as the New South Wales Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of New South Wales and the Australian Capital Territory (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(b) No. 2 Branch known as the Victorian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Victoria (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(c) No. 3 Branch known as the South Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of

South Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(d) No. 4 Branch known as the Western Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members residing in the State of Western Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule). Provided that, notwithstanding any other rule to the contrary, any member of the United Timber Yards, Sawmills and Woodworkers Employees Union of Western Australia or any organisation that replaces that organisation shall be admitted as a member thereof, without the signing of an admission card or payment of an entrance fee, upon the payment of dues in accordance with the other divisional rules thereof.

(e) No. 6 Branch known as the Tasmanian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Tasmania (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(f) No. 7 Branch known as the Pulp & Paper Workers Branch of the Forestry Furnishing, Building Products and Manufacturing Division consisting of all members eligible for membership of the Union pursuant to Rule 2 (c)(ii) of the National Rules and those persons who are appointed to any office in the No. 7 Branch and are thereby eligible for membership of the Union pursuant to Rule 2 (c)(iii) of the National Rules.

(g) No. 8 Branch known as the Queensland Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Queensland (other than those persons who are eligible for membership of the No 7 Branch pursuant to the previous paragraph of this sub-rule).

(ii) The Divisional Conference and Divisional Executive shall have the power to constitute such other Divisional Branch or Branches as it may determine appropriate from time to time.

(iii) Unless otherwise determined by the Divisional Conference or Divisional Executive**,** a Divisional Branch shall have autonomy in matters affecting members of the Divisional Branch only.

32 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the FFPD Division of the Union residing or employed in the State, Territory or Industry sector concerned shall be and remain members of that Divisional Branch.

33 - SEAL OF DIVISIONAL BRANCH

The seal of the Divisional Branch shall be oval in shape, inscribed on the outer edge shall be the words "The Construction, Forestry, Mining and Energy Union" and on the inner space shall have the words "FFPD Division" and under that shall have the name of the Divisional Branch.

It shall be in the custody of the Divisional Branch Secretary, and shall be used or affixed to any document by the Branch Secretary where necessary or desirable and where that document has been made with the authority of the Divisional Branch.

34 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant and a financial member of the Divisional Branch.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) All applications for membership of the Divisional Branch shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Management Committee.

Applications for membership shall be dealt with by the Divisional Branch Management Committee or Divisional Branch Executive, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit the applicant to membership of the Divisional Branch and the Union.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the FFPD Division, the Divisional Branch, and the Union.

(d) A new member shall pay on application for membership all moneys required to be paid by a new member.

(e) Applicants for membership shall be workers of good character, and shall when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

35 - ENTRANCE FEE

(i) All applicants for membership of the Division shall pay an entrance fee if determined by the Divisional Branch Management Committee, such entrance fee shall not exceed $10.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

(ii) Applicants joining on clearances or transfers in accordance with the rules of Union or who have previously been members of the Union shall not be required to pay an entrance fee.

36 - CONTRIBUTIONS

(i) Each member shall pay a yearly contribution of not less than $10.00 said amount payable in one sum on or before the 30th June in each year, or within one week of becoming a member, provided that Branches shall be allowed to issue half-yearly tickets at not less than $5.00 per half-year, said amount payable in advance on the 1st January and the 1st July in each year, and quarterly tickets at not less than $2.50 per quarter, said amount payable in advance on the 1st January, the 1st April, the 1st July and the 1st October in each year. Any person joining during the currency of any quarter shall pay for the full quarter.

Provided further that the Management Committee or Executive of any Divisional Branch may, if in its opinion it is desirable or necessary for financial or other good reasons that the aforesaid

Entrance fees or Contributions should be increased, reduced, altered or waived, the said Management Committee or Executive Committee may make such decision as it deems desirable or necessary, and any such increase, reduction, alteration or waiver shall as far as that Divisional Branch is concerned, be the Entrance fee and/or Contribution payable in that Divisional Branch of the Union by the members of that Divisional Branch or Divisional Sub-Branch of the Union.

Provided also that the Divisional Conference or Executive shall have power to review and alter any such increases or decreases or alterations made in the contributions of any Divisional Branch if in its opinion it is in the interests of the Division to do so.

(ii) Notwithstanding anything contained elsewhere in these Rules the Division may through its Branches make an arrangement with an employer or employers employing members of the Division that the employer will on receipt of an authorisation acceptable to the Divisional Branch, deduct from the wages, or monies, payable to the members so employed amounts by way of contributions, fees, levies, fines, dues or monies owing by the member of the Union. If a member to whom any such arrangement is applicable, lodges such an authorisation with the Union or the employer, that member shall be deemed to be a financial member, as from the first pay day in respect of which deductions are made, pursuant to the authorisation, and shall remain a financial member, so long as the authorisation remains in force.

Provided that any member who at the time of the first deduction, pursuant to the authorisation, was an unfinancial member shall continue to be so until all arrears, in contributions, fees, levies, etc. are paid.

Provided further, that if a member ceases to be employed by an employer, who has been making deductions pursuant to such an arrangement, the amount of the contributions, fees levies etc., then unpaid by the member, shall become due and payable on the first day of the quarter next ensuing after the member ceases to be employed.

(iii) Such contributions shall be paid to and collected by the Divisional Branch Secretary or an authorised agent of the Divisional Branch.

Levies

(iv) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by the Divisional Branch Management Committee or the Divisional Branch Executive Committee.

Fines

(v) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by the Divisional Branch Management Committee or the Divisional Branch Executive Committee.

All moneys paid by a member shall be credited in the following order:

(a) In payment of any levies due; and

(b) In payment of any fines due, and

(c) In payment of any contributions due

Unfinancial Member

(vi) Any member who has failed to pay all contributions, levies and fines imposed in accordance with the Rules of the Union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any deliberations, nominate for official positions, propose any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

37 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of the Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $5.00 per copy.

38 - UNEMPLOYED MEMBERS

(i) When, in the opinion of the Divisional Branch Management Committee, a condition of unemployment in the industry exists the following conditions may be applied:

(ii) Members becoming unemployed, ie, being employed under the terms of the Award or Agreement covered by this Division for less than one month in any quarter, may apply to be placed on an unemployed members list if any.

(iii) This list shall be kept at the Divisional Branch office under the control and supervision of the Divisional Branch Management Committee.

(iv) Members wishing to be placed on the unemployed list must apply in writing to the Divisional Branch Secretary, and shall attend at the Divisional Branch Office or such place as may be decided by the Divisional Branch Management Committee, or give satisfactory proof of their inability to attend.

(v) All applications for inclusion on the unemployed members' list shall be dealt with by the Divisional Branch Management Committee Executive Committee or other authorised committee who shall, if satisfied that the application is genuine, include them on the list.

(vi) Members placed on the list shall be exempt from the payment of contributions for the period specified in this Rule. They shall be entitled to all rights under these rules, but shall only qualify for funeral benefit applicable at the discretion, or upon conditions determined by the Divisional Branch Management Committee.

(vii) Exemption from payment of contributions shall operate for a period of twelve months from the date of inclusion on the unemployed members' list, or until again employed, whichever is the lesser.

(viii) On expiration of the 12 months' period, unemployed members may make further application to be again placed on the unemployed list. Each further application may be approved by the Divisional Branch Management Committee who may require payment of such amount of contributions as may be considered reasonable.

(ix) Any member commencing employment without notifying the Divisional Branch Secretary and continuing to receive the benefits of this unemployed clause while in employment shall be deemed to have committed a breach of the Rules. Such member(s) shall be required to pay full contributions for the period of employment and in addition, may be dealt with under the provisions relating to misconduct.

(x) Continuous membership for the purpose of this Rule, and wherever encountered in these Rules, means continuous membership without any break in the continuity of membership from the last date of acceptance into the Branch.

39 - FUNDS OF THE DIVISIONAL BRANCH

(i) The Divisional Branch shall raise funds by entrance fees, contributions, levies and fines, which funds, together with any other monies received, shall be applied for the following purposes:-

(a) Defraying the cost of administering the affairs of the Divisional Branch;

(b) Subscribing on a pro rata basis to any organisation or Labor Council with which the Union may become affiliated and to which affiliation the Divisional Branch agrees;

(c) Defraying any expenses incurred in any legal proceedings;

(d) Assisting any members out of work through any trade dispute;

(e) Making all necessary payments as determined by the Divisional Branch Committee in connection with any matters affecting members in regard to:-

(i) Preservation of life and limb;
(ii) Compensation for injuries and death;
(iii) The hours of labour;
(iv) The remuneration of labour;
(v) Protection of salaries and wages;
(vi) Other conditions affecting employment of members;
(vii) For the furtherance of any of the matters as set forth in the objects of the Union;
(viii) And any other matters when the Divisional Executive or Divisional Branch Management Committee determines the best interests of members require it.

(ii) The Divisional Branch Fund which shall be managed and controlled by each Divisional Branch Management Committee shall consist of:-

(a) Any real or personal property of which the Divisional Branch by the Rules or by any established practice not inconsistent with the Rules has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;

(b) All entrance fees and all contributions collected in accordance with the Rules save and except such part of the contributions as are fixed by the Divisional Conference from time to time and are Divisional Funds in accordance with Sub-Rule (vii) of Rule 6 of the Division Rules.

(i) Shall pay such moneys required by the Rules of the Union or in accordance with the rules of the Union.

(c) All fines and levies raised pursuant to Divisional Branch Rules;

(d) Any interest, rents or dividends derived from the investment of the Fund;

(e) Any superannuation or long service leave fund operated or controlled by the Divisional Branch for the benefit of its officers or employees;

(f) Any sick pay fund, accident pay fund, mortuary or funeral fund, tool benefit fund or like fund operated or controlled by the Divisional Branch for the benefit of its members;

(g) Any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and

(h) The proceeds of any disposal of parts of the Fund.

40 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Management Committee who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

(b) The auditor shall have full and complete access to the books and documents of the Branch.

(c) On receipt of a petition signed by not less than 5% of members of the union, the Divisional Branch Secretary shall convene a general meeting of members to present the Auditor's Report, the general purpose financial report and the operating report.

(d) The petition shall have set out the member's full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of members for a general meeting to be held, the petition shall be presented to the Divisional Branch Secretary within 30 days of the first member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% members.

(e) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

41 - MANAGEMENT COMMITTEE AND OFFICERS

The business of each Divisional Branch shall be conducted in accordance with these Rules by a Management Committee consisting of a President, a Senior Vice President, two (2) Vice Presidents - one (1) of which will be designated an affirmative action position to be filled by a woman member, Secretary, Assistant Secretary/ies (the number, if any, to be decided by the Divisional Branch Management Committee prior to the calling of nominations), and four (4) Trustees - one (1) of which will be designated an affirmative action position to be filled by a woman member who shall be the Officers of the Management Committee and who shall form the Executive, and not more than ten (10) other members - two (2) of which will be designated affirmative action positions to be filled by women members, who shall with the Executive, form the Management Committee. In respect to the NSW Divisional Branch there shall be an additional President (full-time) and one (1) additional Trustee who shall be officers of the Management Committee and who shall also form the Executive Committee of the Divisional Branch.

Nominations for the designated affirmative action positions will be called from women members only, although this does not preclude women members from holding any other Management Committee, Executive or Officer positions.

The failure to fill the designated affirmative action positions shall not prevent a Divisional Branch carrying out or conducting the business of a Divisional Branch.

42 - DUTIES OF MANAGEMENT COMMITTEE

(i) The Divisional Branch Management Committee shall be the highest deliberative body of the Divisional Branch and shall subject to the Rules**,** Policies and Decisions of the Divisional Conference and/or Divisional Executive**,** manage and superintend the affairs of the Divisional Branch protect the funds and perform all the duties allotted to them by the Rules. The Divisional Branch Management Committee shall have the power subject to these rules to:-

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Union and to raise or spend such funds as are necessary to carry out the objects and to employ such assistance as it may deem necessary.

(b) Direct the policy of the Divisional Branch.

(c) Subject to rules 16 and 60, amend or add to the Rules.

(d) Hear and determine all appeals that are submitted in accordance with the Rules.

(e) Fix the salaries, allowances, conditions of employment and/or entitlements of the Divisional Branch Officers, employees, delegates and members as it deems to be appropriate and to appoint and/or remove and/or suspend officers, organisers and employees of the Divisional Branch.

(f) Fine, suspend or expel Committee members, delegates and/or members for knowingly refusing to comply with the Rules or the decisions or policy of the Divisional Conference, Divisional Branch Management Committee or Divisional Branch Executive.

(g) All Divisional Branch Officials and assistants shall be under the control of the Management Committee and Executive, subject to the Rules.

(h) Investigate, report and take such action in accordance with these rules upon all grievances and disputes of officials, officers and members that are placed before them.

(i) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated and to select persons as delegates to represent the Divisional Branch at meetings and committees.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $10.00 per week provided that in no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

(l) Subject to Rule 40 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Executive Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers (if any) under the provisions of the Rules.

(s) Appoint Temporary Organisers under the provisions of the Rules.

(t) Appoint a Divisional Branch Returning Officer for the conduct of any elections as may be necessary.

(1) The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(2) The Divisional Branch Returning Officer so appointed:

(i) may not be a member of the Union; and

(ii) shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(ii) The Management Committee shall meet at least twice per annum, five (5) members shall form a quorum. The Executive Officers shall pass accounts, subject to the review of the Management Committee and deal with applications for membership.

(iii) Each member of the Committee shall be paid the sum of not less than $4.00 or the expenses and loss of time for each meeting the Committee member attends.

(iv) Each Divisional Branch shall hold General Meetings as may be deemed necessary.

(v) The Divisional Branch Management Committee shall ensure the Divisional Branch and its officers and members carry out the decisions and policies determined by the Divisional Conference and/or Divisional Executive and the rules of the Union are complied with.

43 - DIVISIONAL BRANCH EXECUTIVE COMMITTEE

(a) The Divisional Branch Executive Committee shall meet at least six (6) times in a calendar year and subject to a review of their actions by the Divisional Branch Management Committee, shall have the care, control, superintendence, management, administration, powers and responsibility in all respects of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee.

(b) A quorum for any meeting shall be a majority of the Executive Officers as set out in Rule 41 hereof.

(c) The Divisional Branch Executive shall meet at a time and place determined by the Executive when special meetings are required to be convened wherein the time and place shall be determined by the Divisional Branch Secretary and the Divisional Branch President. The Divisional Branch Secretary and the Divisional Branch President may determine the time and place of any meeting of the Divisional Branch Executive and shall notify the members of the Divisional Branch Executive of such time and place as soon as is convenient and the Divisional Branch Executive and/or the Divisional Branch Secretary and Divisional Branch President may determine the time

and place of the meeting of the Divisional Branch Management Committee and shall notify the members of the Divisional Branch Management Committee as soon as is convenient of such time and place.

(d) The Divisional Branch Executive shall carry out any duties which they have been directed to perform by the Divisional Branch Management Committee.

44 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President (which shall mean the honorary Divisional Branch President in NSW) shall preside at meetings of the Divisional Branch Management Committee or Divisional Branch Executive Committee and meetings convened by the Divisional Branch Management Committee or Divisional Branch Executive.

(b) The Divisional Branch President(s) shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee or Divisional Branch Executive.

(c) The Divisional Branch President(s) shall conduct business in accordance with Rules laid down for guidance. The President shall not enter debate on any question, but shall endeavour to bring the business to a satisfactory conclusion, and shall have a deliberate vote only.

(d) The Divisional Branch President(s) shall sign the minutes of proceedings of all meetings convened by the Divisional Branch Management Committee or Divisional Branch Executive Committee when same have been duly confirmed.

(e) The Divisional Branch President(s) may be required by resolution of the Divisional Branch Management Committee or Divisional Branch Executive Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Management Committee, Divisional Branch Executive Committee or any Committees established in accordance with these Rules and shall if so required submit a report in writing of the findings to the Divisional Branch Management Committee or Divisional Branch Executive Committee members.

(f) The Divisional Branch President(s) shall be an ex-officio member of all Committees.

45 - DUTIES OF DIVISIONAL BRANCH VICE PRESIDENTS

The Divisional Branch Vice Presidents shall attend all meetings of the Divisional Branch, and assist the Divisional Branch President in the duties of the Divisional Branch President's office. The Divisional Branch Senior Vice President shall officiate in the Divisional Branch President's absence, with all the powers conferred on the chair. In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, a Divisional Branch Vice President shall officiate, with all the powers conferred on the chair. In the absence of the Divisional Branch President and Divisional Branch Vice Presidents the meeting shall elect one of its number to preside.

46 - DUTIES OF DIVISIONAL BRANCH TRUSTEES

(1) Divisional Branch Trustees shall be elected in accordance with Rule 51.

(2) Such Divisional Branch Trustees:-

(a) Shall be responsible for the safe custody of the Common Seal, documents and securities of the Divisional Branch of the Union. Documents and securities shall be deposited in the name of the Divisional Branch of the Union, countersigned by the Divisional Branch Trustees on behalf of the Divisional Branch.

(b) Shall act only on resolution of the Divisional Branch Management Committee or Executive, certified under the hands of the Divisional Branch Secretary.

(c) Shall, subject to the directions of the Divisional Branch Management Committee or Executive, have custody of all property of the Divisional Branch.

(d) Shall be signatory for any accumulated funds invested in securities allowed by law as the Divisional Branch Management Committee or Executive may direct;

(e) Shall sign cheques or warrant for the withdrawal of funds which shall be countersigned by the Divisional Branch Secretary.

47 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Management Committee and the Divisional Branch Executive Committee and shall be employed in a full time capacity (unless otherwise determined by the Divisional Executive) and shall among other things conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Management Committee or Divisional Branch Executive Committee.

(c) The Divisional Branch Secretary shall prepare and forward to the Industrial Registrar returns as required by law.

(d) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Management Committee and Executive meeting; and shall attend meetings of the Divisional Branch Management Committee, Divisional Branch Executive Committee and other meetings called by the Divisional Branch Management Committee or Divisional Branch Executive Committee.

(e) Be in charge of the office and subject to Rule 42 shall direct the labours of the officials and employees of the Union.

(f) Keep a correct account of all monies received and expended.

(g) The Divisional Branch Secretary shall sign all cheques in addition to one of the Trustees and shall be the signatory to all documents on behalf of the Divisional Branch and be responsible for the affixing of the official seal of the Divisional Branch.

(h) Be permitted to hold petty cash to the amount of $500.00.

(i) Be paid incidental and travelling expenses.

(j) Generally conduct all financial transactions of the Branch.

(k) Draw up a report and balance sheet, to be submitted to the Divisional Branch Management Committee as directed, and submit the books and accounts annually to the auditors.

(l) Keep a record of the names and addresses of all members of the Union, the names, addresses and occupations of all officers of the Branch, with the dates when they were admitted, died or left, their financial position in the Union and all other particulars necessary to enable the Rules to be enforced.

(m) Receive all monies, and pay same into such Bank as the Divisional Branch Management Committee may direct, to the credit of the Union within seven (7) days after the receipt of same.

(n) When vacating office, deliver to the successor in office, in the presence of the Divisional Branch Management Committee or Executive, all books, documents and other property of the Divisional Branch in the Divisional Branch Secretary's possession.

(o) Produce for audit at least once a year, and at such other times as the Divisional Branch Management Committee may direct, all books and documents of the Divisional Branch appertaining to finance.

(p) Forward to the Divisional Secretary when requested a true copy of the minutes of each meeting of the Divisional Branch Management Committee or Executive or any special meeting thereof.

(q) The Divisional Branch Secretary shall summon all meetings of the Divisional Branch Management Committee and Divisional Branch Executive, issue all necessary notices to members of the Divisional Branch Management Committee or Divisional Branch Executive in connection with such meetings. In consultation with the Divisional Branch President the Divisional Branch Secretary shall be authorised to convene any extraordinary meeting as deemed necessary.

(r) The Divisional Branch Secretary shall be ex officio member of all committees of the Divisional Branch.

(s) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of the Divisional Branch Secretary office.

(t) The Divisional Branch Secretary shall be responsible for the implementation and compliance of the decisions, rules and policies determined by the Divisional Conference or Divisional Executive by the Divisional Branch of which the Divisional Branch Secretary was elected.

48 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY/IES

(If Required)

(a) The Divisional Branch Assistant Secretary/ies shall be under the control of the Divisional Branch Management Committee and the Divisional Branch Executive Committee and shall, under the direction and authority of the Divisional Branch Secretary, carry out all responsibilities allocated to the position.

(b) The Assistant Secretary shall in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary.

(c) The Assistant Secretary shall attend meetings of the Divisional Branch Management Committee, Divisional Branch Executive Committee and other meetings called by the Divisional Branch Management Committee or Divisional Branch Executive Committee.

49 - DUTIES OF ORGANISERS

The Divisional Branch Management Committee may determine the number (if any) of Organisers of the Divisional Branch and the number (if any) to be appointed by it or elected pursuant to Rule 51 and shall determine the duties to be performed by any such Organisers.

50 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any position in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wages and conditions as shall be

determined at a properly constituted meeting of the Divisional Branch Management Committee/ Executive Committee.

(b) Full-time paid officers shall be under the control of the Divisional Branch Executive Committee between Divisional Branch Management Committee meetings and shall carry out all instructions of the Divisional Branch Management Committee or Divisional Branch Executive Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of the intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Management Committee first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Executive Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Executive Committee a medical certificate setting out that the officer has recovered and is capable to carry out the duties in accordance with the Rules.

51 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who is financial as provided for in Rule 6, at the time of nominations and has financial membership of the Divisional Branch in accordance with the scale set out in this rule, may nominate for such positions according to this scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member a decision as to which position the member wishes to contest.

(iv) Where no decision is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-

Secretary, Assistant Secretary, President, Organiser.

(v) The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Assistant Secretary/ies	) 3 years'
Divisional Branch President(s)	) financial
Divisional Branch Delegate to	) membership
Divisional Conference	)
Divisional Branch Senior Vice President	) 1 year's
Divisional Branch Vice Presidents	) financial
Divisional Branch Trustees	) membership

Divisional Branch Management Committee)
and)
Organiser)

Provided that for the purposes of this sub-rule financial membership of the State Registered union being the United Timber Yards, Sawmills and Woodworkers Employees' Union of Western Australia or its successor shall be for all purposes continuous with and counted as financial membership of this Division.

(b) The term of office for the above positions shall be four years and such term shall commence from the 2nd January, following the election.

(c) Nominations for the above positions, shall be called by the Divisional Returning Officer by notification in the union journal if one is due to be published and in one daily newspaper circulating in the Divisional Branch area on or before the last day of August of every fourth year commencing on and from the last day of August, 1996.

Provided that such advertisements shall clearly indicate that the Divisional Executive Committee members and the full-time Divisional Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations shall open on the second Monday in September. Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

(f) A member having nominated for any office in accordance with these Rules may withdraw the nomination by notifying the returning officer in writing of an intention to do so at any time up to 14 days after the closing of nominations. The returning officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the members name from the ballot papers prior to their distribution.

(g) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Management Committee member 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(h) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(i) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or a nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable the supply of a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by prepaid post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary and that envelope shall contain only the following documents -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(ii) a declaration envelope and an empty unsealed pre-paid post envelope addressed to the Divisional Branch Returning Officer, c/- the numbered mail box referred to in this rule;

(iii) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Branch Returning Officer may consider necessary;

(iv) the candidates statement provided for in accordance with sub-rule (g) of this rule.

(v) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail each relevant ballot paper.

(o) For the purpose of the election the books of the Divisional Branches shall be deemed to have closed as at 1st September in the year of the election. Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines prior to the 1st September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Branch Returning Officer that they have paid all contributions, levies and fines prior to the 1st September in the year of the election shall be entitled to receive a ballot paper and the Divisional Branch Returning Officer shall send by post, a ballot paper in accordance with sub-rule (n) of this rule.

(p) The opening date of the ballot shall be the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(q) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box until the commencement of the count of the ballot which will take place no later than the first working day following the closing of the ballot and shall be completed as soon as is practicable.

(r) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(s) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 68, Definitions, and the candidate or candidates receiving the necessary votes shall be deemed elected.

(t) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

(u) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Secretary of the result of the ballot and the Divisional Branch Management Committee or Divisional Branch Executive shall issue instructions for the publication of same in their minutes. The Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

(v) The Divisional Branch Returning Officer's report to the Divisional Branch Secretary shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposes.

(w) The successful candidates shall take up their respective duties at a date determined by the Divisional Branch Executive which shall be a date between the 1st day and the 14th day of January following the election held in the preceding year and shall remain elected until their successors take up office.

(x) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(y) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(z) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in this sub-clause, the Divisional Branch Returning Officer shall conduct an election in accordance with this rule with any

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necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

52 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Management Committee.

53 - EXTRAORDINARY VACANCIES

(1) An Officer of a Divisional Branch including a Member of the Divisional Branch Management Committee shall cease to hold office and such office shall thereupon become vacant if and when:-

(a) an officer/member dies, or has by reason of physical or mental disability become incapable of carrying out the duties of the office;

(b) the officer/member resigns from office or membership of the Union;

(c) the officer/member is dismissed from office in accordance with Rule 54;

(d) the officer/member ceases to be a member of the Divisional Branch in which the officer/member holds office.

(e) the officer/member becoming unfinancial in accordance with these Rules.

(2) Any extraordinary vacancy which occurs in the office of any officer including a member of the Divisional Branch Management Committee shall be filled by the holding of an election in accordance with Rule 51, with the necessary changes, and the member so elected shall hold office for the remainder of the term for which the predecessor to the office was elected provided that where the remainder of the term does not exceed

(a) twelve months, or

(b) three-quarters of the term of the office whichever is the greater - the Divisional Branch Management Committee may select by resolution any eligible member of the Divisional Branch to fill the office for the remainder of the term.

54 - REMOVAL OF OFFICERS AND MANAGEMENT COMMITTEE MEMBERS

(a) Any officer/member of a Divisional Branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(b) Any officer/member of the Divisional Branch Management Committee charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of the rules. The officer or Divisional Branch Management Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in their defence, or if the officer prefers, may answer the charges in writing.

In the case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to the Divisional Conference or Executive whichever is appropriate as soon as it is conveniently possible from the date of the decision. Rule 71 - Appeals of Members shall apply.

55 - DUTIES OF MEMBERS AND OFFENCES

A. DUTIES

(a) To adhere strictly to the Rules of the Union, Division and its Divisional Branches.

(b) To promote the industrial welfare of every other member.

(c) To attend the meetings of the Divisional Branch as often as possible and to assist the Officers to the best of the members' ability.

(d) To supply the Divisional Branch Secretary with information as to where work is procurable for members.

(e) Not to knowingly divulge any portion of the Union's business to any non-member or to discuss it with members in the presence or within the hearing of non-members.

(f) When joining the Union to furnish the Divisional Branch with an address and notify any change of address within fourteen (14) days of such change.

(g) Not to defraud other members.

(h) To render every assistance to Shop Stewards/Job Delegates in their respective work places in the carrying out of their duties.

(i) To answer or cause to answer any correspondence received from the Divisional Branch Secretary and to supply any information that may be required.

(j) To report to the Divisional Branch Secretary or the Divisional Secretary any member believed to be guilty of a breach of the Rules.

B. OFFENCES

(1) Any member may charge any other member with;

(a) Committing any breach of the Rules.

(b) Failing to comply with any lawful resolution or direction passed or given under any Rule of the Union after having been given notice thereof.

(c) Committing any fraudulent act or unlawful act in relation to funds or property of the Union or in relation to any election held under its Rules.

(d) Wrongfully holding themselves out as occupying any office or position in the Union or any Divisional Branch thereof, or as being entitled to represent the Union or any Divisional Branch in any capacity.

(e) Behaving in a drunken, disorderly or offensive manner towards an officer of the union or at any meeting held under the Rules of the Union or in the office of the Union or of any Divisional Branch.

(f) Knowingly giving false information to any officer, representative or employee of the Union or any person acting as or on behalf of a Returning Officer conducting any election under its Rules relating to any Union business or election or any matter affecting the interest of the Union or its members, or refusing to give information to such persons when reasonably requested to do so.

(g) Aiding or encouraging any other member in any offence under these Rules.

(h) Doing any act calculated to injure or destroy the Union or making any wilful false statement concerning the administration of its affairs.

(i) Failing to report to the Divisional Branch Management Committee or the Divisional Conference a member believed to be guilty of a breach of the Rules.

(j) being the holder of any office within the Union

(i) misappropriation of the funds of the Union;

(ii) a substantial breach of the Rules of the Union; or

(iii) gross misbehaviour or gross neglect of duty.

(2) Any charge must be made in writing and shall be made to the Divisional Secretary or the Divisional Branch Secretary. Such Officer shall, if directed by the Divisional Branch Management or Executive Committee or the Divisional Conference or the Divisional Executive, summon the member charged. Such summons shall be in writing and shall state the time and place of the hearing and the substance of the charge. The member's fares to and from the place of the meeting shall be paid. The member shall on written request, be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is charged.

(3) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be investigated, whether or not the person charged is present, unless a satisfactory explanation of the absence has been received.

(4) At the hearing the member charged must be given a reasonable opportunity to present a defence to the charges including a reasonable opportunity to call any witness upon whose evidence the member wishes to rely, and if necessary to tender a written submission.

(5) If the Divisional Conference or the Divisional Executive or Divisional Branch Management Committee or Divisional Branch Executive finds the member concerned so charged guilty it may:

(a) Impose a fine of a sum not exceeding $100.00, and/or

(b) Suspend the member from membership; and/or

(c) Remove the member from any office or position; and/or

(d) Expel the member from membership of the Union.

(6) Suspension from membership shall deprive a member of the rights and benefits of membership, but shall not relieve the member of the obligations of membership and shall not exceed six months for any one offence.

(7) An appeal under this Rule shall lie in respect of any decision from a Divisional Branch to the Divisional Conference, or the Divisional Executive, provided that Notice of Appeal shall be given in writing to the Divisional Secretary within twenty-one days from the date of the member being notified of the Divisional Branch decision and shall set forth in full all matters which the appellant desires to be considered.

(8) The Divisional Conference or the Divisional Executive shall decide the appeal at its next meeting after the appeal is made and the appellant shall have the right to attend the meeting and state a case on the appeal.

(9) Notwithstanding anything to the contrary in these Rules a person elected to any office within the Union shall not be dismissed from office unless found guilty of misappropriation of the funds of the Union a substantial breach of the Rules of the Union or of gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold the office.

56 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's union subscriptions.

57 - SHOP STEWARDS/JOB DELEGATES

(1) A majority of members in each workplace or where appropriate department of the workplace present may select from amongst their number a person or persons to act as Steward or Stewards, Job Delegate or Job Delegates who shall as far as possible perform the following duties:-

(a) To see that these Rules are strictly adhered to.

(b) To investigate and if possible rectify any complaints or disputes and if unsuccessful to refer any such matters to the Divisional Branch Secretary for resolution.

(c) To report any infringement of any award or agreement affecting the Union to the Divisional Branch Secretary at once.

(d) To attend all meetings as regularly as possible.

(e) To notify the Divisional Branch Secretary when possible within twenty-four hours, of all accidents to members of the Union. All such information shall be supplied where possible on a form furnished by the Divisional Branch Secretary.

(g) It shall be the duty of all Shop Stewards/Job Delegates to endeavour to enrol appropriate workers in their respective workplace or jobs into the Union.

(h) On the start of every job where two or more workers are working there shall be a show of cards and also at any time the Shop Steward/Job Delegate may determine.

(i) Any member refusing to show their card when required by a Shop Steward/Job Delegate shall be liable to be fined up to $100 by the Divisional Branch Management Committee.

(j) It shall be the duty of Shop Stewards/Job Delegates to interest themselves in the welfare of the worker probationers, indentured apprentices and trainees.

(k) On direction of the Divisional Branch Management Committee or at the request of one third of the members on the job, they shall be required to call a meeting as soon as convenient.

(2) The Divisional Branch Secretary shall be advised of the appointment of Shop Stewards/Job Delegates in accordance with paragraph (1) and approved by the Divisional Branch Management Committee or Executive. In the event of failure of the members to appoint a Steward/Job Delegate in accordance with paragraph (1) the Divisional Branch Secretary or an officer authorised by the Divisional Branch Secretary shall have the power to appoint a Steward/Job Delegate or Stewards/Job Delegates.

(3) Where no alternative arrangements for the payment of Union contributions have been determined by the Union, the Steward/Job Delegate shall collect all contributions, fines and levies due to the Union by members in the work place where the Steward/Job Delegate is employed, the same to be paid to the Secretary within 14 days. The Steward/Job Delegate may be paid a Commission to be fixed by the Divisional Branch Management Committee on all monies (except levies) collected, and shall be paid quarterly.

(4) If the Divisional Branch Secretary is advised by members in any work place of their dissatisfaction with the performance of a Shop Steward/Job Delegate then a meeting of members will be convened to consider the complaints.

58 - VICTIMISATION

Should any Shop Steward or Job Delegate be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee/Executive Committee shall take all necessary steps to see that the Shop Steward/Job Delegate interests are protected.

59 - ALLOWANCES

The Divisional Branch Management Committee/Executive Committee may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

61 - LOANS, GRANTS AND DONATIONS

A loan, grant or donation of an amount exceeding $1,000.00 shall not be made by any Divisional Branch, unless the Divisional Branch Management Committee or the Branch Executive Committee, as the case may be:

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the other Rules of the Union or of the Divisional Branch, as the case may be; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory, and

(b) has approved the making of the loan, grant or donation.

62 - FUNDS - HOW COLLECTED

All entrance fees, contributions, levies, fines, fees and dues payable by members shall be paid to and collected by the Divisional Branch Secretaries, or their authorised agents, or any other authorised agent of the Divisional Executive.

63 - CHANGE OF RESIDENCE

Any member changing residence shall report the same to the Divisional Branch Secretary within fourteen (14) days and in default shall be liable to a fine of up to $100.

64 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary.

65 - SETTLEMENT OF INDUSTRIAL DISPUTES

(1) Whenever a dispute arises between any employer and a member or members, such member or members shall report the same to the Divisional Branch Secretary, who shall endeavour to settle same, failing which:-

(2) The Divisional Branch Secretary may call a meeting of the Divisional Branch Executive and such Executive Committee shall consider such dispute and endeavour to settle the same amicably.

(3) Failing a settlement being obtained, the Divisional Branch Secretary shall, if the Divisional Branch Executive Committee so direct, refer the dispute to the Divisional Secretary.

66 - ACCIDENT AND MORTUARY FUNDS

Divisional Branches may establish Accident and Mortuary Funds in accordance with By-Laws approved by the Divisional Conference.

67 - LIFE MEMBERSHIP

The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may, at their entire discretion, constitute a member a Life Member, provided that member has been a member for a period of at least 20 years, has retired from the industry, and was financial at the time of retirement. Life members shall not be liable to pay dues of any kind to the Union, and shall not be entitled to nominate for or to hold any office, but shall be entitled to vote at the Union elections. The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may reduce the qualifying period of membership in special circumstances.

68 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter votes as the first preference, and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the voters preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

69 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

In addition to powers elsewhere provided in the Rules, a Divisional Branch Management Committee member shall have the powers of a shop Steward.

70 - REFERENDA

(a) (i) On receipt of a petition signed by not less than 10% financial members of the union, the Divisional Branch Management Committee shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by the Divisional Branch Management Committee and/or Executive.

(ii) The petition shall have set out the member’s full name, address, signature and the date the said petition was signed by the member. In determining the 10% requirement of financial members for a referendum to be conducted, the petition shall be presented to the Divisional Branch Secretary within 30 days of the first financial member signing the

aforesaid petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 10% financial members.

(iii) Such referendum shall take place within 2 months of the receipt of the petition.

(iv) The decision reached by a majority of the actual votes recorded shall be binding on the Divisional Branch Management Committee and the members of the Divisional Branch and on the Divisional Branch Executive.

(b) The Divisional Branch Management or Executive Committee may at any time, by its own motion, take a referendum of the whole of the financial members of the Divisional Branch upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Management Committee shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

71 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Divisional Branch may make a written appeal to the Divisional Branch Executive Committee for redress, who shall in the case of appeals on any matter that does not relate to the Divisional Branch Executive forward the appeal to the Divisional Branch Executive Committee within one (1) month.

(b) Any members dissatisfied with the decision of the Divisional Branch Executive Committee may appeal to the Divisional Branch Management Committee within one (1) month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Executive within one (1) month after the hearing of the case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Executive or Divisional Executive may confirm, annul or modify the penalty or finding. Should the appellant desire to appear in person the appellant member shall be afforded the opportunity to do so.

72 - SPECIAL RULE - NO.7 BRANCH PULP AND PAPER WORKERS BRANCH

The following provisions shall apply in respect of the No. 7 Branch - Pulp and Paper Workers' Branch of the Division (in this Rule called "the Pulp and Paper Workers' Branch")

(1) Nothing in this Rule shall affect the application of the Rules to the No 7 Branch - Pulp and Paper Workers' Branch - and to the holders of offices within and to the members of that Branch except insofar as this Rule may be inconsistent with another rule in which event the provisions of this Rule shall prevail to the extent of such inconsistency.

(2) The word "Branch" in the Rules shall include a "Sub-Branch of the No. 7 Branch" unless the context indicates otherwise.

DIVISIONAL SUB-BRANCH PROVISIONS

(3) The business of the Divisional Branch shall be conducted by the Divisional Branch Management Committee which shall consist of the Divisional Branch Secretary and Sub-Branch Delegates.

(4) The powers of the Divisional Branch Management Committee shall include the following powers:-

(a) To establish new Sub-Branches and amalgamate existing Sub-Branches, to close or disband Sub-Branches in accordance with the Rules, and generally to control Sub-Branches and the members thereof including the power to disallow By-Laws made by any Sub-Branch in conflict with the Rules.

(b) When establishing a new Sub-Branch to make Rules providing for the admission of members to that new Sub-Branch, the establishment of a Management Committee of that new Sub-Branch, the election of officers of that new Sub-Branch and all such matters as may be necessary.

(c) To fix the amount of per capita payments by the Sub-Branches to the Divisional Branch Management Committee - such payments not to exceed 75% of the members' contributions unless agreed by a majority of the Sub-Branches.

(d) To establish and or operate a Superannuation Fund for the benefit of the members of the Divisional Branch and others.

(4A) The Divisional Branch shall hold an Annual General Meeting and such other meetings as may be necessary. Such meetings shall consist of a series of meetings of the members of each Sub-Branch held at times, places and dates to be decided by the Divisional Branch Management Committee. Members entitled to attend the meetings shall be notified thereof by circular or advertisement, or by printed notices or by such other similar means as the Divisional Branch Management Committee may deem reasonable. Any proposed resolution put to the series of meetings shall have been passed if it receives on the aggregate of all meetings held in the series, the majority of votes.

(5) The Divisional Conference or Divisional Branch Management Committee shall have the power to suspend any Sub-Branch Management Committee and/or all or any officers, committee members and delegates of a Sub-Branch if it is satisfied after due enquiry and after giving it or them the opportunity of being heard:-

(a) That the Rules of the Divisional Branch or Sub-Branch have not been bona fide observed or enforced by the Sub-Branch.

(b) That any lawful decision of the Divisional Branch Management Committee has not, after notification, been bona fide observed and enforced by the Sub-Branch.

(c) That the Sub-Branch is wilfully neglecting to provide for the collection of fees, levies, fines or contributions.

(d) That the accounts of the Sub-Branch have not been duly audited or that the accounts of the Sub-Branch or the Auditor do not disclose the true financial position of the Sub-Branch.

(e) That for any reason the Sub-Branch cannot or fails to meet in accordance with the Rules.

(f) That the officers of the Management Committee of the Sub-Branch refuse to disclose to the Divisional Branch Management Committee information concerning the Sub-Branch or the Management Committee.

(6) If a Sub-Branch or a Sub-Branch Management Committee fails to comply with any lawful direction of the Divisional Branch and incurs legal costs or has imposed upon it a fine and/or legal costs arising from the conduct of the Sub-Branch, the Sub-Branch Management Committee or members of the Sub-Branch, which conduct is in contravention of the lawful direction of the Divisional Branch Management Committee then the Divisional Conference or Divisional Branch Management Committee shall have the power to direct that the amount of legal costs, fine and/or legal costs so incurred by and/or imposed upon the Divisional Branch shall be paid to the Divisional Branch Management Committee from the funds of the Sub-Branch.

(7) The Divisional Branch Management Committee shall call a meeting upon the requisition of three (3) Sub-Branches.

(8) The Sub-Branch Delegates to the Divisional Branch Management Committee shall be the Sub-Branch Secretary together with the additional Delegates who shall be elected quadrennially by the membership of each Sub-Branch in accordance with Rule 51. The additional Delegates shall be elected on the following basis:-

(a) Each Sub-Branch with a membership of less than 100 members - the Sub-Branch Secretary only.

(b) Each Sub-Branch with a membership of 100 members or more but less than 400 members - the Sub-Branch Secretary together with one (1) additional Delegate.

(c) Each Sub-Branch with a membership of 400 members or more but less than 1,000 members - the Sub-Branch Secretary together with two (2) additional Delegates.

(d) Each Sub-Branch with a membership of 1,000 members or more but less than 2,000 - the Sub-Branch Secretary together with three (3) additional Delegates.

(e) Each Sub-Branch with a membership of 2,000 members or more but less than 3,000 members - the Sub-Branch Secretary together with four (4) additional delegates.

(f) Each Sub-Branch with a membership of 3,000 members or more - the Sub-Branch Secretary together with five (5) additional Delegates.

(9) The Sub-Branch Management Committee may appoint a proxy delegate to any meeting of the Divisional Branch Management Committee when the delegate or delegates of the Sub-Branch to the Divisional Branch Management Committee (being either the Sub-Branch Secretary or additional Delegate or Delegates) is or are unable to attend that meeting: Provided that such proxy delegate shall be entitled to speak and vote on any matter except that such proxy delegate shall not participate in any step in any election for an office conducted amongst members of the Divisional Branch Management Committee.

(10) The Divisional Branch Secretary and Divisional Conference Delegates shall be elected quadrennially by the members of the Branch in accordance with the provisions of Rule 51.

(11) The Divisional Branch President, Senior Divisional Branch Vice President, Junior Divisional Branch Vice President and three (3) Trustees shall be elected by secret ballot after nominations have been called for by the Returning Officer at the meeting of the Divisional Branch Management Committee held next after the declaration of the quadrennial elections by and from the members of the Divisional Branch Management Committee in accordance with the provisions of Rule 51 with the necessary changes.

(12) In the event of a member being elected to the office of Divisional Branch Secretary and as an Additional Delegate of a Sub-Branch to the Divisional Branch Management Committee such position of Additional Delegate shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 51 with the necessary changes.

(13) In the event of a member being elected to the offices of Divisional Branch Secretary and Sub-Branch Secretary the office of Sub-Branch Secretary shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 51

(14) (a) In the event of an industrial dispute taking place in any Sub-Branch the officers of such Sub-Branch shall try, by conciliation, to settle the dispute. In the event of the Sub-Branch officers concerned being unable to secure a satisfactory settlement the matter shall be referred to the Divisional Branch Secretary who shall, on behalf of the Divisional Branch Management Committee take charge of such dispute and shall consult with the Divisional Branch President and shall, if necessary, convene a meeting of the Branch Management Committee to deal with the matter.

(b) (i) A majority of the Sub-Branches shall, at special meetings of the Sub-Branch Management Committees called for that purpose, decide whether an industrial dispute affecting members of the Divisional Branch is to be submitted by the Divisional Branch to the appropriate tribunal established under the Industrial Relations Act 1988.

(ii) The Divisional Branch President and Divisional Branch Secretary or such other person or persons as the Divisional Branch Management Committee may decide shall be empowered to make submissions on behalf of and represent the Divisional Branch before a Federal or State Industrial Tribunal and to sign or issue any document including any agreement for the Divisional Branch which is necessary in respect of any such submission or presentation.

(15) Any delegates representing the Divisional Branch or a Sub-Branch on the Australian Labor Party shall be a member of that party.

(15A) The Divisional Branch Secretary shall be ex-officio a member of all committees of the Sub-Branches but shall not be entitled to exercise a vote on matters appertaining exclusively to only one Sub-Branch.

SUB-BRANCH PROVISIONS

(16) (a) The following Sub-Branches are and shall be deemed to have been established as from the several dates on which they began to function:-

Melbourne, Maryvale, Millicent, Sydney, Nowra, Wesley Vale, Boyer, Burnie, Tumut and, Petrie.

(b) The Sub-Branches shall consist of members of the Divisional Branch as follows:-

(i) The Melbourne Sub-Branch shall consist of members who are employed within a radius of forty (40) kilometres of the General Post Office.

(ii) The Maryvale Sub-Branch shall consist of members employed within a radius of forty (40) kilometres from either the Traralgon or the Morwell Post Office.

(iii) the Millicent Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Millicent Post Office.

(iv) The Sydney Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Sydney Post Office.

(v) The Nowra Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Nowra Post Office.

(vi) The Burnie Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Burnie Post Office

(vii) The Wesley Vale Sub Branch shall consist of members employed within a radius of forty (40) kilometres of the Devonport Post Office

(viii) The Boyer Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Hobart Post Office

(ix) The Tumut Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Tumut Post Office.

(x) The Petrie Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Petrie Post Office.

(16) (c) Additional Sub-Branches may be established by resolution of the Branch Committee of Management.

(d) Any member not employed within a Sub-Branch area shall be attached to the Sub-Branch nearest to where he is employed.

(17) (a) Officers of the Sub-Branches shall be the President, two (2) Vice-Presidents (a Senior and Junior Vice President) and a Secretary such officers shall also be officers of the Union. These officers together with such number of other members which shall not be less than three (3) or exceed ten (10) as the Sub-Branch shall determine shall form the Sub-Branch Committee of Management. The Sub-Branch Secretary shall also mean the Sub-Branch Secretary-Treasurer.

(b) Delegates to the Branch Committee of Management shall be ex-officio members of all Committees and Sub-Committees of the Sub-Branch to which they belong.

(c) The Officers of the Sub-Branch together with the other members of the Sub-Branch Committee of Management shall be elected quadrennially by the members of the Sub-Branch in accordance with the provisions of Rule 51.

(18) (a) No member shall hold more than one of the offices of Sub-Branch President, Sub-Branch Senior Vice-President, Sub-Branch Junior Vice-President, Sub-Branch Committeeman, or Sub-Branch Secretary. If a member is elected to any two or more of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch Secretary signify which one of the said offices such member elects to hold. The member shall thereupon be deemed to have resigned from the other office or offices and the vacancy shall be filled in accordance with the provisions of Rule 51 mutatis mutandis.

(b) No member shall hold the office of Sub-Branch Secretary and Sub-Branch Additional Delegate from the Sub-Branch to the Branch Committee of Management. If a member is elected to each of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch President signify which one of the said offices such member elects to hold and shall thereupon be deemed to have resigned from the other office. The vacancy so occurring in the other office shall be filled in accordance with the provisions of Rule 51 mutatis mutandis.

(19) Entrance fees and contributions shall be paid to and collected by the Sub-Branch Secretary or by an authorised agent of the Sub-Branch.

(20) The Sub-Branch Fund which shall be managed and controlled by each Sub-Branch Management Committee shall consist of:-

(i) Any real or personal property of which the Sub-Branch by the rules or by any established practice not inconsistent with the Rules has, or in the absence of any limited term lease, bailment or arrangement, would have, the of right custody, control or management;

(ii) All entrance fees and all contributions collected in accordance with the Rules save and except such part of the contributions as are fixed by the Divisional Branch Management Committee from time to time and are part of the Divisional Branch Funds pursuant to Rule 42 (4)(c) hereof;

(iii) All fines and levies raised pursuant to Divisional Branch Rules;

(iv) Any interest, rents or dividends derived from the investment of the Fund;

(v) Any superannuation or long service leave fund operated or controlled by the Sub-Branch for the benefit of its officers or employees;

(vi) Any sick pay fund, accident pay fund, mortuary or funeral fund or like fund operated or controlled by the Sub-Branch for the benefit of its members;

(vii) Any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and

(viii)The proceeds of any disposal of parts of the Fund.

(21) The per capita payments fixed by the Divisional Branch Management Committee pursuant to Rule 42 (4)(c) hereof shall be the first charge on the gross income of each Sub-Branch.

(22) Each Sub-Branch shall fix the salaries and/or allowances and/or honorariums and/or appropriate conditions of service of Officers of the Sub-Branches.

(23) Each Sub-Branch shall elect delegates to represent it on any body with which the Sub-Branch is affiliated. The election shall be conducted amongst members of the Sub-Branch Management Committee and be held at the next Sub-Branch Management Committee meeting following Sub-Branch elections. Nominees are required to be a member of the Sub-Branch Management Committee.

(24) Times and places of meetings of a Sub-Branch shall be fixed by the Sub-Branch Management Committee and shall be notified to members by being posted on work place notice boards at least three (3) days prior to the date of such meetings. At least one meeting shall be carried quarterly.

(25) Each Sub-Branch shall decide the starting and finishing times of its meetings and no extension shall exceed thirty (30) minutes beyond the time of normal finishing.

(26) The Sub-Branch President and Sub-Branch Secretary may call a meeting of the Sub-Branch Management Committee at any time by giving the membership of such Committee three (3) days notice in writing of the date, time and place of such meeting. The Sub-Branch President and Sub-Branch Secretary shall call a meeting of the Sub-Branch Management Committee. The Sub-Branch Management Committee if required to do so, by a written request of a majority of members of the Sub-Branch Management Committee may, at any meeting held of such Management Committee, decide the date, time and place of future meetings.

(27) A quorum for a Sub-Branch meeting shall consist of five (5) members (not including officers or members of the Branch Management Committee) where the Sub-Branch has a membership of 100 or less members; a quorum for a Sub-Branch meeting shall consist of ten (10) members (not including officers or members of the Sub-Branch Management Committee) where the Sub-Branch has a membership of over 100 members. If no such quorum is present at a meeting of a Sub-Branch thirty (30) minutes after the normal starting time of such meeting that meeting shall lapse.

(28) If due to the absence of a quorum at a meeting, a Sub-Branch is unable to conduct its business, the Sub-Branch Management Committee shall conduct such business with the full authority of a properly constituted Sub-Branch meeting.

(29) The Sub-Branch President and the Sub-Branch Secretary may call a Special Meeting of the Sub-Branch at any time. Special Meetings of the Sub-Branch shall be called by the President on receipt of a requisition in writing by twenty-five (25) financial members of the Sub-Branch. Such requisition must set out the purpose for which it is desired the meeting shall be called. No other business may be transacted unless urgent and by resolution of the meeting. Such Special Meetings shall be called with twenty-one (21) days of the receipt of such requisition and the time, place and purpose of such Special Meeting shall be notified to members by being posted on the workplace notice boards at least three (3) days prior to the date of the meeting.

(30) MORTUARY FUND

(a) For the purposes of this Rule "spouse" includes the defacto husband or wife of a member.

(b) There shall be established a Mortuary Fund of the Pulp & Paper Workers Branch from which Mortuary Benefits shall be paid upon the death of members of the Branch or the dependent spouse of members of the Branch towards the cost of burial as hereinafter provided.

(c) The Mortuary Fund shall be administered by the Divisional Branch Management Committee.

(d) Each member of the Divisional Branch shall nominate on a form to be provided by the Divisional Branch the full name and address of the person to whom the Mortuary Benefit is to be paid in the event of death. Members shall return completed forms to their Sub-Branch Secretary who shall forward them to the Divisional Branch Secretary.

(e) Upon the death of a member in respect of whom a Mortuary Benefit is payable such payment shall be made to the person nominated by the member irrespective of the number or status of the claimants. Where there is no nominee of the deceased member the Mortuary Benefit may be paid to whomsoever the Divisional Branch President and Divisional Branch Secretary in their absolute discretion may determine and their decision shall be final.

(f) Upon the death of the dependant spouse of a member of the Branch in respect of whom a Mortuary Benefit is payable such payment shall be made to the member.

(g) When a claim for Mortuary Benefit is made it shall be accompanied by a Death Certificate or a photostat copy of the Certificate.

(h) The amount of the Mortuary Benefit shall be as determined from time to time by the Divisional Branch Management Committee.

(i) There shall be paid into the Mortuary Fund the proceeds of the winding up of the Excess Bonus Funds in the mills of the Australian Paper Manufacturers Ltd. and monies raised by such levies on the members of the Branch as are determined by the Divisional Branch Management Committee to be necessary to operate the Fund. All property of whatsoever kind in the Mortuary Fund is and shall remain the property of the Branch.

(j) Notwithstanding anything contained elsewhere in the Rules of the Union the funds of the Mortuary Fund may be invested in Government Bond Fixed Bank Deposit or Debentures, Shares of Companies who are parties or signatories of the Pulp & Paper Industry Consent Award or Industry Agreement or in other investment as the Divisional Branch Management Committee in its absolute discretion may determine.

(k) The Mortuary Fund of the Divisional Branch alone shall be liable to meet payments of Mortuary Benefits in respect of the death of members or their dependant spouses and no other Fund Account or Assets of the Union shall be so liable to any extent whatsoever.

(l) The Divisional Branch Secretary shall submit annually to members of the Divisional Branch a report of operation of the Mortuary Fund and an audited balance sheet of the accounts including trading, investment interest and outgoings for the period 1st January to 31st December.

(m) If in the future significant benefits become payable on or in respect of the death of members or their dependent spouses either by Government legislation, industrial award or in any other manner the Divisional Branch Management Committee may recommend to members of the Branch that the Mortuary Fund be wound up and all assets in the Fund transferred to the General Account of the Divisional Branch.

(n) The Mortuary Fund shall be wound up within twelve (12) months after a majority of the members of the Divisional Branch have voted for its termination at Special Meetings of each Sub-Branch called for the purpose. In this event all property of whatsoever kind in the Mortuary Fund Account of the Divisional Branch shall be transferred to the General Account of the Divisional Branch.

END OF RULES

[105N-ATAI: Incorporates alterations in matter R2007/253 certified on 29/06/07

I CERTIFY under section 161 of Schedule 1 of the Workplace Relations Act 1996 that the pages herein numbered 1 to 51 both inclusive contain a true and correct copy of the registered rules of Construction, Forestry, Mining and Energy Union, The Forestry, Furnishing, Building Products and Manufacturing Division and Divisional Branches

DEPUTY INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU, Forestry, Furnishing, Building Products and Manufacturing Divisional Branches

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THE FORESTRY, FURNISHING, BUILDING PRODUCTS AND MANUFACTURING DIVISION RULES

1 - NAME

The name of the Division shall be "The Forestry, Furnishing, Building Products and Manufacturing Division". (FFPD)

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-Rule (C) and (F) of the National Rules shall belong to this Division.

3 - SEAL OF FFPD DIVISION

1. The seal of the FFPD Division shall be oval in shape inscribed on the outer edge the name of the Union and the words "FFPD Division" on the inside.

2. The Seal shall be kept in the custody of the Divisional Secretary.

3. Any document required or permitted by the Workplace Relations Act or any document required or permitted by law to be under seal of the Division shall be executed on behalf of the Division by affixing the Seal of the Division thereto and by being signed by the Divisional Secretary or, in the absence of the Divisional Secretary, either the Divisional President or Divisional Assistant Secretary.

4 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"BRANCH" shall mean a Branch of the Union set up in accordance with the rules of the Union.

"FFPD DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to FFPD Division is a member of this Division.

"MEMBER" shall mean a member of FFPD Division and membership shall have a corresponding meaning.

"MANAGEMENT COMMITTEE" or "EXECUTIVE" shall be synonymous and shall mean in relation to a division or divisional branch the controlling and administrative body of such Division or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

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If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then the candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

5 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Branch covering the area in which the candidate resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Divisional Branch to which it is made. Notwithstanding anything herein prescribed Divisional Branch rules may provide other methods of applying for membership.

(ii) (a) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Branch may require, and shall, when requested, fill in and sign such application form as may be provided.

(b) The application form referred to above may be the form previously used by or for the Forestry and FFTS Divisions or their predecessors.

(iii) The Divisional Branch Secretary or other officer authorised under these or any other rules may refer any application for membership to the Divisional Branch Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(iv) A member shall be deemed to be attached to the Divisional Branch covering the locality in which the member resides, or, in the case of members employed in an industry for which a Divisional Branch has been established, then to such Divisional Branch. Where there is not a Divisional Branch covering the locality in which a member resides or the industry in which the member is employed, the member shall be attached to such Divisional Branch in either this Division or any other Division as the Divisional Executive of this Division may direct.

6 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Applicants for membership of the FFPD Division shall pay on application an entrance fee in accordance with the Divisional Branch rules. Such entrance fee if applicable shall not exceed $50.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

(ii) The contribution payable by each member shall be fixed by the Divisional Branch in accordance with the rules thereof to which the member is attached. Provided also that the Divisional Executive shall have the power to review and alter any such increases or decreases or alterations made in the contributions or entrance fees of any Divisional Branch in accordance with the rules thereof if in its opinion it is in the interests of the Union to do so.

(iii) The Divisional Executive or Divisional Branch in accordance with the rules thereof may if, in its opinion it is desirable or necessary for financial or any other reason that the aforesaid entrance fees or contributions should be altered, waived or suspended, the said Divisional Executive or Divisional Branch in accordance with the rules thereof may make such decision as it deems desirable or necessary, and the altered, waived or suspended entrance fee and/or contribution payable in that Divisional Branch or Divisional Branch Sub-Branch shall be applicable to the member(s), group or class of members concerned.

(iv) Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these or the Divisional Branch rules, shall be deemed to be unfinancial, and shall not be eligible, provided that Divisional Branch Rules may provide that such members or some class or classes of such members may vote in a ballot, to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

(v) A member shall be deemed to be financial immediately upon payment of all arrears outstanding. Divisional Branch rules may provide that unfinancial members shall not be entitled to funeral, accident or any other benefits or to exercise any of the rights of members under Divisional Branch rules.

(vi) Contributions shall be paid to and collected by the Divisional Secretary, Divisional Branch Secretary, or an authorised agent of the Division or Divisional Branch.

(vii) The Division shall allow to the Divisional Branches, for the purpose of the Branch, the whole of the contributions collected by the Branch, except such sum as may be fixed by the Divisional Conference from time to time.

7 - SPECIAL MEMBERS

The Divisional Executive or the Divisional Branch Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rule 6 be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY IN DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference which shall meet at least every two (2) years.

(ii) The Divisional Conference shall consist of delegates including full time Divisional Officers elected as delegates. Provided that Divisional Branch Secretaries by virtue of being elected as such shall automatically be the Divisional Branch delegate or one of the Divisional Branch delegates to Divisional Conference.

Provided further that existing elected officers of the Divisional Executive who are retiring from office and who have not been re-elected as delegates to Divisional Conference shall be entitled to attend the Divisional Conference which elects their successors and shall be entitled to all rights of a Conference delegate other than nominating and voting on any matter.

(iii) Each Divisional Branch shall be entitled to one (1) representative up to 500 members, one (1) additional representative between 500 members and 1,000 members and one representative for

each additional 1,000 members, based on the aggregate income received by each Divisional Branch (union contributions only) divided by the amount of the yearly contribution fixed by the rules from time to time, for the financial year ending on the 31st December in the year preceding the quadrennial election of representatives to act as its representatives at the Divisional Conference.

The Divisional Branch Secretary of each Branch shall, ipso facto, be one of that Branch's representatives to the Divisional Conference. The number of representatives to which each Divisional Branch is entitled shall remain unaltered throughout the period between the quadrennial elections.

(iv) Representatives of the Divisional Branches to the Divisional Conference shall be elected by secret postal ballot of all members of their respective Divisional Branches eligible to vote each four (4) years in accordance with the provisions of Rule 51 of these Rules.

(v) Should any delegate die or resign or otherwise cease to be a delegate, or for any other reason a Divisional Conference delegate's position is not filled, thus causing an extraordinary vacancy, the Divisional Branch Executive of the Divisional Branch of which the delegate is a member may forthwith cause an election for another member or where the unexpired part of the term of that vacant or unfilled office does not exceed three quarters of the term of office the Divisional Branch Executive may appoint another member to be the delegate of the Divisional Branch in place of the delegate who is deceased or has resigned or otherwise ceased to be a delegate or to fill the otherwise vacant position. Provided such delegate so elected shall hold office only for the residue of the term of the delegate's predecessor.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialled and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

(vii) Where one or more representatives of a Divisional Branch is or are unable to attend a meeting of the Divisional Conference the Executive Committee of that Divisional Branch may itself select a proxy representative or representatives to act on its behalf at that meeting. Such representative or representatives shall vote in accordance with the instructions of the Executive Committee.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 51 of these Rules. Full time Divisional Officers, (Divisional Secretary and Divisional Assistant Secretaries), may nominate in such elections, either in the Divisional Branch first elected from, or another Divisional Branch provided that each Divisional Officer shall notify of the intention in writing to the Divisional Branch Secretary concerned prior to the date of calling for nominations in such elections.

Provided further that Divisional Branch entitlement to delegates shall be increased by the number of full-time Divisional Officers nominating as Divisional Conference delegates in that Divisional Branch in accordance with this sub-clause.

(ix) A majority of delegates eligible to attend the Divisional Conference shall form a quorum.

(x) All expenses of representatives to the Divisional Conference shall be borne by the Divisional Branch by which the representatives are elected unless otherwise determined by the Divisional Conference.

(xi) No alteration of the personnel of the representatives at a meeting of the Divisional Conference shall be permitted after the credentials of the representatives have been received and accepted by the Divisional Conference, unless such alteration is rendered necessary by death or serious illness.

(xii) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of $100, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members, organisers or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive or any Divisional Branch relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or relevant Divisional Branch are available to members at each Divisional Branch office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate concerned has been afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

A period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from the Branch on an issue concerned solely with a matter affecting this Division, from a Divisional Branch or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division or Divisional Executive.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches of this Division.

(h) To establish new Divisional Branches and amalgamate existing Divisional Branches, to close or disband Divisional Branches in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the No. 7 Divisional Branch without its consent), and generally to control Divisional Branches and the members thereof including the power to disallow By-Laws made by any Divisional Branch in conflict with these Rules.

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(i) When establishing a new Divisional Branch the Divisional Conference shall have power to make rules providing for the admission of members of that new Divisional Branch, the establishment of a Management Committee of that new Divisional Branch, the election of officers of that new Divisional Branch and all such matters as may be necessary.

(j) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(k) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(l) To deal with any Divisional Branch not working in conformity with the Rules and policy of the Union.

(m) To appoint and remove organisers.

(n) To vote moneys and pass accounts.

(o) To fix salaries and allowances for Officers, Conference delegates and representatives.

(p) To appoint a Returning Officer, who shall conduct any plebiscite upon any question submitted to the whole of the membership for determination, and who shall have power to appoint Deputy Returning Officers.

(q) To elect, appoint and remove officers and members of the Divisional Executive of the Union.

(r) To establish any special fund to achieve any of the objects of the Union.

(s) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary at least one(1) week before the date of such meeting but no failure to notify will of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office during the ordinary hours in which the Divisional Branch Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, email, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit by the Divisional Secretary conduct a postal, telephonic, telegraphic, facsimile, email and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter.

(xvii) The Divisional Conference shall be the Management Committee of the Division for the purposes of the Act and rules and regulations thereunder.

(xviii) All meetings of the Divisional Conference shall be held at such time and place as the Conference shall from time to time determine, and in case of default, or of special meetings, as the Divisional Executive shall determine.

(xix) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Conference -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

9 - DIVISIONAL EXECUTIVE

1. There shall be a Divisional Executive composed of the Divisional President, one (1) Divisional Senior Vice President, two (2) Divisional Vice Presidents, Divisional Secretary, up to three (3) Divisional Assistant Secretaries and four (4) Trustees who shall be the officers and such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive. Provided that no Divisional Branch shall be entitled to have more than five (5) representatives elected as officers of the Divisional Executive.

2. Except for the filling of extraordinary vacancies the Divisional Executive members and Divisional Officers shall be elected by and from the Divisional Conference held in 1993 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

3. Preceding such conferences the Divisional Executive shall appoint a Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the union or of any Branch, sub-Branch or section of the union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers in accordance with these rules.

4. Nominations unless otherwise determined by the Divisional Executive shall be called for on the second day of the Divisional Conference. Where practicable the ballot shall be conducted also on that day. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

5. The ballot for Divisional Secretary shall be dealt with and completed. The ballot for the Divisional Assistant Secretaries shall be dealt with and completed. The ballot for the Divisional President shall be dealt with and completed. The ballot for the Divisional Senior Vice President shall be dealt with and completed. The ballot for the two Divisional Vice Presidents shall be dealt with and completed. The ballot for the four (4) Trustees shall be dealt with and completed. The confirmation of election of such Divisional Branch Secretaries who are not elected to any of the aforementioned positions on the Divisional Executive shall be dealt with and completed.

6. If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Conference that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive.

7. If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

8. The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

9. Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where the delegate can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until the Returning Officer has given such delegates a reasonable opportunity to vote.

10. The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

11. Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and

dealing with nominations or the conduct of the ballot shall be recognised as validly holding such office.

12. A Divisional Executive member shall hold office until a successor is elected.

13. (a) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(b) Where the unexpired part of the term of office exceeds that specified in 14(a) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where sub-rule (b) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 51 of these Rules of the Union as modified to suit the requirements of the election.

14. The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, powers, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch or member. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with any Divisional Branch not working in conformity with the Rules**,** Decisions and policy of the Division.

(g) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(h) To confirm, over-rule or otherwise deal with decisions of the Divisional Branches of this Division.

(i) To make, alter and rescind rules of this Division or any Divisional Branch of this Division.

(j) To appoint and remove organisers or specialist officers.

(k) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(l) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(m) Submit any matter to the members for decision by ballot.

(n) Ensure that officers, committee members, organisers, delegates or members of the Division and Divisional Branches comply with the rules, policies and decisions of the union and subject to Rule 11 impose penalties [i.e., fines not exceeding the sum of $100, suspension, expulsion or dismissal from office,] on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules, policies or the decisions of the Divisional Executive. Provided that the rules, policies or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Branch office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(o) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch of this Division, take such action as may be necessary to ensure the adherence to the rules of the Union and decisions and policies of the Divisional Conference and/or Divisional Executive by any Divisional Branch and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(p) Control and supervise the work of the Divisional Officers.

(q) To establish new Divisional Branches and amalgamate existing Divisional Branches, to close or disband Divisional Branches in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the No. 7 Divisional Branch without its consent), and generally to control Divisional Branches and the members thereof including the power to disallow By-Laws made by any Divisional Branch in conflict with these Rules.

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(r) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

15. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, telegram, telex, facsimile, email or otherwise in writing, telephone or verbally, provided that in the latter two instances such is confirmed by letter, telegram, facsimile, email or other writing.

10 - REFERENDA

(i) On a decision of a majority of Divisional Branches, or Divisional Branches whose membership constitutes a majority of the members of the Division or on receipt of a petition signed by not less than 10 per cent of the financial members of the Division, the Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference Divisional Executive and the members of the Division.

Divisional Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(e) In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

11 - REMOVAL OF OFFICERS

(a) Any Divisional or Divisional Branch Officer may be removed from office by majority decision of the Divisional Executive of the Division in which the Officer holds office, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union , or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(b) Should any officer be removed from office the Divisional Executive shall appoint a member to fill the vacancy until the next elections are held in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive. In the event of the appeal being upheld the Divisional Conference or National Executive may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of the Divisional Conference, Executive and meetings convened by the Divisional Executive.

The Divisional President shall have a deliberative vote only.

In the absence of the Divisional Secretary and in circumstances where there is no delegation in accordance with Rule 13(iii), at the request of two or more Divisional Executive members, the Divisional President shall summon a meeting of the Divisional Executive to determine who, from the Divisional Executive, fulfils the office and performs the duties of Divisional Secretary.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where the Divisional President is a full time officer the Divisional President shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall summon all meetings of the Divisional Conference and Divisional Executive, issue all necessary notices to members of the Divisional Conference or Divisional Executive or to Divisional Branches in connection with such meetings.

The Divisional Secretary shall sign all cheques in addition to one of the Trustees and shall be the signatory to all documents on behalf of the Division.

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the implementation and compliance by the Division and Divisional Branches of the decisions, rules and policies made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive or Divisional Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the Divisional Office.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.

Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches of this Division.

The Divisional Secretary shall have the authority to initiate any proceedings and/or actions to advance or defend the interests or objectives of the Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive or Divisional Conference and allocate the duties of Officers.

The Divisional Secretary shall be an ex officio member of all Divisional Branch Committees, but shall not be entitled to vote in respect of the decisions of those committees.

(iii) Divisional Assistant Secretary (s):

The Divisional Assistant Secretary(s) shall perform all duties assigned by the Divisional Executive. The Divisional Assistant Secretary(s) shall be under the control of the Divisional Secretary and shall attend all meetings of Divisional Executive, Divisional Conference and National Executive.

The Divisional Assistant Secretary may exercise any and all of the powers and duties of the Divisional Secretary on the delegation of the Divisional Secretary and shall exercise such powers and duties while the Divisional Secretary is absent from duty. In the absence of such delegation, the Divisional Executive shall determine who, from the Divisional Executive, fulfils the office and performs the duties of Divisional Secretary.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(v) Divisional Vice-President(s):

The Divisional Vice-President(s) shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President(s) shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of the Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

(i) Each Divisional Branch shall forward to the Divisional Office such percentage of the Divisional Branch income as may be determined from time to time by the Divisional Executive.

(ii) Banking and Withdrawal: All moneys received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. No funds shall be drawn from the Bank except by cheque signed by the Divisional Secretary, and one (1) Divisional Trustee or on absence on leave of the Divisional Secretary, by the Assistant Secretary or Divisional President and one (1) Divisional Trustee.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the Divisional Office, may be disbursed by decision of the Divisional Secretary.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive or Divisional Conference.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Division. Where this is not possible, investments shall be made in the name of the Divisional Trustees. The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The Divisional Executive shall have the authority to hold, purchase, lease, sell, mortgage or otherwise deal in property on behalf of the Division and/or Branches which shall be executed on the Divisional Executive's behalf by the Divisional Secretary.

(vi) The property of the Division shall be under the control of the Divisional Executive.

15 - AUDITOR AND AUDITOR'S REPORT

(i) The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

(ii) The auditor shall, in the auditor's report, draw attention of the Divisional Executive, Divisional Conference to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

(iii) For the purpose of this Rule a competent person shall have the same meaning as in the Industrial Relations Act and the Regulations made thereunder.

(iv) On receipt of a petition signed by not less than 5% of the financial members of the union, the Divisional Secretary shall convene a general meeting of financial members to present the Auditor's Report, the general purpose financial report and the operating report.

(v) The petition shall have set out the members full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of financial members for a general meeting to be held, the petition shall be presented to the Divisional Secretary within 30 days of the first financial member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% financial members.

(vi) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

16 - ALTERATION OF RULES

These Divisional Rules and any Divisional Branch Rules of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice to the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

Provided that any such rescission, alteration or amendment which affects in any way the existence, structure or position under these rules of the Divisional No. 7 Branch, shall be of no effect unless endorsed by a resolution of the Divisional Branch Management Committee of that Divisional Branch.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(i) The following Divisional branches of the Union are hereby constituted:

(a) No. 1 Branch known as the New South Wales Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of New South Wales and the Australian Capital Territory (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(b) No. 2 Branch known as the Victorian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Victoria (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(c) No. 3 Branch known as the South Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of South Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(d) No. 4 Branch known as the West Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Western Australia. Provided that, notwithstanding any other rule to the contrary, any member of the United Timber Yards, Sawmills and Woodworkers Employees Union of Western Australia or any organisation that replaces that organisation shall be admitted as a member thereof, without the signing of an admission card or payment of an entrance fee, upon the payment of dues in accordance with the other divisional rules hereof.

(e) No. 6 Branch known as the Tasmanian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Tasmania (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(f) No 7 Branch known as the Pulp & Paper Workers Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members eligible for membership of the Union pursuant to Rule 2 (C) (ii) and those persons who are appointed to any office in the No. 7 Branch and are thereby eligible for membership of the Union pursuant to Rule 2 (C) (iii).

(g) No 8 Branch known as the Queensland Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of

Queensland (other than those persons who are eligible for membership of the No 7 Branch pursuant to the previous paragraph of this sub-rule).

(ii) The Divisional Conference or Divisional Executive shall have the power to constitute such other Divisional Branches or Sub Branches as it may determine appropriate from time to time.

(iii) A Divisional State Branch Principal Office shall be located in the Capital City of the State in which a State Branch is constituted in accordance with this rule unless otherwise determined by the National Divisional Conference or National Divisional Executive. The Divisional Branch Secretary shall attend to the effective operation and business of the Branch from the State Branch of the Division unless otherwise determined by the National Divisional Conference or National Divisional Executive.

(iv) Unless otherwise determined by the Divisional Conference or Divisional Executive**,** a Divisional Branch shall have autonomy in matters affecting members of the Divisional Branch only.

19 - DIVISIONAL BRANCH RULES

Divisional Branches shall have rules set out herein. Divisional Branches may in accordance with the FFPD Divisional Branch Rules make By Laws not inconsistent with these Rules or the National Rules and not inconsistent with the Laws of the Commonwealth. In the event of any such inconsistency the Divisional Branch By Law shall be void to the extent of such inconsistency.

20 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute may be submitted to the appropriate industrial Tribunal, Court or Commission, upon a resolution in favour of so submitting such dispute carried by a majority of the members of the Divisional Executive.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such submission.

In the case of an emergency or necessity however, such proceedings may be initiated and matters may be submitted by the authority of the Divisional Secretary, who may also authorise a Divisional Branch Secretary to initiate such proceedings and submit such matters on behalf of the Division.

The aforesaid power shall extend to cases of defending and/or responding to any proceedings or matters instituted or submitted by any other person, corporation, association or organisation. The Divisional Secretary and Divisional Branch Secretary shall be subject to the control of the Divisional Executive on all matters connected with such legal proceedings and matters.

21 - INDUSTRIAL AGREEMENTS

Industrial agreements and other instruments may be made by or on behalf of the Union as follows:-

An industrial agreement, and any instrument not required by law to be under seal, may be executed by the Divisional Secretary.

Any instrument required by law to be under seal may be executed under the Common Seal of the Division by the Divisional Secretary.

22 - INDUSTRIAL DISPUTES

(1) In the event of an Industrial dispute taking place in any Divisional Branch the officers of such Divisional Branch shall try, by conciliation to settle the dispute. In the event of the Divisional

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Branch officers concerned being unable to secure a satisfactory settlement the matter may be referred to the Divisional Branch Executive who shall seek to resolve the dispute.

(2) In the event of no satisfactory settlement of such dispute being secured the Divisional Branch Secretary shall immediately report the matter to the Divisional Secretary who shall on behalf of the Division take charge of such dispute and shall consult with the Division President and shall if necessary convene a meeting of the Divisional Executive to deal with the matter.

(3) (a) The Division Secretary or a person authorised to act on behalf of the Division Secretary shall make any submission to a tribunal.

The Division Secretary or a person authorised to act on behalf of the Division Secretary shall be the person to sign or issue any document necessary for such submission.

(b) The Division may be represented in any proceedings before any Commonwealth or State Industrial Tribunal by the Division Secretary or by such other officers or persons authorised by the Division Secretary and subject to any authorisation vested by State Legislation.

(4) Notwithstanding anything contained elsewhere in this Rule, Divisional Branch No. 7 shall have autonomy in industrial matters affecting its members only and no action will be taken in relation to such matters by the Divisional Conference or Divisional Executive unless authorised and requested by the Divisional Branch Management Committee of the No. 7 Branch.

23 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at Trades Hall, Adelaide, or such place as the Divisional Executive shall decide.

24 - PRINCIPAL OFFICER

(i) The Divisional Secretary shall be the Principal Officer of the Division.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by Divisional Branch Rules to which the member belongs shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

25 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules or the rules of the Divisional Branch.

26 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Division or body having objects similar in whole or in part to those of this Division.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $10.00 per week and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $10.00 per week.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

27 - LIFE MEMBERSHIP

The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may, at their entire discretion, constitute a member a Life Member, provided that the member has been a member for a period of at least 20 years, has retired from the industry, and was financial at the time of retirement. Life members shall not be liable to pay dues of any kind to the Division, and shall not be entitled to nominate for or to hold any office, but shall be entitled to vote at the Division elections. The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may reduce the qualifying period of membership in special circumstances.

28 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time the Divisional Secretary may submit a resolution dealing with such matter to the members by letter, facsimile, email, telephone, telegram, verbally and/or any other means of communications or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negatived any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in the Divisional Secretary's absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

29 - BRANCH INFORMATION

It shall be the duty of the Divisional Branch Secretary of each Divisional Branch to transmit to the Divisional Secretary, on written request from the Divisional Secretary, a true copy of the minutes of each meeting of the Divisional Management Committee or Executive of such Divisional Branch or of any special meeting thereof.

30 - RULES OF DEBATE

MOTIONS, HOW DEALT WITH:

(a) All motions shall be of an affirmative character and must be moved and seconded by members. Such motions become the property of the Union, and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless two-thirds of the members present agree to an extension of time.

(b) Unless a member opposes the motion or proposes an amendment thereto, the motion shall be immediately put to the meeting for decision.

(c) A motion may be superseded at any time by another motion "that it be discharged from the notice paper" or "that the next business be proceeded with" being resolved in the affirmative.

(d) A motion may be amended at any time during the debate thereon by -

(i) striking out certain words
(ii) adding certain words, or
(iii) striking out certain words and inserting others in their place.

Always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(e) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(f) (i) At meetings other than meetings of the membership of a Branch or of a sub-branch all motions shall be put to the meeting by the chairperson in a clear manner. Any member present may demand that the vote be by ballot and the Chairperson shall thereupon conduct a ballot. In the absence of such a demand all motions shall be put to the meeting by the Chairperson by asking for the "ayes" to vote first and then the "noes". The Chairperson's decision as to which has the majority will be final unless any member present demands a show of hands. Upon such a demand being made the chairperson shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(ii) At meetings of the membership of a Branch or of a Sub-Branch all motions shall be put to the meeting by the Chairperson in a clear manner by asking "ayes" to vote first and then the "noes".

The Chairperson's decision as to which has the majority will be final unless a member supported by one quarter of the number of members present demands a show of hands.

Upon such a demand being made the Chairperson shall appoint tellers to count the votes and shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(iii) If the votes are equal the question is resolved in the negative.

(g) No member shall be allowed to vote who was not present when the question was first put.

(h) A mover of a motion to be allowed 10 minutes to introduce and 5 minutes to reply. Other speakers 5 minutes unless two-thirds of the members present agree to an extension of time.

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(i) Any member desiring to move to change a decision of the Union or of a Branch must submit notice in writing of such intention to the Divisional Secretary or the Divisional Branch Secretary of the Union as the case may be fourteen (14) days prior to the date of the meeting at which they will move for such change.

(j) During the course of a meeting any resolution which has been the business of that meeting may be recommitted at the hearing.

RIGHT TO SPEAK

(a) Any member desiring to speak shall rise and address the chairperson. If two (2) or more delegates begin to address the chairperson at the same time, the Chairperson shall call upon the one who, in the Chairpersons opinion, began to speak first. Provided that no member can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(i) In reply as the mover of the original motion.

(ii) In explanation or correction of some matter during the debate.

(iii) Upon a point of order raised during the debate.

(iv) Upon a resolution being carried "that a member be now heard".

(b) A member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by the member.

(c) Not more than two members shall be allowed to speak in succession for or against any question. If at the conclusion of the second speaker's remarks no member speaks on the other side, the motion or amendment shall be put to the vote.

(d) Any member speaking shall at once stop:-

(i) If the chairperson begins to speak; or

(b) If a point of order is raised;

and shall not resume speaking until the point of order is decided.

(e) No member may speak to any question after it has been put by the chairperson, or during a division.

REPORTS

(a) A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of the Conference/Executive thereon.

(b) If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An

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amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

SITTING AS A COMMITTEE

Divisional Conference or Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Conference or Executive shall be observed when in Committee.

DEFINITION

In this rule "member" shall include any person attending a meeting.

CHAIRPERSON'S RULING

(a) The chairperson's rulings on all points of order shall be final, unless at the time a motion is carried that such ruling be disagreed with.

(b) When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

THE FORESTRY, FURNISHING, BUILDING PRODUCTS AND MANUFACTURING DIVISIONAL BRANCH RULES

31 - DIVISIONAL BRANCH NAME

(i) The following Divisional Branches of the Union are hereby constituted;

(a) No. 1 Branch known as the New South Wales Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of New South Wales and the Australian Capital Territory (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(b) No. 2 Branch known as the Victorian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Victoria (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(c) No. 3 Branch known as the South Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of

South Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(d) No. 4 Branch known as the Western Australian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members residing in the State of Western Australia (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule). Provided that, notwithstanding any other rule to the contrary, any member of the United Timber Yards, Sawmills and Woodworkers Employees Union of Western Australia or any organisation that replaces that organisation shall be admitted as a member thereof, without the signing of an admission card or payment of an entrance fee, upon the payment of dues in accordance with the other divisional rules thereof.

(e) No. 6 Branch known as the Tasmanian Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Tasmania (other than those persons who are eligible for membership of the No. 7 Branch pursuant to the last paragraph of this Sub-Rule).

(f) No. 7 Branch known as the Pulp & Paper Workers Branch of the Forestry Furnishing, Building Products and Manufacturing Division consisting of all members eligible for membership of the Union pursuant to Rule 2 (c)(ii) of the National Rules and those persons who are appointed to any office in the No. 7 Branch and are thereby eligible for membership of the Union pursuant to Rule 2 (c)(iii) of the National Rules.

(g) No. 8 Branch known as the Queensland Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Queensland (other than those persons who are eligible for membership of the No 7 Branch pursuant to the previous paragraph of this sub-rule).

(ii) The Divisional Conference and Divisional Executive shall have the power to constitute such other Divisional Branch or Branches as it may determine appropriate from time to time.

(iii) Unless otherwise determined by the Divisional Conference or Divisional Executive**,** a Divisional Branch shall have autonomy in matters affecting members of the Divisional Branch only.

32 - ELIGIBILITY FOR MEMBERSHIP

All persons who are members of or apply for membership in the FFPD Division of the Union residing or employed in the State, Territory or Industry sector concerned shall be and remain members of that Divisional Branch.

33 - SEAL OF DIVISIONAL BRANCH

The seal of the Divisional Branch shall be oval in shape, inscribed on the outer edge shall be the words "The Construction, Forestry, Mining and Energy Union" and on the inner space shall have the words "FFPD Division" and under that shall have the name of the Divisional Branch.

It shall be in the custody of the Divisional Branch Secretary, and shall be used or affixed to any document by the Branch Secretary where necessary or desirable and where that document has been made with the authority of the Divisional Branch.

34 - MEMBERSHIP

(i) General Section

(a) Applications for membership of the Union and/or Divisional Branch shall be on a form published by the Divisional Branch and shall be signed by the applicant and a financial member of the Divisional Branch.

No omission, irregularity or want of form shall invalidate an application for membership provided that the person applying intended the document to be so treated and the union treated the document as an application form for membership.

(b) All applications for membership of the Divisional Branch shall be lodged with the Divisional Branch Secretary or such other person authorised by the Divisional Branch Management Committee.

Applications for membership shall be dealt with by the Divisional Branch Management Committee or Divisional Branch Executive, who shall, if satisfied with the bona-fides and qualifications of the applicant, admit the applicant to membership of the Divisional Branch and the Union.

(c) On being admitted to membership of the Divisional Branch a member shall, ipso facto, be and be deemed to be a member of the FFPD Division, the Divisional Branch, and the Union.

(d) A new member shall pay on application for membership all moneys required to be paid by a new member.

(e) Applicants for membership shall be workers of good character, and shall when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the Union.

35 - ENTRANCE FEE

(i) All applicants for membership of the Division shall pay an entrance fee if determined by the Divisional Branch Management Committee, such entrance fee shall not exceed $10.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

(ii) Applicants joining on clearances or transfers in accordance with the rules of Union or who have previously been members of the Union shall not be required to pay an entrance fee.

36 - CONTRIBUTIONS

(i) Each member shall pay a yearly contribution of not less than $10.00 said amount payable in one sum on or before the 30th June in each year, or within one week of becoming a member, provided that Branches shall be allowed to issue half-yearly tickets at not less than $5.00 per half-year, said amount payable in advance on the 1st January and the 1st July in each year, and quarterly tickets at not less than $2.50 per quarter, said amount payable in advance on the 1st January, the 1st April, the 1st July and the 1st October in each year. Any person joining during the currency of any quarter shall pay for the full quarter.

Provided further that the Management Committee or Executive of any Divisional Branch may, if in its opinion it is desirable or necessary for financial or other good reasons that the aforesaid

Entrance fees or Contributions should be increased, reduced, altered or waived, the said Management Committee or Executive Committee may make such decision as it deems desirable or necessary, and any such increase, reduction, alteration or waiver shall as far as that Divisional Branch is concerned, be the Entrance fee and/or Contribution payable in that Divisional Branch of the Union by the members of that Divisional Branch or Divisional Sub-Branch of the Union.

Provided also that the Divisional Conference or Executive shall have power to review and alter any such increases or decreases or alterations made in the contributions of any Divisional Branch if in its opinion it is in the interests of the Division to do so.

(ii) Notwithstanding anything contained elsewhere in these Rules the Division may through its Branches make an arrangement with an employer or employers employing members of the Division that the employer will on receipt of an authorisation acceptable to the Divisional Branch, deduct from the wages, or monies, payable to the members so employed amounts by way of contributions, fees, levies, fines, dues or monies owing by the member of the Union. If a member to whom any such arrangement is applicable, lodges such an authorisation with the Union or the employer, that member shall be deemed to be a financial member, as from the first pay day in respect of which deductions are made, pursuant to the authorisation, and shall remain a financial member, so long as the authorisation remains in force.

Provided that any member who at the time of the first deduction, pursuant to the authorisation, was an unfinancial member shall continue to be so until all arrears, in contributions, fees, levies, etc. are paid.

Provided further, that if a member ceases to be employed by an employer, who has been making deductions pursuant to such an arrangement, the amount of the contributions, fees levies etc., then unpaid by the member, shall become due and payable on the first day of the quarter next ensuing after the member ceases to be employed.

(iii) Such contributions shall be paid to and collected by the Divisional Branch Secretary or an authorised agent of the Divisional Branch.

Levies

(iv) All levies required to be paid by members in accordance with these rules shall be paid in terms decided by the Divisional Branch Management Committee or the Divisional Branch Executive Committee.

Fines

(v) Any fines required to be paid by a member in accordance with these rules shall be paid in terms decided by the Divisional Branch Management Committee or the Divisional Branch Executive Committee.

All moneys paid by a member shall be credited in the following order:

(a) In payment of any levies due; and

(b) In payment of any fines due, and

(c) In payment of any contributions due

Unfinancial Member

(vi) Any member who has failed to pay all contributions, levies and fines imposed in accordance with the Rules of the Union shall be deemed to be unfinancial and shall not be eligible to receive any benefits, participate in any deliberations, nominate for official positions, propose any new applicant member for admission, or exercise any authority or any rights of membership as provided for in these rules.

37 - COPY OF RULES

All applicants shall be entitled to on admission receive free a copy of the Rules of the Union applicable to such member upon request to the Divisional Branch Secretary.

Further copies shall be charged for at a rate prescribed from time to time by the Divisional Branch Management Committee, provided it is not in excess of $5.00 per copy.

38 - UNEMPLOYED MEMBERS

(i) When, in the opinion of the Divisional Branch Management Committee, a condition of unemployment in the industry exists the following conditions may be applied:

(ii) Members becoming unemployed, ie, being employed under the terms of the Award or Agreement covered by this Division for less than one month in any quarter, may apply to be placed on an unemployed members list if any.

(iii) This list shall be kept at the Divisional Branch office under the control and supervision of the Divisional Branch Management Committee.

(iv) Members wishing to be placed on the unemployed list must apply in writing to the Divisional Branch Secretary, and shall attend at the Divisional Branch Office or such place as may be decided by the Divisional Branch Management Committee, or give satisfactory proof of their inability to attend.

(v) All applications for inclusion on the unemployed members' list shall be dealt with by the Divisional Branch Management Committee Executive Committee or other authorised committee who shall, if satisfied that the application is genuine, include them on the list.

(vi) Members placed on the list shall be exempt from the payment of contributions for the period specified in this Rule. They shall be entitled to all rights under these rules, but shall only qualify for funeral benefit applicable at the discretion, or upon conditions determined by the Divisional Branch Management Committee.

(vii) Exemption from payment of contributions shall operate for a period of twelve months from the date of inclusion on the unemployed members' list, or until again employed, whichever is the lesser.

(viii) On expiration of the 12 months' period, unemployed members may make further application to be again placed on the unemployed list. Each further application may be approved by the Divisional Branch Management Committee who may require payment of such amount of contributions as may be considered reasonable.

(ix) Any member commencing employment without notifying the Divisional Branch Secretary and continuing to receive the benefits of this unemployed clause while in employment shall be deemed to have committed a breach of the Rules. Such member(s) shall be required to pay full contributions for the period of employment and in addition, may be dealt with under the provisions relating to misconduct.

(x) Continuous membership for the purpose of this Rule, and wherever encountered in these Rules, means continuous membership without any break in the continuity of membership from the last date of acceptance into the Branch.

39 - FUNDS OF THE DIVISIONAL BRANCH

(i) The Divisional Branch shall raise funds by entrance fees, contributions, levies and fines, which funds, together with any other monies received, shall be applied for the following purposes:-

(a) Defraying the cost of administering the affairs of the Divisional Branch;

(b) Subscribing on a pro rata basis to any organisation or Labor Council with which the Union may become affiliated and to which affiliation the Divisional Branch agrees;

(c) Defraying any expenses incurred in any legal proceedings;

(d) Assisting any members out of work through any trade dispute;

(e) Making all necessary payments as determined by the Divisional Branch Committee in connection with any matters affecting members in regard to:-

(i) Preservation of life and limb;
(ii) Compensation for injuries and death;
(iii) The hours of labour;
(iv) The remuneration of labour;
(v) Protection of salaries and wages;
(vi) Other conditions affecting employment of members;
(vii) For the furtherance of any of the matters as set forth in the objects of the Union;
(viii) And any other matters when the Divisional Executive or Divisional Branch Management Committee determines the best interests of members require it.

(ii) The Divisional Branch Fund which shall be managed and controlled by each Divisional Branch Management Committee shall consist of:-

(a) Any real or personal property of which the Divisional Branch by the Rules or by any established practice not inconsistent with the Rules has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;

(b) All entrance fees and all contributions collected in accordance with the Rules save and except such part of the contributions as are fixed by the Divisional Conference from time to time and are Divisional Funds in accordance with Sub-Rule (vii) of Rule 6 of the Division Rules.

(i) Shall pay such moneys required by the Rules of the Union or in accordance with the rules of the Union.

(c) All fines and levies raised pursuant to Divisional Branch Rules;

(d) Any interest, rents or dividends derived from the investment of the Fund;

(e) Any superannuation or long service leave fund operated or controlled by the Divisional Branch for the benefit of its officers or employees;

(f) Any sick pay fund, accident pay fund, mortuary or funeral fund, tool benefit fund or like fund operated or controlled by the Divisional Branch for the benefit of its members;

(g) Any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and

(h) The proceeds of any disposal of parts of the Fund.

40 - AUDIT OF ACCOUNTS

(a) The accounts of the Divisional Branch shall be audited yearly by a competent person appointed by the Divisional Branch Management Committee who shall produce and certify a financial statement and report setting out the financial position of the Divisional Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or Divisional Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

(b) The auditor shall have full and complete access to the books and documents of the Branch.

(c) On receipt of a petition signed by not less than 5% of members of the union, the Divisional Branch Secretary shall convene a general meeting of members to present the Auditor's Report, the general purpose financial report and the operating report.

(d) The petition shall have set out the member's full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of members for a general meeting to be held, the petition shall be presented to the Divisional Branch Secretary within 30 days of the first member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% members.

(e) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

41 - MANAGEMENT COMMITTEE AND OFFICERS

The business of each Divisional Branch shall be conducted in accordance with these Rules by a Management Committee consisting of a President, a Senior Vice President, two (2) Vice Presidents - one (1) of which will be designated an affirmative action position to be filled by a woman member, Secretary, Assistant Secretary/ies (the number, if any, to be decided by the Divisional Branch Management Committee prior to the calling of nominations), and four (4) Trustees - one (1) of which will be designated an affirmative action position to be filled by a woman member who shall be the Officers of the Management Committee and who shall form the Executive, and not more than ten (10) other members - two (2) of which will be designated affirmative action positions to be filled by women members, who shall with the Executive, form the Management Committee. In respect to the NSW Divisional Branch there shall be an additional President (full-time) and one (1) additional Trustee who shall be officers of the Management Committee and who shall also form the Executive Committee of the Divisional Branch.

Nominations for the designated affirmative action positions will be called from women members only, although this does not preclude women members from holding any other Management Committee, Executive or Officer positions.

The failure to fill the designated affirmative action positions shall not prevent a Divisional Branch carrying out or conducting the business of a Divisional Branch.

42 - DUTIES OF MANAGEMENT COMMITTEE

(i) The Divisional Branch Management Committee shall be the highest deliberative body of the Divisional Branch and shall subject to the Rules**,** Policies and Decisions of the Divisional Conference and/or Divisional Executive**,** manage and superintend the affairs of the Divisional Branch protect the funds and perform all the duties allotted to them by the Rules. The Divisional Branch Management Committee shall have the power subject to these rules to:-

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Union and to raise or spend such funds as are necessary to carry out the objects and to employ such assistance as it may deem necessary.

(b) Direct the policy of the Divisional Branch.

(c) Subject to rules 16 and 60, amend or add to the Rules.

(d) Hear and determine all appeals that are submitted in accordance with the Rules.

(e) Fix the salaries, allowances, conditions of employment and/or entitlements of the Divisional Branch Officers, employees, delegates and members as it deems to be appropriate and to appoint and/or remove and/or suspend officers, organisers and employees of the Divisional Branch.

(f) Fine, suspend or expel Committee members, delegates and/or members for knowingly refusing to comply with the Rules or the decisions or policy of the Divisional Conference, Divisional Branch Management Committee or Divisional Branch Executive.

(g) All Divisional Branch Officials and assistants shall be under the control of the Management Committee and Executive, subject to the Rules.

(h) Investigate, report and take such action in accordance with these rules upon all grievances and disputes of officials, officers and members that are placed before them.

(i) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated and to select persons as delegates to represent the Divisional Branch at meetings and committees.

(j) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(k) Impose levies not exceeding $10.00 per week provided that in no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

(l) Subject to Rule 40 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(m) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(n) Issue instructions regarding the registration of members desiring employment.

(o) Direct the Divisional Branch Executive Committee to carry out any of the provisions of the rules or the performance of any duties that may be considered necessary.

(p) Frame by-laws for the purpose of assisting the work of administering the affairs of the Divisional Branch, provided such by-laws have been approved by the Industrial Registrar and are not in conflict with the General Rules.

(q) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(r) Decide the number of Organisers (if any) under the provisions of the Rules.

(s) Appoint Temporary Organisers under the provisions of the Rules.

(t) Appoint a Divisional Branch Returning Officer for the conduct of any elections as may be necessary.

(1) The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(2) The Divisional Branch Returning Officer so appointed:

(i) may not be a member of the Union; and

(ii) shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organization.

(ii) The Management Committee shall meet at least twice per annum, five (5) members shall form a quorum. The Executive Officers shall pass accounts, subject to the review of the Management Committee and deal with applications for membership.

(iii) Each member of the Committee shall be paid the sum of not less than $4.00 or the expenses and loss of time for each meeting the Committee member attends.

(iv) Each Divisional Branch shall hold General Meetings as may be deemed necessary.

(v) The Divisional Branch Management Committee shall ensure the Divisional Branch and its officers and members carry out the decisions and policies determined by the Divisional Conference and/or Divisional Executive and the rules of the Union are complied with.

43 - DIVISIONAL BRANCH EXECUTIVE COMMITTEE

(a) The Divisional Branch Executive Committee shall meet at least six (6) times in a calendar year and subject to a review of their actions by the Divisional Branch Management Committee, shall have the care, control, superintendence, management, administration, powers and responsibility in all respects of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee.

(b) A quorum for any meeting shall be a majority of the Executive Officers as set out in Rule 41 hereof.

(c) The Divisional Branch Executive shall meet at a time and place determined by the Executive when special meetings are required to be convened wherein the time and place shall be determined by the Divisional Branch Secretary and the Divisional Branch President. The Divisional Branch Secretary and the Divisional Branch President may determine the time and place of any meeting of the Divisional Branch Executive and shall notify the members of the Divisional Branch Executive of such time and place as soon as is convenient and the Divisional Branch Executive and/or the Divisional Branch Secretary and Divisional Branch President may determine the time

and place of the meeting of the Divisional Branch Management Committee and shall notify the members of the Divisional Branch Management Committee as soon as is convenient of such time and place.

(d) The Divisional Branch Executive shall carry out any duties which they have been directed to perform by the Divisional Branch Management Committee.

44 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President (which shall mean the honorary Divisional Branch President in NSW) shall preside at meetings of the Divisional Branch Management Committee or Divisional Branch Executive Committee and meetings convened by the Divisional Branch Management Committee or Divisional Branch Executive.

(b) The Divisional Branch President(s) shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee or Divisional Branch Executive.

(c) The Divisional Branch President(s) shall conduct business in accordance with Rules laid down for guidance. The President shall not enter debate on any question, but shall endeavour to bring the business to a satisfactory conclusion, and shall have a deliberate vote only.

(d) The Divisional Branch President(s) shall sign the minutes of proceedings of all meetings convened by the Divisional Branch Management Committee or Divisional Branch Executive Committee when same have been duly confirmed.

(e) The Divisional Branch President(s) may be required by resolution of the Divisional Branch Management Committee or Divisional Branch Executive Committee to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Management Committee, Divisional Branch Executive Committee or any Committees established in accordance with these Rules and shall if so required submit a report in writing of the findings to the Divisional Branch Management Committee or Divisional Branch Executive Committee members.

(f) The Divisional Branch President(s) shall be an ex-officio member of all Committees.

45 - DUTIES OF DIVISIONAL BRANCH VICE PRESIDENTS

The Divisional Branch Vice Presidents shall attend all meetings of the Divisional Branch, and assist the Divisional Branch President in the duties of the Divisional Branch President's office. The Divisional Branch Senior Vice President shall officiate in the Divisional Branch President's absence, with all the powers conferred on the chair. In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, a Divisional Branch Vice President shall officiate, with all the powers conferred on the chair. In the absence of the Divisional Branch President and Divisional Branch Vice Presidents the meeting shall elect one of its number to preside.

46 - DUTIES OF DIVISIONAL BRANCH TRUSTEES

(1) Divisional Branch Trustees shall be elected in accordance with Rule 51.

(2) Such Divisional Branch Trustees:-

(a) Shall be responsible for the safe custody of the Common Seal, documents and securities of the Divisional Branch of the Union. Documents and securities shall be deposited in the name of the Divisional Branch of the Union, countersigned by the Divisional Branch Trustees on behalf of the Divisional Branch.

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(b) Shall act only on resolution of the Divisional Branch Management Committee or Executive, certified under the hands of the Divisional Branch Secretary.

(c) Shall, subject to the directions of the Divisional Branch Management Committee or Executive, have custody of all property of the Divisional Branch.

(d) Shall be signatory for any accumulated funds invested in securities allowed by law as the Divisional Branch Management Committee or Executive may direct;

(e) Shall sign cheques or warrant for the withdrawal of funds which shall be countersigned by the Divisional Branch Secretary.

47 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(a) The Divisional Branch Secretary shall be under the control of the Divisional Branch Management Committee and the Divisional Branch Executive Committee and shall be employed in a full time capacity (unless otherwise determined by the Divisional Executive) and shall among other things conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch.

(b) The Divisional Branch Secretary shall be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Management Committee or Divisional Branch Executive Committee.

(c) The Divisional Branch Secretary shall prepare and forward to the Industrial Registrar returns as required by law.

(d) The Divisional Branch Secretary shall prepare the agenda for and minutes of each Divisional Branch Management Committee and Executive meeting; and shall attend meetings of the Divisional Branch Management Committee, Divisional Branch Executive Committee and other meetings called by the Divisional Branch Management Committee or Divisional Branch Executive Committee.

(e) Be in charge of the office and subject to Rule 42 shall direct the labours of the officials and employees of the Union.

(f) Keep a correct account of all monies received and expended.

(g) The Divisional Branch Secretary shall sign all cheques in addition to one of the Trustees and shall be the signatory to all documents on behalf of the Divisional Branch and be responsible for the affixing of the official seal of the Divisional Branch.

(h) Be permitted to hold petty cash to the amount of $500.00.

(i) Be paid incidental and travelling expenses.

(j) Generally conduct all financial transactions of the Branch.

(k) Draw up a report and balance sheet, to be submitted to the Divisional Branch Management Committee as directed, and submit the books and accounts annually to the auditors.

(l) Keep a record of the names and addresses of all members of the Union, the names, addresses and occupations of all officers of the Branch, with the dates when they were admitted, died or left, their financial position in the Union and all other particulars necessary to enable the Rules to be enforced.

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(m) Receive all monies, and pay same into such Bank as the Divisional Branch Management Committee may direct, to the credit of the Union within seven (7) days after the receipt of same.

(n) When vacating office, deliver to the successor in office, in the presence of the Divisional Branch Management Committee or Executive, all books, documents and other property of the Divisional Branch in the Divisional Branch Secretary's possession.

(o) Produce for audit at least once a year, and at such other times as the Divisional Branch Management Committee may direct, all books and documents of the Divisional Branch appertaining to finance.

(p) Forward to the Divisional Secretary when requested a true copy of the minutes of each meeting of the Divisional Branch Management Committee or Executive or any special meeting thereof.

(q) The Divisional Branch Secretary shall summon all meetings of the Divisional Branch Management Committee and Divisional Branch Executive, issue all necessary notices to members of the Divisional Branch Management Committee or Divisional Branch Executive in connection with such meetings. In consultation with the Divisional Branch President the Divisional Branch Secretary shall be authorised to convene any extraordinary meeting as deemed necessary.

(r) The Divisional Branch Secretary shall be ex officio member of all committees of the Divisional Branch.

(s) The Divisional Branch Secretary shall be an elected delegate to Divisional Conference by virtue of the Divisional Branch Secretary office.

(t) The Divisional Branch Secretary shall be responsible for the implementation and compliance of the decisions, rules and policies determined by the Divisional Conference or Divisional Executive by the Divisional Branch of which the Divisional Branch Secretary was elected.

48 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY/IES

(If Required)

(a) The Divisional Branch Assistant Secretary/ies shall be under the control of the Divisional Branch Management Committee and the Divisional Branch Executive Committee and shall, under the direction and authority of the Divisional Branch Secretary, carry out all responsibilities allocated to the position.

(b) The Assistant Secretary shall in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary.

(c) The Assistant Secretary shall attend meetings of the Divisional Branch Management Committee, Divisional Branch Executive Committee and other meetings called by the Divisional Branch Management Committee or Divisional Branch Executive Committee.

49 - DUTIES OF ORGANISERS

The Divisional Branch Management Committee may determine the number (if any) of Organisers of the Divisional Branch and the number (if any) to be appointed by it or elected pursuant to Rule 51 and shall determine the duties to be performed by any such Organisers.

50 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any position in a full-time capacity shall be employed full time in the service of the Divisional Branch and be paid such weekly wages and conditions as shall be

determined at a properly constituted meeting of the Divisional Branch Management Committee/ Executive Committee.

(b) Full-time paid officers shall be under the control of the Divisional Branch Executive Committee between Divisional Branch Management Committee meetings and shall carry out all instructions of the Divisional Branch Management Committee or Divisional Branch Executive Committee in accordance with the Rules.

(c) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of the intention so to do to the Divisional Branch Management Committee.

(d) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Management Committee first being obtained.

(e) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Executive Committee within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Executive Committee a medical certificate setting out that the officer has recovered and is capable to carry out the duties in accordance with the Rules.

51 - DIVISIONAL BRANCH ELECTIONS

(a) (i) Any member of the Divisional Branch who is financial as provided for in Rule 6, at the time of nominations and has financial membership of the Divisional Branch in accordance with the scale set out in this rule, may nominate for such positions according to this scale.

(ii) Provided further that no member shall be entitled to nominate for more than one full-time office.

(iii) Where a member nominates for more than one full-time position the Divisional Branch Returning Officer shall seek from the member a decision as to which position the member wishes to contest.

(iv) Where no decision is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-

Secretary, Assistant Secretary, President, Organiser.

(v) The scale of financial membership of the Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary	)
Divisional Branch Assistant Secretary/ies	) 3 years'
Divisional Branch President(s)	) financial
Divisional Branch Delegate to	) membership
Divisional Conference	)
Divisional Branch Senior Vice President	) 1 year's
Divisional Branch Vice Presidents	) financial
Divisional Branch Trustees	) membership

Divisional Branch Management Committee)
and)
Organiser)

Provided that for the purposes of this sub-rule financial membership of the State Registered union being the United Timber Yards, Sawmills and Woodworkers Employees' Union of Western Australia or its successor shall be for all purposes continuous with and counted as financial membership of this Division.

(b) The term of office for the above positions shall be four years and such term shall commence from the 2nd January, following the election.

(c) Nominations for the above positions, shall be called by the Divisional Returning Officer by notification in the union journal if one is due to be published and in one daily newspaper circulating in the Divisional Branch area on or before the last day of August of every fourth year commencing on and from the last day of August, 1996.

Provided that such advertisements shall clearly indicate that the Divisional Executive Committee members and the full-time Divisional Officers are elected by and from Divisional Branch delegates to Divisional Conference and not otherwise.

(d) Nominations shall open on the second Monday in September. Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Branch Returning Officer or handed personally at the Divisional Branch Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(e) Nominations shall be closed at 4 pm on the last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Branch Returning Officer by that time on the date to be eligible.

(f) A member having nominated for any office in accordance with these Rules may withdraw the nomination by notifying the returning officer in writing of an intention to do so at any time up to 14 days after the closing of nominations. The returning officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the members name from the ballot papers prior to their distribution.

(g) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Management Committee member 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(h) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Branch Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(i) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Branch Returning Officers report to the Divisional Branch Secretary.

(j) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or a nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(k) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable the supply of a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(l) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(m) Where a ballot is required, the Divisional Branch Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.

(n) The Divisional Branch Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by prepaid post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary and that envelope shall contain only the following documents -

(i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(ii) a declaration envelope and an empty unsealed pre-paid post envelope addressed to the Divisional Branch Returning Officer, c/- the numbered mail box referred to in this rule;

(iii) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Branch Returning Officer may consider necessary;

(iv) the candidates statement provided for in accordance with sub-rule (g) of this rule.

(v) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail each relevant ballot paper.

(o) For the purpose of the election the books of the Divisional Branches shall be deemed to have closed as at 1st September in the year of the election. Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines prior to the 1st September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Branch Returning Officer that they have paid all contributions, levies and fines prior to the 1st September in the year of the election shall be entitled to receive a ballot paper and the Divisional Branch Returning Officer shall send by post, a ballot paper in accordance with sub-rule (n) of this rule.

(p) The opening date of the ballot shall be the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Branch Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Branch Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(q) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box until the commencement of the count of the ballot which will take place no later than the first working day following the closing of the ballot and shall be completed as soon as is practicable.

(r) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Branch Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.

(s) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 68, Definitions, and the candidate or candidates receiving the necessary votes shall be deemed elected.

(t) In the case of equality of votes for any 2 or more candidates the Divisional Branch Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

(u) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the Divisional Branch Secretary of the result of the ballot and the Divisional Branch Management Committee or Divisional Branch Executive shall issue instructions for the publication of same in their minutes. The Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional Branch area.

(v) The Divisional Branch Returning Officer's report to the Divisional Branch Secretary shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposes.

(w) The successful candidates shall take up their respective duties at a date determined by the Divisional Branch Executive which shall be a date between the 1st day and the 14th day of January following the election held in the preceding year and shall remain elected until their successors take up office.

(x) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(y) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

(z) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Branch Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in this sub-clause, the Divisional Branch Returning Officer shall conduct an election in accordance with this rule with any

necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

52 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The place of meeting and office of the Divisional Branch shall be such place determined by the Divisional Branch Management Committee.

53 - EXTRAORDINARY VACANCIES

(1) An Officer of a Divisional Branch including a Member of the Divisional Branch Management Committee shall cease to hold office and such office shall thereupon become vacant if and when:-

(a) an officer/member dies, or has by reason of physical or mental disability become incapable of carrying out the duties of the office;

(b) the officer/member resigns from office or membership of the Union;

(c) the officer/member is dismissed from office in accordance with Rule 54;

(d) the officer/member ceases to be a member of the Divisional Branch in which the officer/member holds office.

(e) the officer/member becoming unfinancial in accordance with these Rules.

(2) Any extraordinary vacancy which occurs in the office of any officer including a member of the Divisional Branch Management Committee shall be filled by the holding of an election in accordance with Rule 51, with the necessary changes, and the member so elected shall hold office for the remainder of the term for which the predecessor to the office was elected provided that where the remainder of the term does not exceed

(a) twelve months, or

(b) three-quarters of the term of the office whichever is the greater - the Divisional Branch Management Committee may select by resolution any eligible member of the Divisional Branch to fill the office for the remainder of the term.

54 - REMOVAL OF OFFICERS AND MANAGEMENT COMMITTEE MEMBERS

(a) Any officer/member of a Divisional Branch may be removed from office by a two-thirds majority of that Divisional Branch Management Committee at a special meeting of the Divisional Branch Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Divisional Branch of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Divisional Branch or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(b) Any officer/member of the Divisional Branch Management Committee charged may be suspended immediately by decision of the Divisional Branch Management Committee pending hearing of the charges against that officer.

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Charges must be laid in writing setting out the particulars of the alleged violation of the rules. The officer or Divisional Branch Management Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in their defence, or if the officer prefers, may answer the charges in writing.

In the case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to the Divisional Conference or Executive whichever is appropriate as soon as it is conveniently possible from the date of the decision. Rule 71 - Appeals of Members shall apply.

55 - DUTIES OF MEMBERS AND OFFENCES

A. DUTIES

(a) To adhere strictly to the Rules of the Union, Division and its Divisional Branches.

(b) To promote the industrial welfare of every other member.

(c) To attend the meetings of the Divisional Branch as often as possible and to assist the Officers to the best of the members' ability.

(d) To supply the Divisional Branch Secretary with information as to where work is procurable for members.

(e) Not to knowingly divulge any portion of the Union's business to any non-member or to discuss it with members in the presence or within the hearing of non-members.

(f) When joining the Union to furnish the Divisional Branch with an address and notify any change of address within fourteen (14) days of such change.

(g) Not to defraud other members.

(h) To render every assistance to Shop Stewards/Job Delegates in their respective work places in the carrying out of their duties.

(i) To answer or cause to answer any correspondence received from the Divisional Branch Secretary and to supply any information that may be required.

(j) To report to the Divisional Branch Secretary or the Divisional Secretary any member believed to be guilty of a breach of the Rules.

B. OFFENCES

(1) Any member may charge any other member with;

(a) Committing any breach of the Rules.

(b) Failing to comply with any lawful resolution or direction passed or given under any Rule of the Union after having been given notice thereof.

(c) Committing any fraudulent act or unlawful act in relation to funds or property of the Union or in relation to any election held under its Rules.

(d) Wrongfully holding themselves out as occupying any office or position in the Union or any Divisional Branch thereof, or as being entitled to represent the Union or any Divisional Branch in any capacity.

(e) Behaving in a drunken, disorderly or offensive manner towards an officer of the union or at any meeting held under the Rules of the Union or in the office of the Union or of any Divisional Branch.

(f) Knowingly giving false information to any officer, representative or employee of the Union or any person acting as or on behalf of a Returning Officer conducting any election under its Rules relating to any Union business or election or any matter affecting the interest of the Union or its members, or refusing to give information to such persons when reasonably requested to do so.

(g) Aiding or encouraging any other member in any offence under these Rules.

(h) Doing any act calculated to injure or destroy the Union or making any wilful false statement concerning the administration of its affairs.

(i) Failing to report to the Divisional Branch Management Committee or the Divisional Conference a member believed to be guilty of a breach of the Rules.

(j) being the holder of any office within the Union

(i) misappropriation of the funds of the Union;

(ii) a substantial breach of the Rules of the Union; or

(iii) gross misbehaviour or gross neglect of duty.

(2) Any charge must be made in writing and shall be made to the Divisional Secretary or the Divisional Branch Secretary. Such Officer shall, if directed by the Divisional Branch Management or Executive Committee or the Divisional Conference or the Divisional Executive, summon the member charged. Such summons shall be in writing and shall state the time and place of the hearing and the substance of the charge. The member's fares to and from the place of the meeting shall be paid. The member shall on written request, be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is charged.

(3) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be investigated, whether or not the person charged is present, unless a satisfactory explanation of the absence has been received.

(4) At the hearing the member charged must be given a reasonable opportunity to present a defence to the charges including a reasonable opportunity to call any witness upon whose evidence the member wishes to rely, and if necessary to tender a written submission.

(5) If the Divisional Conference or the Divisional Executive or Divisional Branch Management Committee or Divisional Branch Executive finds the member concerned so charged guilty it may:

(a) Impose a fine of a sum not exceeding $100.00, and/or

(b) Suspend the member from membership; and/or

(c) Remove the member from any office or position; and/or

(d) Expel the member from membership of the Union.

(6) Suspension from membership shall deprive a member of the rights and benefits of membership, but shall not relieve the member of the obligations of membership and shall not exceed six months for any one offence.

(7) An appeal under this Rule shall lie in respect of any decision from a Divisional Branch to the Divisional Conference, or the Divisional Executive, provided that Notice of Appeal shall be given in writing to the Divisional Secretary within twenty-one days from the date of the member being notified of the Divisional Branch decision and shall set forth in full all matters which the appellant desires to be considered.

(8) The Divisional Conference or the Divisional Executive shall decide the appeal at its next meeting after the appeal is made and the appellant shall have the right to attend the meeting and state a case on the appeal.

(9) Notwithstanding anything to the contrary in these Rules a person elected to any office within the Union shall not be dismissed from office unless found guilty of misappropriation of the funds of the Union a substantial breach of the Rules of the Union or of gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold the office.

56 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's union subscriptions.

57 - SHOP STEWARDS/JOB DELEGATES

(1) A majority of members in each workplace or where appropriate department of the workplace present may select from amongst their number a person or persons to act as Steward or Stewards, Job Delegate or Job Delegates who shall as far as possible perform the following duties:-

(a) To see that these Rules are strictly adhered to.

(b) To investigate and if possible rectify any complaints or disputes and if unsuccessful to refer any such matters to the Divisional Branch Secretary for resolution.

(c) To report any infringement of any award or agreement affecting the Union to the Divisional Branch Secretary at once.

(d) To attend all meetings as regularly as possible.

(e) To notify the Divisional Branch Secretary when possible within twenty-four hours, of all accidents to members of the Union. All such information shall be supplied where possible on a form furnished by the Divisional Branch Secretary.

(g) It shall be the duty of all Shop Stewards/Job Delegates to endeavour to enrol appropriate workers in their respective workplace or jobs into the Union.

(h) On the start of every job where two or more workers are working there shall be a show of cards and also at any time the Shop Steward/Job Delegate may determine.

(i) Any member refusing to show their card when required by a Shop Steward/Job Delegate shall be liable to be fined up to $100 by the Divisional Branch Management Committee.

(j) It shall be the duty of Shop Stewards/Job Delegates to interest themselves in the welfare of the worker probationers, indentured apprentices and trainees.

(k) On direction of the Divisional Branch Management Committee or at the request of one third of the members on the job, they shall be required to call a meeting as soon as convenient.

(2) The Divisional Branch Secretary shall be advised of the appointment of Shop Stewards/Job Delegates in accordance with paragraph (1) and approved by the Divisional Branch Management Committee or Executive. In the event of failure of the members to appoint a Steward/Job Delegate in accordance with paragraph (1) the Divisional Branch Secretary or an officer authorised by the Divisional Branch Secretary shall have the power to appoint a Steward/Job Delegate or Stewards/Job Delegates.

(3) Where no alternative arrangements for the payment of Union contributions have been determined by the Union, the Steward/Job Delegate shall collect all contributions, fines and levies due to the Union by members in the work place where the Steward/Job Delegate is employed, the same to be paid to the Secretary within 14 days. The Steward/Job Delegate may be paid a Commission to be fixed by the Divisional Branch Management Committee on all monies (except levies) collected, and shall be paid quarterly.

(4) If the Divisional Branch Secretary is advised by members in any work place of their dissatisfaction with the performance of a Shop Steward/Job Delegate then a meeting of members will be convened to consider the complaints.

58 - VICTIMISATION

Should any Shop Steward or Job Delegate be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee/Executive Committee shall take all necessary steps to see that the Shop Steward/Job Delegate interests are protected.

59 - ALLOWANCES

The Divisional Branch Management Committee/Executive Committee may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or attending meetings at the request of the Divisional Branch or for its purposes.

60 - RULES OF DIVISIONAL BRANCHES AND BY-LAWS

1. Any Divisional Branch may make By-Laws in furtherance of any of the rules contained herein or for the proper functioning of the Divisional Branch or for the proper functioning of any Divisional Sub-Branch thereof.

2. Such By-Laws shall be effective and binding on any member to which they would apply.

3. Such By-Laws shall not be inconsistent with any of the rules of the union and shall, to the extent of any inconsistency, be void, ineffective and inoperative.

61 - LOANS, GRANTS AND DONATIONS

A loan, grant or donation of an amount exceeding $1,000.00 shall not be made by any Divisional Branch, unless the Divisional Branch Management Committee or the Branch Executive Committee, as the case may be:

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the other Rules of the Union or of the Divisional Branch, as the case may be; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory, and

(b) has approved the making of the loan, grant or donation.

62 - FUNDS - HOW COLLECTED

All entrance fees, contributions, levies, fines, fees and dues payable by members shall be paid to and collected by the Divisional Branch Secretaries, or their authorised agents, or any other authorised agent of the Divisional Executive.

63 - CHANGE OF RESIDENCE

Any member changing residence shall report the same to the Divisional Branch Secretary within fourteen (14) days and in default shall be liable to a fine of up to $100.

64 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary.

65 - SETTLEMENT OF INDUSTRIAL DISPUTES

(1) Whenever a dispute arises between any employer and a member or members, such member or members shall report the same to the Divisional Branch Secretary, who shall endeavour to settle same, failing which:-

(2) The Divisional Branch Secretary may call a meeting of the Divisional Branch Executive and such Executive Committee shall consider such dispute and endeavour to settle the same amicably.

(3) Failing a settlement being obtained, the Divisional Branch Secretary shall, if the Divisional Branch Executive Committee so direct, refer the dispute to the Divisional Secretary.

66 - ACCIDENT AND MORTUARY FUNDS

Divisional Branches may establish Accident and Mortuary Funds in accordance with By-Laws approved by the Divisional Conference.

67 - LIFE MEMBERSHIP

The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may, at their entire discretion, constitute a member a Life Member, provided that member has been a member for a period of at least 20 years, has retired from the industry, and was financial at the time of retirement. Life members shall not be liable to pay dues of any kind to the Union, and shall not be entitled to nominate for or to hold any office, but shall be entitled to vote at the Union elections. The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may reduce the qualifying period of membership in special circumstances.

68 - DEFINITIONS

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter votes as the first preference, and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the voters preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates, as the case may be, who has received an absolute majority of votes shall be elected.

69 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE

In addition to powers elsewhere provided in the Rules, a Divisional Branch Management Committee member shall have the powers of a shop Steward.

70 - REFERENDA

(a) (i) On receipt of a petition signed by not less than 10% financial members of the union, the Divisional Branch Management Committee shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by the Divisional Branch Management Committee and/or Executive.

(ii) The petition shall have set out the member’s full name, address, signature and the date the said petition was signed by the member. In determining the 10% requirement of financial members for a referendum to be conducted, the petition shall be presented to the Divisional Branch Secretary within 30 days of the first financial member signing the

aforesaid petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 10% financial members.

(iii) Such referendum shall take place within 2 months of the receipt of the petition.

(iv) The decision reached by a majority of the actual votes recorded shall be binding on the Divisional Branch Management Committee and the members of the Divisional Branch and on the Divisional Branch Executive.

(b) The Divisional Branch Management or Executive Committee may at any time, by its own motion, take a referendum of the whole of the financial members of the Divisional Branch upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

The Divisional Branch Management Committee shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Branch Returning Officer and Divisional Branch Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch Officers.

71 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Divisional Branch may make a written appeal to the Divisional Branch Executive Committee for redress, who shall in the case of appeals on any matter that does not relate to the Divisional Branch Executive forward the appeal to the Divisional Branch Executive Committee within one (1) month.

(b) Any members dissatisfied with the decision of the Divisional Branch Executive Committee may appeal to the Divisional Branch Management Committee within one (1) month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Executive within one (1) month after the hearing of the case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Executive or Divisional Executive may confirm, annul or modify the penalty or finding. Should the appellant desire to appear in person the appellant member shall be afforded the opportunity to do so.

72 - SPECIAL RULE - NO.7 BRANCH PULP AND PAPER WORKERS BRANCH

The following provisions shall apply in respect of the No. 7 Branch - Pulp and Paper Workers' Branch of the Division (in this Rule called "the Pulp and Paper Workers' Branch")

(1) Nothing in this Rule shall affect the application of the Rules to the No 7 Branch - Pulp and Paper Workers' Branch - and to the holders of offices within and to the members of that Branch except insofar as this Rule may be inconsistent with another rule in which event the provisions of this Rule shall prevail to the extent of such inconsistency.

(2) The word "Branch" in the Rules shall include a "Sub-Branch of the No. 7 Branch" unless the context indicates otherwise.

DIVISIONAL SUB-BRANCH PROVISIONS

(3) The business of the Divisional Branch shall be conducted by the Divisional Branch Management Committee which shall consist of the Divisional Branch Secretary and Sub-Branch Delegates.

(4) The powers of the Divisional Branch Management Committee shall include the following powers:-

(a) To establish new Sub-Branches and amalgamate existing Sub-Branches, to close or disband Sub-Branches in accordance with the Rules, and generally to control Sub-Branches and the members thereof including the power to disallow By-Laws made by any Sub-Branch in conflict with the Rules.

(b) When establishing a new Sub-Branch to make Rules providing for the admission of members to that new Sub-Branch, the establishment of a Management Committee of that new Sub-Branch, the election of officers of that new Sub-Branch and all such matters as may be necessary.

(c) To fix the amount of per capita payments by the Sub-Branches to the Divisional Branch Management Committee - such payments not to exceed 75% of the members' contributions unless agreed by a majority of the Sub-Branches.

(d) To establish and or operate a Superannuation Fund for the benefit of the members of the Divisional Branch and others.

(4A) The Divisional Branch shall hold an Annual General Meeting and such other meetings as may be necessary. Such meetings shall consist of a series of meetings of the members of each Sub-Branch held at times, places and dates to be decided by the Divisional Branch Management Committee. Members entitled to attend the meetings shall be notified thereof by circular or advertisement, or by printed notices or by such other similar means as the Divisional Branch Management Committee may deem reasonable. Any proposed resolution put to the series of meetings shall have been passed if it receives on the aggregate of all meetings held in the series, the majority of votes.

(5) The Divisional Conference or Divisional Branch Management Committee shall have the power to suspend any Sub-Branch Management Committee and/or all or any officers, committee members and delegates of a Sub-Branch if it is satisfied after due enquiry and after giving it or them the opportunity of being heard:-

(a) That the Rules of the Divisional Branch or Sub-Branch have not been bona fide observed or enforced by the Sub-Branch.

(b) That any lawful decision of the Divisional Branch Management Committee has not, after notification, been bona fide observed and enforced by the Sub-Branch.

(c) That the Sub-Branch is wilfully neglecting to provide for the collection of fees, levies, fines or contributions.

(d) That the accounts of the Sub-Branch have not been duly audited or that the accounts of the Sub-Branch or the Auditor do not disclose the true financial position of the Sub-Branch.

(e) That for any reason the Sub-Branch cannot or fails to meet in accordance with the Rules.

(f) That the officers of the Management Committee of the Sub-Branch refuse to disclose to the Divisional Branch Management Committee information concerning the Sub-Branch or the Management Committee.

(6) If a Sub-Branch or a Sub-Branch Management Committee fails to comply with any lawful direction of the Divisional Branch and incurs legal costs or has imposed upon it a fine and/or legal costs arising from the conduct of the Sub-Branch, the Sub-Branch Management Committee or members of the Sub-Branch, which conduct is in contravention of the lawful direction of the Divisional Branch Management Committee then the Divisional Conference or Divisional Branch Management Committee shall have the power to direct that the amount of legal costs, fine and/or legal costs so incurred by and/or imposed upon the Divisional Branch shall be paid to the Divisional Branch Management Committee from the funds of the Sub-Branch.

(7) The Divisional Branch Management Committee shall call a meeting upon the requisition of three (3) Sub-Branches.

(8) The Sub-Branch Delegates to the Divisional Branch Management Committee shall be the Sub-Branch Secretary together with the additional Delegates who shall be elected quadrennially by the membership of each Sub-Branch in accordance with Rule 51. The additional Delegates shall be elected on the following basis:-

(a) Each Sub-Branch with a membership of less than 100 members - the Sub-Branch Secretary only.

(b) Each Sub-Branch with a membership of 100 members or more but less than 400 members - the Sub-Branch Secretary together with one (1) additional Delegate.

(c) Each Sub-Branch with a membership of 400 members or more but less than 1,000 members - the Sub-Branch Secretary together with two (2) additional Delegates.

(d) Each Sub-Branch with a membership of 1,000 members or more but less than 2,000 - the Sub-Branch Secretary together with three (3) additional Delegates.

(e) Each Sub-Branch with a membership of 2,000 members or more but less than 3,000 members - the Sub-Branch Secretary together with four (4) additional delegates.

(f) Each Sub-Branch with a membership of 3,000 members or more - the Sub-Branch Secretary together with five (5) additional Delegates.

(9) The Sub-Branch Management Committee may appoint a proxy delegate to any meeting of the Divisional Branch Management Committee when the delegate or delegates of the Sub-Branch to the Divisional Branch Management Committee (being either the Sub-Branch Secretary or additional Delegate or Delegates) is or are unable to attend that meeting: Provided that such proxy delegate shall be entitled to speak and vote on any matter except that such proxy delegate shall not participate in any step in any election for an office conducted amongst members of the Divisional Branch Management Committee.

(10) The Divisional Branch Secretary and Divisional Conference Delegates shall be elected quadrennially by the members of the Branch in accordance with the provisions of Rule 51.

(11) The Divisional Branch President, Senior Divisional Branch Vice President, Junior Divisional Branch Vice President and three (3) Trustees shall be elected by secret ballot after nominations have been called for by the Returning Officer at the meeting of the Divisional Branch Management Committee held next after the declaration of the quadrennial elections by and from the members of the Divisional Branch Management Committee in accordance with the provisions of Rule 51 with the necessary changes.

(12) In the event of a member being elected to the office of Divisional Branch Secretary and as an Additional Delegate of a Sub-Branch to the Divisional Branch Management Committee such position of Additional Delegate shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 51 with the necessary changes.

(13) In the event of a member being elected to the offices of Divisional Branch Secretary and Sub-Branch Secretary the office of Sub-Branch Secretary shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 51

(14) (a) In the event of an industrial dispute taking place in any Sub-Branch the officers of such Sub-Branch shall try, by conciliation, to settle the dispute. In the event of the Sub-Branch officers concerned being unable to secure a satisfactory settlement the matter shall be referred to the Divisional Branch Secretary who shall, on behalf of the Divisional Branch Management Committee take charge of such dispute and shall consult with the Divisional Branch President and shall, if necessary, convene a meeting of the Branch Management Committee to deal with the matter.

(b) (i) A majority of the Sub-Branches shall, at special meetings of the Sub-Branch Management Committees called for that purpose, decide whether an industrial dispute affecting members of the Divisional Branch is to be submitted by the Divisional Branch to the appropriate tribunal established under the Industrial Relations Act 1988.

(ii) The Divisional Branch President and Divisional Branch Secretary or such other person or persons as the Divisional Branch Management Committee may decide shall be empowered to make submissions on behalf of and represent the Divisional Branch before a Federal or State Industrial Tribunal and to sign or issue any document including any agreement for the Divisional Branch which is necessary in respect of any such submission or presentation.

(15) Any delegates representing the Divisional Branch or a Sub-Branch on the Australian Labor Party shall be a member of that party.

(15A) The Divisional Branch Secretary shall be ex-officio a member of all committees of the Sub-Branches but shall not be entitled to exercise a vote on matters appertaining exclusively to only one Sub-Branch.

SUB-BRANCH PROVISIONS

(16) (a) The following Sub-Branches are and shall be deemed to have been established as from the several dates on which they began to function:-

Melbourne, Maryvale, Millicent, Sydney, Nowra, Tasmania, Tumut and, Petrie.

(b) The Sub-Branches shall consist of members of the Divisional Branch as follows:-

(i) The Melbourne Sub-Branch shall consist of members who are employed within a radius of forty (40) kilometres of the General Post Office.

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(ii) The Maryvale Sub-Branch shall consist of members employed within a radius of forty (40) kilometres from either the Traralgon or the Morwell Post Office.

(iii) the Millicent Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Millicent Post Office.

(iv) The Sydney Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Sydney Post Office.

(v) The Nowra Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Nowra Post Office.

(vi) The Tumut Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Tumut Post Office.

(vii) The Petrie Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Petrie Post Office.

(viii) The Tasmanian Sub-Branch shall consist of members employed in the State of Tasmania.

(16) (c) Additional Sub-Branches may be established by resolution of the Branch Committee of Management.

(d) Any member not employed within a Sub-Branch area shall be attached to the Sub-Branch nearest to where he is employed.

(17) (a) Officers of the Sub-Branches shall be the President, two (2) Vice-Presidents (a Senior and Junior Vice President) and a Secretary such officers shall also be officers of the Union. These officers together with such number of other members which shall not be less than three (3) or exceed ten (10) as the Sub-Branch shall determine shall form the Sub-Branch Committee of Management. The Sub-Branch Secretary shall also mean the Sub-Branch Secretary-Treasurer.

(b) Delegates to the Branch Committee of Management shall be ex-officio members of all Committees and Sub-Committees of the Sub-Branch to which they belong.

(c) The Officers of the Sub-Branch together with the other members of the Sub-Branch Committee of Management shall be elected quadrennially by the members of the Sub-Branch in accordance with the provisions of Rule 51.

(18) (a) No member shall hold more than one of the offices of Sub-Branch President, Sub-Branch Senior Vice-President, Sub-Branch Junior Vice-President, Sub-Branch Committeeman, or Sub-Branch Secretary. If a member is elected to any two or more of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch Secretary signify which one of the said offices such member elects to hold. The member shall thereupon be deemed to have resigned from the other office or offices and the vacancy shall be filled in accordance with the provisions of Rule 51 mutatis mutandis.

(b) No member shall hold the office of Sub-Branch Secretary and Sub-Branch Additional Delegate from the Sub-Branch to the Branch Committee of Management. If a member is elected to each of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch President signify which one of the said offices such member elects to hold and shall thereupon be deemed to have resigned from the other office. The vacancy so occurring in the other office shall be filled in accordance with the provisions of Rule 51 mutatis mutandis.

(19) Entrance fees and contributions shall be paid to and collected by the Sub-Branch Secretary or by an authorised agent of the Sub-Branch.

(20) The Sub-Branch Fund which shall be managed and controlled by each Sub-Branch Management Committee shall consist of:-

(i) Any real or personal property of which the Sub-Branch by the rules or by any established practice not inconsistent with the Rules has, or in the absence of any limited term lease, bailment or arrangement, would have, the of right custody, control or management;

(ii) All entrance fees and all contributions collected in accordance with the Rules save and except such part of the contributions as are fixed by the Divisional Branch Management Committee from time to time and are part of the Divisional Branch Funds pursuant to Rule 42 (4)(c) hereof;

(iii) All fines and levies raised pursuant to Divisional Branch Rules;

(iv) Any interest, rents or dividends derived from the investment of the Fund;

(v) Any superannuation or long service leave fund operated or controlled by the Sub-Branch for the benefit of its officers or employees;

(vi) Any sick pay fund, accident pay fund, mortuary or funeral fund or like fund operated or controlled by the Sub-Branch for the benefit of its members;

(vii) Any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and

(viii)The proceeds of any disposal of parts of the Fund.

(21) The per capita payments fixed by the Divisional Branch Management Committee pursuant to Rule 42 (4)(c) hereof shall be the first charge on the gross income of each Sub-Branch.

(22) Each Sub-Branch shall fix the salaries and/or allowances and/or honorariums and/or appropriate conditions of service of Officers of the Sub-Branches.

(23) Each Sub-Branch shall elect delegates to represent it on any body with which the Sub-Branch is affiliated. The election shall be conducted amongst members of the Sub-Branch Management Committee and be held at the next Sub-Branch Management Committee meeting following Sub-Branch elections. Nominees are required to be a member of the Sub-Branch Management Committee.

(24) Times and places of meetings of a Sub-Branch shall be fixed by the Sub-Branch Management Committee and shall be notified to members by being posted on work place notice boards at least three (3) days prior to the date of such meetings. At least one meeting shall be carried quarterly.

(25) Each Sub-Branch shall decide the starting and finishing times of its meetings and no extension shall exceed thirty (30) minutes beyond the time of normal finishing.

(26) The Sub-Branch President and Sub-Branch Secretary may call a meeting of the Sub-Branch Management Committee at any time by giving the membership of such Committee three (3) days notice in writing of the date, time and place of such meeting. The Sub-Branch President and Sub-Branch Secretary shall call a meeting of the Sub-Branch Management Committee. The Sub-Branch Management Committee if required to do so, by a written request of a majority of members of the Sub-Branch Management Committee may, at any meeting held of such Management Committee, decide the date, time and place of future meetings.

(27) A quorum for a Sub-Branch meeting shall consist of five (5) members (not including officers or members of the Branch Management Committee) where the Sub-Branch has a membership of 100 or less members; a quorum for a Sub-Branch meeting shall consist of ten (10) members (not including officers or members of the Sub-Branch Management Committee) where the Sub-Branch has a membership of over 100 members. If no such quorum is present at a meeting of a Sub-Branch thirty (30) minutes after the normal starting time of such meeting that meeting shall lapse.

(28) If due to the absence of a quorum at a meeting, a Sub-Branch is unable to conduct its business, the Sub-Branch Management Committee shall conduct such business with the full authority of a properly constituted Sub-Branch meeting.

(29) The Sub-Branch President and the Sub-Branch Secretary may call a Special Meeting of the Sub-Branch at any time. Special Meetings of the Sub-Branch shall be called by the President on receipt of a requisition in writing by twenty-five (25) financial members of the Sub-Branch. Such requisition must set out the purpose for which it is desired the meeting shall be called. No other business may be transacted unless urgent and by resolution of the meeting. Such Special Meetings shall be called with twenty-one (21) days of the receipt of such requisition and the time, place and purpose of such Special Meeting shall be notified to members by being posted on the workplace notice boards at least three (3) days prior to the date of the meeting.

(30) MORTUARY FUND

(a) For the purposes of this Rule "spouse" includes the defacto husband or wife of a member.

(b) There shall be established a Mortuary Fund of the Pulp & Paper Workers Branch from which Mortuary Benefits shall be paid upon the death of members of the Branch or the dependent spouse of members of the Branch towards the cost of burial as hereinafter provided.

(c) The Mortuary Fund shall be administered by the Divisional Branch Management Committee.

(d) Each member of the Divisional Branch shall nominate on a form to be provided by the Divisional Branch the full name and address of the person to whom the Mortuary Benefit is to be paid in the event of death. Members shall return completed forms to their Sub-Branch Secretary who shall forward them to the Divisional Branch Secretary.

(e) Upon the death of a member in respect of whom a Mortuary Benefit is payable such payment shall be made to the person nominated by the member irrespective of the number or status of the claimants. Where there is no nominee of the deceased member the Mortuary Benefit may be paid to whomsoever the Divisional Branch President and Divisional Branch Secretary in their absolute discretion may determine and their decision shall be final.

(f) Upon the death of the dependant spouse of a member of the Branch in respect of whom a Mortuary Benefit is payable such payment shall be made to the member.

(g) When a claim for Mortuary Benefit is made it shall be accompanied by a Death Certificate or a photostat copy of the Certificate.

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(h) The amount of the Mortuary Benefit shall be as determined from time to time by the Divisional Branch Management Committee.

(i) There shall be paid into the Mortuary Fund the proceeds of the winding up of the Excess Bonus Funds in the mills of the Australian Paper Manufacturers Ltd. and monies raised by such levies on the members of the Branch as are determined by the Divisional Branch Management Committee to be necessary to operate the Fund. All property of whatsoever kind in the Mortuary Fund is and shall remain the property of the Branch.

(j) Notwithstanding anything contained elsewhere in the Rules of the Union the funds of the Mortuary Fund may be invested in Government Bond Fixed Bank Deposit or Debentures, Shares of Companies who are parties or signatories of the Pulp & Paper Industry Consent Award or Industry Agreement or in other investment as the Divisional Branch Management Committee in its absolute discretion may determine.

(k) The Mortuary Fund of the Divisional Branch alone shall be liable to meet payments of Mortuary Benefits in respect of the death of members or their dependant spouses and no other Fund Account or Assets of the Union shall be so liable to any extent whatsoever.

(l) The Divisional Branch Secretary shall submit annually to members of the Divisional Branch a report of operation of the Mortuary Fund and an audited balance sheet of the accounts including trading, investment interest and outgoings for the period 1st January to 31st December.

(m) If in the future significant benefits become payable on or in respect of the death of members or their dependent spouses either by Government legislation, industrial award or in any other manner the Divisional Branch Management Committee may recommend to members of the Branch that the Mortuary Fund be wound up and all assets in the Fund transferred to the General Account of the Divisional Branch.

(n) The Mortuary Fund shall be wound up within twelve (12) months after a majority of the members of the Divisional Branch have voted for its termination at Special Meetings of each Sub-Branch called for the purpose. In this event all property of whatsoever kind in the Mortuary Fund Account of the Divisional Branch shall be transferred to the General Account of the Divisional Branch.

END OF RULES

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[105N-ATAI: Incorporates alterations in matter R2008/313, R2008/338 and FR2008/512 certified on 28/08/08

I CERTIFY under section 161 of Schedule 1 of the Workplace Relations Act 1996 that the pages herein numbered 1 to 66 both inclusive contain a true and correct copy of the registered rules of Construction, Forestry, Mining and Energy Union, The Forestry, Furnishing, Building Products and Manufacturing Division and Divisional Branches

INDUSTRIAL REGISTRAR

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any registry of the Australian Industrial Registry.]

Rules of the CFMEU, Forestry, Furnishing, Building Products and Manufacturing Divisional Branches

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THE FORESTRY, FURNISHING, BUILDING PRODUCTS AND MANUFACTURING DIVISION RULES

1 - NAME

The name of the Division shall be "The Forestry, Furnishing, Building Products and Manufacturing Division". (FFPD)

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-Rule (C) and (F) of the National Rules shall belong to this Division.

3 – SIGNING OF DOCUMENTATION

Any document required or permitted by the Workplace Relations Act or any document required to be executed on behalf of the Division shall be signed by the Divisional Secretary, or, in the absence of the Divisional Secretary, either the Divisional President or Divisional Assistant Secretary.

4 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

“DISTRICT” shall mean a District of the National Divisional Branch set up in accordance with the Rules of the Union.

"FFPD DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to FFPD Division is a member of this Division.

"MEMBER" shall mean a member of FFPD Division and membership shall have a corresponding meaning.

“NATIONAL OFFICERS” shall mean the Divisional President, the Divisional Assistant Secretary and the Divisional Senior Vice President (who shall be the person holding the office of PPW District Secretary).

“NO. 1 BRANCH” shall mean the National Branch.

“NO. 2 BRANCH” shall mean the Victorian FFTS Branch of the Division.

“PPW SUB BRANCH” shall mean a sub branch of the PPW District.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member

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votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then the candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“PRINCIPAL OFFICER” shall mean the Divisional Secretary.

“RAO” shall mean the Workplace Relations Act 1996 Schedule 1 – Registration and Accountability of organisations.

“THE 2008 RULE CHANGES” shall mean the amendments made to the Rules of the Division in 2008 providing for the substantial restructure of the Division.

5 - MEMBERSHIP

(i) A candidate for membership of the Division in the No.1 Branch may make application to the Divisional Secretary or the District Secretary covering the area in which the candidate resides or is employed and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the Rules of the Division.

(ii) A candidate for membership of the No.2 Branch may make application to the Divisional Branch Secretary of the No.2 Branch and such application shall be made and dealt with in the manner and subject to conditions including conditions as to any probationary period required by the Rules of the Division.

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(iii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Executive may require, and shall, when requested, fill in and sign such application form as may be provided.

(iv) An application for membership of the No.1 Branch may be referred by the Secretary of the relevant District to the Divisional Branch Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(v) An application for membership of the No.2 Branch may be referred by the Divisional Branch Secretary to the Divisional Branch Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right of appeal to the Divisional Executive the decision of which shall be final.

(vi) A member who is eligible for membership of the Division pursuant to Sub Rule 2(F) of National Rule 2 Constitution who are resident in the State of Victoria shall be deemed to be attached to the No. 2 Branch. All other members shall be deemed to be attached to the No. 1 Branch and to the District covering the locality in which the member resides or where the member is eligible for membership of the Division pursuant to Sub Rule 2 (C) of National Rule 2 Constitution to the PPW District.

6 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Applicants for membership of the FFPD Division shall pay on application an entrance fee in accordance with these rules. Such entrance fee if applicable shall not exceed $300.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

(ii) The contribution payable by each member shall be fixed by the Divisional Executive subject to the processes provided for in Rule 14

(iii) The Divisional Executive may if, in its opinion it is desirable or necessary for financial or any other reason that the aforesaid entrance fees or contributions should be altered, waived or suspended, make such decision as it deems desirable or necessary, and the altered, waived or suspended entrance fee and/or contribution payable shall be applicable to the member(s), group or class of members concerned.

(iv) Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these rules, shall be deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

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(v) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(vi) Contributions shall be paid to and collected by the Divisional Secretary, Divisional Branch Secretary, or an authorised agent of the Division or Divisional Branch.

Provided that notwithstanding the foregoing provisions of this Rule, members of the No.2 Branch shall pay contributions to the Divisional Secretary of that Branch and such funds may be retained by that Branch except for such sum as is fixed by the Divisional Conference from time to time.

7 - SPECIAL MEMBERS

The Divisional Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rule 6 be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY OF THE DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference which shall meet at least every two (2) years.

(ii) The Divisional Conference shall consist of the following:

(a) the Principal Officer of the Division;

(b) the National Officers of the Division; and

(c) delegations from each Divisional Branch calculated in accordance with (iii) hereof.

(iii) Each Divisional Branch shall be entitled to one (1) representative up to 500 members, one (1) additional representative between 500 members and 1,000 members and one representative for each additional 1,000 members, based, on in the case of the No. 1 Branch, the aggregate income received by the Division in relation to members of that Branch (Union contributions only) and in the case of the No. 2 Branch based on the aggregate income received by that Branch, (Union contributions only) divided by the amount of the yearly contribution fixed by the Rules from time to time, for the financial year ending on the 31st December in the year preceding the quadrennial election of representatives to act as its representatives at the Divisional Conference.

The number of representatives to which each Divisional Branch is entitled shall remain unaltered throughout the period between the quadrennial elections provided that prior to each Divisional Conference meeting the Divisional Executive may review the delegations to Divisional Conference in the event that as a result of growth or decline in membership the formula set out in this sub rule should be adjusted.

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Provided further that the delegation from the No. 1 Divisional Branch will include the following officers of that Branch ex officio: the Divisional Branch Secretary, the District Secretaries of each District other than the PPW District and such other delegates to which the Branch is entitled as a consequence of the formula in this sub rule and also provided that the delegation from the No. 2 Branch shall include ex officio the Divisional Branch Secretary and such other delegates as the Branch is entitled to pursuant to the formula in this sub rule.

For the avoidance of doubt the Officers referred to in the above proviso as being ex officio members of the delegation from each Divisional Branch will be counted as representatives in calculating the entitlement of each Divisional Branch in accordance with this sub clause.

(iv) Representatives of the Branches other than those ex officio representatives as provided for in sub-rule (iii) hereof shall be elected by secret postal ballot of all members of the Branch eligible to vote every four (4) years in accordance with the provisions of Rule 44 of these Rules.

(v) In the event of a circumstance leading to a casual vacancy in a position of a Divisional Conference Delegate that vacancy shall be filled in accordance with the provisions of Rule 46.

(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialed and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

(vii) Where one or more representatives of a Divisional Branch is or are unable to attend a meeting of the Divisional Conference the Divisional Branch Executive of that Divisional Branch itself select a proxy representative or representatives to act on its behalf at that meeting. Such representative or representatives shall vote in accordance with the instructions of the Executive Committee of the Divisional Branch Executive.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 44 of these Rules.

(ix) A majority of delegates eligible to attend the Divisional Conference shall form a quorum.

(x) All expenses of representatives to the Divisional Conference shall be borne by the Divisional Branch by which the representatives are elected unless otherwise determined by the Divisional Conference.

(xi) No alteration of the personnel of the representatives at a meeting of the Divisional Conference shall be permitted after the credentials of the representatives have been received and accepted by the Divisional Conference, unless such alteration is rendered necessary by death or serious illness.

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(xii) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of $100, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members, organisers or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive, Divisional Branch Management Committee or District Management Committee relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive relevant Divisional Branch or District Management Committees are available to members at each Divisional Branch office or District Office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate concerned has been afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

A period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from the Branch on an issue concerned solely with a matter affecting this Division, from a District or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

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Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division or Divisional Executive.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches, Districts or PPW Sub Branches of this Division.

(h) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(i) To establish new Divisional Branches or Districts and amalgamate existing Divisional Branches or Districts, to close or disband Divisional Branches or Districts in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the PPW District without its consent), and generally to control Divisional Branches including Districts and the members thereof.

(j) When establishing a new Divisional Branch or District the Divisional Conference shall have power to make rules providing for the admission of members of that new Divisional Branch or District, the establishment of a Management Committee of that new Divisional Branch or District, the election of officers of that new Divisional Branch or District and all such matters as may be necessary.

(k) To make, alter and rescind rules of this Division.

(l) To deal with any Divisional Branch or District not working in conformity with the Rules and policy of the Union.

(m) To appoint and remove organisers.

(n) To vote moneys and pass accounts.

(o) To fix salaries and allowances for all Officers and employees of the Division and of all Conference delegates and representatives.

(p) To appoint a Returning Officer, who shall conduct any plebiscite upon any question submitted to the whole of the membership for determination, and who shall have power to appoint Deputy Returning Officers.

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(q) To elect, appoint and remove officers and members of the Divisional Executive of the Union.

(r) To establish any special fund to achieve any of the objects of the Union.

(s) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary and District Secretary at least one(1) week before the date of such meeting but no failure to notify will of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary and District Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary or District Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office or District Office during the ordinary hours in which the Divisional Branch Office or District Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, email, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit by the Divisional Secretary conduct a postal, telephonic, telegraphic, facsimile, email and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter.

(xvii) All meetings of the Divisional Conference shall be held at such time and place as the Conference shall from time to time determine, and in case of default, or of special meetings, as the Divisional Executive shall determine.

(xviii) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Conference -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

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(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

9 - DIVISIONAL EXECUTIVE

i). The Divisional Executive shall consist of the following:

(a) the Divisional Principal Officer ie: the Divisional Secretary, the Divisional National Officers ie: the Divisional President, Divisional Assistant Secretary and the Divisional Senior Vice President (which office shall be held by the District Secretary of the PPW District of the No 1 Branch);

(b) two further Vice Presidents and four Trustees (who shall be titled Divisional Executive Officers) who shall be elected by Conference from the members of Conference other than the Principal Officer and the National Officers; and

(c) Divisional Executive members being no less than 3 and no more than 5 such number to be determined by Divisional Conference prior to the calling of nominations who shall be elected by the conference from Conference Delegates other than the Principal Officer and the National Officers.

ii). Except for the filling of extraordinary vacancies Divisional Executive Officers and Divisional Executive members shall be elected by and from the Divisional Conference held in 2009 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

iii). Preceding such conferences the Divisional Executive shall appoint a Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Divisional Branch, District, sub-Branch or section of the Union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers in accordance with these Rules.

iv). Nominations unless otherwise determined by the Divisional Executive shall be called for on the second day of the Divisional Conference. Where practicable the ballot shall be conducted on that day. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

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The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

v). The ballot for Divisional Vice Presidents other than the Divisional Senior Vice President (who is the person holding the office of District Secretary of the PPW District of the No. 1 Branch) shall be dealt with and completed. The ballot for the Divisional Trustees shall be dealt with and completed. The ballot for the Divisional Executive Members shall be dealt with and completed.

vi). If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Executive that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive.

vii). If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

viii). The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Returning Officer may proceed nonetheless.

ix). Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where the delegate can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until the Returning Officer has given such delegates a reasonable opportunity to vote.

x). The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

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xi). Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly holding such office.

xii). A Divisional Executive member shall hold office until a successor is elected.

xiii). The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, powers, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch or member. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with any Divisional Branch not working in conformity with the Rules, Decisions and policy of the Division.

(g) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(h) To confirm, over-rule or otherwise deal with decisions of the Divisional Branches of this Division.

(i) To make, alter and rescind any of the rules of this Division including any rules relating to Divisional Branches or Districts subject to Rule 16 of these Rules.

(j) To appoint and remove organisers or specialist officers.

(k) To select persons as delegates to represent the Division at meetings, committees or to affiliated organisations.

(l) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

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(m) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(n) Submit any matter to the members for decision by ballot.

(o) Ensure that officers, committee members, organisers, delegates or members of the Division and Divisional Branches including Districts and PPW Sub Branches comply with the rules, policies and decisions of the union and subject to Rule 11 impose penalties [i.e., fines not exceeding the sum of $100, suspension, expulsion or dismissal from office,] on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules, policies or the decisions of the Divisional Executive. Provided that the rules, policies or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Divisional Branch Office and District Office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(p) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch including any Districts of this Division, take such action as may be necessary to ensure the adherence to the rules of the Union and decisions and policies of the Divisional Conference and/or Divisional Executive by any Divisional Branch including any District and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch including any District and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch or District. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

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(q) Control and supervise the work of the Divisional Officers.

(r) To establish new Divisional Branches or Districts and amalgamate existing Divisional Branches or Districts, to close or disband Divisional Branches or Districts in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the PPW District without its consent), and generally to control Divisional Branches including Districts and the members thereof.

(s) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these Rules.

xiv). The Divisional Executive shall meet at least six (6) times in each calendar year. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, telegram, telex, facsimile, email or otherwise in writing, telephone or verbally, provided that in the latter two instances such is confirmed by letter, telegram, facsimile, email or other writing.

10 - REFERENDA

(a) (i) On receipt of a petition signed by not less than 10 per cent of the financial members of the Division, the Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference, Divisional Executive and the members of the Division.

Divisional Conference or Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer to conduct the ballot.

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(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(b) (i) On receipt of a petition signed by not less than 10% financial members of a Divisional Branch, the Divisional Branch Management Committee shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by the Divisional Branch Management Committee and/or Executive.

(ii) The petition shall have set out the member's full name, address, signature and the date the said petition was signed by the member. In determining the 10% requirement of financial members for a referendum to be conducted, the petition shall be presented to the Divisional Branch Secretary within 30 days of the first financial member signing the aforesaid petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 10% financial members.

(iii) Such referendum shall take place within 2 months of the receipt of the petition.

(iv) The decision reached by a majority of the actual votes recorded shall be binding on the Divisional Branch Management Committee and the members of the Divisional Branch and on the Divisional Branch Executive.

(c) The Divisional Branch Management or Executive Committee may at any time, by its own motion, take a referendum of the whole of the financial members of the Divisional Branch upon any matter it thinks fit.

(d) The referendum referred to in this rule shall be conducted as follows:

(i) Divisional referendum:

The Divisional Executive shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Returning Officer and Divisional Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Officers.

(ii) Divisional Branch referendum shall be conducted as in (i) with reference to the Divisional Executive being a reference to the Divisional Branch

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Management Committee and other references to the Division being references to the Divisional Branch.

11 - REMOVAL OF OFFICERS

(a) Any Divisional or Divisional Branch Officer including any District Officer may be removed from office by majority decision of the Divisional Executive, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union , or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(b) Should any officer be removed from office the Divisional Executive shall appoint a member to fill the vacancy until the next elections are held in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive. In the event of the appeal being upheld the Divisional Conference or National Executive may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office including any District Office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

13 - DUTIES OF DIVISIONAL OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of the Divisional Conference, Executive and meetings convened by the Divisional Executive.

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The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where the Divisional President is a full time officer the Divisional President shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall summon all meetings of the Divisional Conference and Divisional Executive, issue all necessary notices to members of the Divisional Conference or Divisional Executive or to Divisional Branches in connection with such meetings.

The Divisional Secretary shall sign all cheques or any other type of instrument for the withdrawal of any funds of the Division from any financial institution or other account together with one Divisional Trustee or other person authorised for this purpose by the Divisional Executive. In the event that the Divisional Secretary is absent the Divisional Assistant Secretary or the Divisional President and one Divisional Trustee or a person authorised for this purpose by the Divisional Executive shall sign cheques or any other type of instrument for the withdrawal of any funds of the Division from any financial institution or other account.

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the implementation and compliance by the Division, Divisional Branches, Districts and PPW Sub Branches of the decisions, rules and policies made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive or Divisional Conference, to appoint, control and dismiss the staff of the Divisional Office and of the No.1 Branch including its Districts and PPW District Sub Branches.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.

Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches, Districts and PPW Sub Branches of this Division.

The Divisional Secretary shall have the authority to initiate any proceedings and/or actions to advance or defend the interests or objectives of the Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive or Divisional Conference and allocate the duties of Officers.

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The Divisional Secretary shall be an ex officio member of all Divisional Branch Committees, including Districts and PPW Sub Branches, but shall not be entitled to vote in respect of the decisions of those committees.

(iii) Divisional Assistant Secretary(s):

The Divisional Assistant Secretary(s) shall perform all duties assigned by the Divisional Executive. The Divisional Assistant Secretary(s) shall be under the control of the Divisional Secretary and shall attend all meetings of Divisional Executive, Divisional Conference and National Executive.

The Divisional Assistant Secretary may exercise any and all of the powers and duties of the Divisional Secretary in the absence of the Divisional Secretary.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(v) Divisional Vice-President(s):

The Divisional Vice-President(s) shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President(s) shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of the Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

A (i) The Divisional Office shall collect all entrance fees, contributions, levies and fines and all other monies relating to the membership of the No 1 Branch, its Districts and the PPW sub branches. The No. 2 Branch shall forward to

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the Divisional Office such percentage of the Branch income as may be determined from time to time by the Divisional Executive.

At the commencement of the financial year 2009 the funds of each of the Branches of the Division other than the funds of the Victorian FFTS Branch shall become part of the Divisional funds and thereafter the Divisional Office shall administer such funds. The funds of the Victorian FFTS Branch shall become the funds of the No. 2 Branch.

(ii) All monies received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. Cheques or other types of instruments for the withdrawal of any funds of the Division shall be signed by the Divisional Secretary and one Divisional Trustee or person authorised for that purpose by the Divisional Executive. In the event of the absence of the Divisional Secretary all cheques and other instruments for the withdrawal of any funds of the Division shall be signed by an Assistant Secretary or the Divisional President, one Divisional Trustee or a person authorised for that purpose by the Divisional Executive.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the Divisional Office, may be disbursed by decision of the Divisional Secretary.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive or Divisional Conference.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Division. Where this is not possible, investments shall be made in the name of the Divisional Trustees. The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The Divisional Executive shall have the authority to hold, purchase, lease, sell, mortgage or otherwise deal in property on behalf of the Division and/or Branches which shall be executed on the Divisional Executive's behalf by the Divisional Secretary.

(vi) The property of the Division shall be under the control of the Divisional Executive.

B. Divisional Budget and Administrative Committee

i) There shall be a National Administrative and Budget Committee of the Divisional Executive composed of a minimum of four members who shall be Divisional Secretary, the PPW District Secretary and a representative from each Divisional Branch together with such other persons if any as the Divisional Executive may determine.

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ii) Meetings of the Divisional Administrative and Budget Committee shall be conducted at a time and place and in a manner determined by the Divisional Secretary or the Divisional Executive.

iii) The Divisional Administrative and Budget Committee shall subject to the directions of the Divisional Executive have the following duties and responsibilities:

a) to oversee financial, membership and other relevant data and the administrative affairs of the Division;

b) to conduct income and expenditure reviews to advise the Divisional Executive on the most effective use of the Divisional funds;

c) in consultation with the Divisional Officers and where relevant with each constituent part of the Division including its Divisional Branches, Districts of the No. 1 Divisional Branch and the PPW Sub Branches assist in the development of draft budgets for consideration by the Divisional Executive;

d) to monitor, administer and report on the implementation of budgets adopted by the Divisional Executive:

Provided that the Divisional Budget and Administrative Committee shall not have any policy making powers but shall act in an advisory capacity only.

C. Budget/s

i) At the first meeting of the Divisional Executive at the commencement of each financial year the Divisional Executive shall, upon considering advice and recommendations from the Divisional Budget and Administrative Committee and the No. 2 Branch approve a budget/s for the Division including the Divisional Branches and each constituent part of the No. 1 Divisional Branch.

ii) To ensure the equitable distribution of resources amongst members throughout the Division budgets will take into account clear and consistent criteria including the following:

a) the percentage of membership income contributed;

b) appropriate financial support and underpinning for Divisional operations;

c) any cross subsidies between funds as may be necessary to provide and maintain effective operations throughout the Division for appropriate coverage and representation for all members of the Division.

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d) the provision of ongoing funding for core union activities including growth recruitment, face to face organising, and campaigns in support of Divisional activities, industrial disputes, legal representation and advice, development of delegate and member involvement and activities, publications including newsletters and similar communications with members, member benefits and associated matters.

e) nationally consistent levels of contributions and costs structures including wage levels and employment standards for employees of the Division and each part of the Division.

f) as far as possible provide adequate funds for the purpose of continuing to build an appropriate asset base to both for the financial survival growth of the Division and where possible to house the operations of the Division and its various constituent parts.

g) where appropriate to support and continue to build specific member support funds and provident funds.

D. Special Funds

The Divisional Branches of the Division as constituted prior to the 2008 Rules Changes and the PPW Sub Branches have administered specific funds on behalf of the members of those Divisional Branches or Sub Branches. Schedule 1 to these Rules refers to these specific funds. These funds from the commencement of the 2008 Rule changes shall be managed and maintained by the Divisional Executive on behalf of, in the interests of and for the benefit of those groups of members for whom without the 2008 Rule changes those funds would otherwise be applied. Those funds will be expended to members of those groups of members in a manner consistent with the purposes for which the funds were established and that manner shall not be changed without consultation and agreement with the relevant District Committee of Management.

15 - AUDITOR AND AUDITOR'S REPORT

(i) The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

(ii) The auditor shall, in the auditor's report, draw attention of the Divisional Executive, Divisional Conference to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

(iii) For the purpose of this Rule a competent person shall have the same meaning as in the Registration and Accountability of Organisations schedule to the Workplace Relations Act ("RAO") and any Regulations may thereunder or any successor legislation thereto.

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(iv) On receipt of a petition signed by not less than 5% of the members of the Division, the Divisional Secretary shall convene a general meeting of members to present the Auditor's Report, the general purpose financial report and the operating report.

(v) The petition shall have set out the members full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of members for a general meeting to be held, the petition shall be presented to the Divisional Secretary within 30 days of the first member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% members.

(vi) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

(vii) For the purposes of sub rules (iv), (v), (vi) the general meeting shall be conducted as a series of meetings in the localities of each District of the No. 1 Branch including the localities of the PPW sub branches and of the No. 2 Branch.

15A REPORTING UNITS

The Division shall be divided into reporting units on an alternative basis as provided for in the RAO as follows:

(i) (a) The Division on behalf of all members of the Division including the members of the No. 1 Branch and its Districts and the PPW sub districts other than the members of the No. 2 Branch.

(b) The No. 2 Branch on behalf of the members of the No. 2 Branch.

(ii) The Divisional Secretary shall be the designated officer for the purposes of the RAO for the Division and the Secretary of the No. 2 Branch shall be the designated officer for the purpose of the RAO for the No. 2 Branch.

(iii) On receipt of a petition signed by not less than 5% of the members of the Division the Divisional Secretary shall convene a general meeting of members to present the auditors report, the general purpose financial report and the operating report.

(iv) The petition shall have set out the member's full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of members for a general meeting to be held, the petition shall be presented to the Divisional Branch Secretary within 30 days of the first member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% members.

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(v) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

(vi) The General Meeting shall be conducted as a series of meetings in localities of each of the Districts of the No. 1 Branch and each of the PPW Sub Branches.

16 - ALTERATION OF RULES

These Divisional Rules including any Rules relating to Divisional Branches or Districts of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice to the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

Provided that any such rescission, alteration or amendment which affects in any way the existence, structure or position under these rules of the PPW District, shall be of no effect unless endorsed by a resolution of the District Management Committee of that PPW District.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches including all Districts of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 - DIVISIONAL BRANCHES

(i) The following Divisional branches of the Union are hereby constituted:

(a) The No. 1 Branch known as the National Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members of the Division other than those persons who are eligible for membership of the No.2 Branch of the Division.

(b) The No. 2 Branch known as the Victorian FFTS Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Victoria who are eligible for membership of the Division pursuant to Sub Rule 2(F) of Rule 2 Constitution of the Rules of the Union.

(ii) The Divisional Conference or Divisional Executive shall have the power to constitute such other Divisional Branches, Districts or Sub Branches as it may determine appropriate from time to time.

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(iii) Divisional Executive or Divisional Branch Management Committee shall determine the location of the Divisional Branch office.

(iv) Unless otherwise determined by the Divisional Conference or Divisional Executive, a Divisional Branch shall have autonomy in matters affecting members of the Divisional Branch only subject to the provisions of these Rules.

19 – DISTRICTS OF THE NO. 1 BRANCH

i. For the purposes of organisation of the members of the No. 1 Branch and for provision of services to members of that Branch each member of that Branch shall be allocated to a District as follows:

(a) the NSW District which shall consist of all members resident in that State of NSW and the Australian Capital Territory other than those persons who are eligible for membership of the PPW District as provided for in (f) of this Sub Rule;

(b) the Victorian District consisting of all members resident in the State of Victoria other than those persons who are eligible for membership of the No. 2 Branch and those persons who are eligible for membership of the PPW District pursuant to (f) of this Sub Rule;

(c) the South Australian District consisting of all members resident in the State of South Australia other than those persons who are eligible for membership of the PPW District pursuant to (f) of this Sub Rule;

(d) the Tasmanian District consisting of all members resident in the State of Tasmania other than those persons who are eligible for membership of the PPW Branch pursuant to (f) of this Sub Rule.

(e) the Queensland Northern Territory Western Australian District consisting of all members resident in the States of Queensland, Western Australia and the Territory of the Northern Territory other than those persons who are eligible for membership of the PPW Branch pursuant to (f) of this Sub Rule;

(f) the PPW District consisting of all members eligible for membership of the Union pursuant to Sub Rule 2 (C) (ii) of Rule 2 Constitution of the Rules of the Union.

ii. The Divisional Conference or Divisional Executive shall have power to constitute such other Districts and allocate members thereto as it may determine appropriate from time to time.

iii. The Divisional Executive or Divisional Branch Management Committee shall determine the location of each District Office.

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20 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute may be submitted to the appropriate industrial Tribunal, Court or Commission, upon a resolution in favour of so submitting such dispute carried by a majority of the members of the Divisional Executive.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such submission.

In the case of an emergency or necessity however, such proceedings may be initiated and matters may be submitted by the authority of the Divisional Secretary, who may also authorise a Divisional Branch Secretary or a District Secretary to initiate such proceedings and submit such matters on behalf of the Division.

The aforesaid power shall extend to cases of defending and/or responding to any proceedings or matters instituted or submitted by any other person, corporation, association or organisation. The Divisional Secretary and Divisional Branch Secretary or District Secretary shall be subject to the control of the Divisional Executive on all matters connected with such legal proceedings and matters.

21 - INDUSTRIAL AGREEMENTS

Industrial agreements and other related instruments required to be signed or executed on behalf of the Division shall be signed or executed by the Divisional Secretary provided that the Divisional Secretary may delegate this power to the Divisional Branch Secretary or a District Secretary.

22 - INDUSTRIAL DISPUTES

(1) In the event of an Industrial dispute taking place in any Divisional Branch the officers of such Divisional Branch shall try, by conciliation to settle the dispute. In the event of the Divisional Branch officers concerned being unable to secure a satisfactory settlement the matter may be referred to the Divisional Branch Executive who shall seek to resolve the dispute.

(2) In the event of no satisfactory settlement of such dispute being secured the Divisional Branch Secretary shall immediately report the matter to the Divisional Secretary who shall on behalf of the Division take charge of such dispute and shall consult with the Divisional President and shall if necessary convene a meeting of the Divisional Executive to deal with the matter.

(3) (a) The Divisional Secretary or a person authorised to act on behalf of the Divisional Secretary shall make any submission to a tribunal.

The Divisional Secretary or a person authorised to act on behalf of the Divisional Secretary shall be the person to sign or issue any document necessary for such submission.

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(b) The Division may be represented in any proceedings before any Commonwealth or State Industrial Tribunal by the Divisional Secretary or by such other officers or persons authorised by the Divisional Secretary and subject to any authorisation vested by State Legislation.

(4) Notwithstanding anything contained elsewhere in this Rule, PPW District shall have autonomy in industrial matters affecting its members only and no action will be taken in relation to such matters by the Divisional Conference or Divisional Executive unless authorised and requested by the PPW District Management Committee.

(5) Where the Divisional Branch Secretary of the No. 1 Branch considers it appropriate the powers and functions of that Divisional Branch Secretary may be delegated to a District Secretary.

23 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 148 – 152 Miller Street West Melbourne, or such other place as the Divisional Executive shall decide.

24 – THE PRINCIPAL OFFICER OF THE DIVISION

(i) The Divisional Secretary shall be the Principal Officer of the Division for all purposes of the RAO regulations and any successor legislation or regulations.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by these Rules shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

25 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules.

26 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Division or body having objects similar in whole or in part to those of this Division.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $10.00 per week and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

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(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $10.00 per week.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

27 - LIFE MEMBERSHIP

The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may, at their entire discretion, constitute a member a Life Member, provided that the member has been a member for a period of at least 20 years, has retired from the industry, and was financial at the time of retirement. Life members shall not be liable to pay dues of any kind to the Division, and shall not be entitled to nominate for or to hold any office, but shall be entitled to vote at the Division elections. The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may reduce the qualifying period of membership in special circumstances.

28 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time the Divisional Secretary may submit a resolution dealing with such matter to the members by letter, facsimile, email, telephone, telegram, verbally and/or any other means of communications or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negative any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in the Divisional Secretary's absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

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(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

29 - BRANCH INFORMATION

It shall be the duty of the Divisional Branch Secretary of each Divisional Branch to transmit to the Divisional Secretary, on written request from the Divisional Secretary, a true copy of the minutes of each meeting of the Divisional Management Committee or Executive of such Divisional Branch or of any special meeting thereof.

30 - UNEMPLOYED MEMBERS

(i) When, in the opinion of the Divisional Branch Management Committee, a condition of unemployment in the industry exists the following conditions may be applied:

(ii) Members becoming unemployed, ie, being employed under the terms of the Award or Agreement covered by this Division for less than one month in any quarter, may apply to be placed on an unemployed members list if any.

(iii) This list shall be kept at the Divisional Branch office under the control and supervision of the Divisional Branch Management Committee.

(iv) Members wishing to be placed on the unemployed list must apply in writing to the Divisional Branch Secretary, and shall attend at the Divisional Branch Office or such place as may be decided by the Divisional Branch Management Committee, or give satisfactory proof of their inability to attend.

(v) All applications for inclusion on the unemployed members' list shall be dealt with by the Divisional Branch Management Committee Executive Committee or other authorised committee who shall, if satisfied that the application is genuine, include them on the list.

(vi) Members placed on the list shall be exempt from the payment of contributions for the period specified in this Rule. They shall be entitled to all rights under these rules, but shall only qualify for funeral benefit applicable at the discretion, or upon conditions determined by the Divisional Branch Management Committee.

(vii) Exemption from payment of contributions shall operate for a period of twelve months from the date of inclusion on the unemployed members' list, or until again employed, whichever is the lesser.

(viii) On expiration of the 12 months' period, unemployed members may make further application to be again placed on the unemployed list. Each further application may be approved by the Divisional Branch Management Committee who may require payment of such amount of contributions as may be considered reasonable.

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(ix) Any member commencing employment without notifying the Divisional Branch Secretary and continuing to receive the benefits of this unemployed clause while in employment shall be deemed to have committed a breach of the Rules. Such member(s) shall be required to pay full contributions for the period of employment and in addition, may be dealt with under the provisions relating to misconduct.

(x) Continuous membership for the purpose of this Rule, and wherever encountered in these Rules, means continuous membership without any break in the continuity of membership from the last date of acceptance into the Branch.

31 - FUNDS OF THE NO. 2 BRANCH

(i) The No. 2 Branch funds by entrance fees, contributions, levies and fines, together with any other monies received, shall be applied for the following purposes:-

(a) Defraying the cost of administering the affairs of the No. 2 Branch;

(b) Subscribing on a pro rata basis to any organisation or Labor Council with which the Union may become affiliated and to which affiliation the No. 2 Branch agrees;

(c) Defraying any expenses incurred in any legal proceedings;

(d) Assisting any members out of work through any trade dispute;

(e) Making all necessary payments as determined by the No. 2 Branch Management Committee in connection with any matters affecting members in regard to:-

(i) Preservation of life and limb;
(ii) Compensation for injuries and death;
(iii) The hours of labour;
(iv) The remuneration of labour;
(v) Protection of salaries and wages;
(vi) Other conditions affecting employment of members;
(vii) For the furtherance of any of the matters as set forth in the objects of the Union;
(viii) And any other matters when the Divisional Executive or No. 2 Branch Management Committee determines the best interests of members require it.

(ii) The No. 2 Branch Fund which shall be managed and controlled by each No. 2 Branch Management Committee shall consist of:-

(a) Any real or personal property of which the No. 2 Branch by the Rules or by any established practice not inconsistent with the Rules has, or in the

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absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;

(b) All entrance fees and all contributions collected in accordance with the Rules save and except such part of the contributions as are fixed by the Divisional Conference from time to time and are Divisional Funds.

(c) All fines and levies raised pursuant to No. 2 Branch Rules;

(d) Any interest, rents or dividends derived from the investment of the Fund;

(e) Any superannuation or long service leave fund operated or controlled by the No. 2 Branch for the benefit of its officers or employees;

(f) Any sick pay fund, accident pay fund, mortuary or funeral fund, tool benefit fund or like fund operated or controlled by the No. 2 Branch for the benefit of its members;

(g) Any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and

(h) The proceeds of any disposal of parts of the Fund.

32 - AUDIT OF ACCOUNTS

(a) The accounts of the No. 2 Branch shall be audited yearly by a competent person appointed by the No. 2 Branch Management Committee who shall produce and certify a financial statement and report setting out the financial position of the No. 2 Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or No. 2 Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

(b) The auditor shall have full and complete access to the books and documents of the No. 2 Branch.

(c) On receipt of a petition signed by not less than 5% of members of the Branch, the No. 2 Branch Secretary shall convene a general meeting of members to present the Auditor's Report, the general purpose financial report and the operating report.

(d) The petition shall have set out the member's full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of members for a general meeting to be held, the petition shall be presented to the No. 2 Branch Secretary within 30 days of the first member signing the aforementioned petition. Members who signed the petition in excess of the 30

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days required by this sub-rule shall not be included in determining the calculation of 5% members.

(e) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

33 – DIVISIONAL BRANCH MANAGEMENT COMMITTEE AND OFFICERS

Each Divisional Branch shall have a Management Committee consisting of:

(i) in the No. 1 Branch a President, a Secretary, an Assistant Secretary (if any) who shall form the Executive and the Secretaries of each District;

(ii) the No. 2 Branch a President, a Senior Vice President, two (2) Vice Presidents – one of whom will be designated an affirmative action position to be filled by a female member, Secretary, Assistant Secretary/ies (number, if any, to be decided by the Divisional Branch Management Committee prior to the calling of nominations), and four (4) Trustees – one of whom will be designated an affirmative action position to be filled by a female member, who shall be the officers of the Management Committee and who shall form the Executive, elected organisers (if any) and not more than ten (10) other members – two (2) of whom will be designated affirmative action positions to be filled by female members, who shall with the Executive, form the Management Committee.

Nominations for the designated affirmative action positions will be called from female members only, although this does not preclude female members from holding any other Management Committee, Executive or Officer positions.

The failure to fill the designated affirmative action positions shall not prevent a Divisional Branch carrying out or conducting the business of a Divisional Branch.

34 - DUTIES OF MANAGEMENT COMMITTEE

(i) The Divisional Branch Management Committee shall be the highest deliberative body of the Divisional Branch and shall subject to the Rules, Policies and Decisions of the Divisional Conference and/or Divisional Executive, manage and superintend the affairs of the Divisional Branch protect the funds and perform all the duties allotted to them by the Rules. The Divisional Branch Management Committee shall have the power subject to these Rules and to the proviso (s) to this sub rule relating to the No. 1 Branch to:-

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Union and to employ such assistance as it may deem necessary.

(b) Direct the policy of the Divisional Branch.

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(c) Hear and determine all appeals that are submitted in accordance with the Rules.

(d) Fix the salaries, allowances, conditions of employment and/or entitlements of the Divisional Branch Officers, employees, delegates and members as it deems to be appropriate and to appoint and/or remove and/or suspend officers, organisers and employees of the Divisional Branch.

(e) Fine, suspend or expel Divisional Management Committee members, delegates and/or members for knowingly refusing to comply with the Rules or the decisions or policy of the Divisional Conference, Divisional Branch Management Committee or Divisional Branch Executive.

(f) All Divisional Branch Officials and assistants shall be under the control of the Management Committee and Executive, subject to the Rules.

(g) Investigate, report and take such action in accordance with these Rules upon all grievances and disputes of officials, officers and members that are placed before them.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated and to select persons as delegates to represent the Divisional Branch at meetings and committees.

(i) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(j) Impose levies not exceeding $10.00 per week provided that in no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

(k) Subject to Rule 32 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(l) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(m) Issue instructions regarding the registration of members desiring employment.

(n) Direct the Divisional Branch Executive Committee to carry out any of the provisions of the Rules or the performance of any duties that may be considered necessary.

(o) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(p) Decide the number of Organisers (if any) under the provisions of the Rules.

(q) Appoint Temporary Organisers under the provisions of the Rules.

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(r) Appoint a Divisional Branch Returning Officer for the conduct of any elections as may be necessary.

(1) The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(2) The Divisional Branch Returning Officer so appointed:

(i) may not be a member of the Union; and

(ii) shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organisation.

(s) Provided that as the No. 1 Branch shall not have funds, the No. 1 Branch Management Committee shall not have the powers set out in (d) (i) (j) (k) of this sub rule. Such powers in relation to the membership of the No. 1 Branch shall be held by the Divisional Executive.

(ii) The Management Committee shall meet at least four times per annum, five (5) members shall form a quorum. Subject to (i) (s) here of the Executive Officers shall pass accounts, subject to the review of the Management Committee and deal with applications for membership.

(iii) Each member of the Committee shall be paid other than the full time paid officers the sum of not less than $4.00 or the expenses and loss of time for each meeting the Committee member attends.

(iv) Each Divisional Branch shall hold such General Meetings as may be deemed necessary.

(v) The Divisional Branch Management Committee shall ensure the Divisional Branch and its officers and members carry out the decisions and policies determined by the Divisional Conference and/or Divisional Executive and the rules of the Union are complied with.

(vi) A Divisional Branch Management Committee member shall have the powers of a Shop Steward.

35 - DIVISIONAL BRANCH EXECUTIVE

(a) The Divisional Branch Executive shall meet at least six (6) times in a calendar year and subject to a review of their actions by the Divisional Branch Management Committee, shall have the care, control, superintendence, management, administration, powers and responsibility in all respects of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee, subject to the proviso contained in sub rule 34 (i) (s).

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(b) A quorum for any meeting shall be a majority of the Executive Officers as set out in Rule 33 hereof.

(c) The Divisional Branch Executive shall meet at a time and place determined by the Executive or between members of the Executive by the Divisional Branch Secretary who shall notify the members of the Divisional Branch Executives of such time and place as soon as is convenient.

(d) The Divisional Branch Executive shall carry out any duties which they have been directed to perform by the Divisional Branch Management Committee.

36 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Management Committee or Divisional Branch Executive and meetings convened by the Divisional Branch Management Committee or Divisional Branch Executive.

(b) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee or Divisional Branch Executive.

(c) The Divisional Branch President shall conduct business in accordance with Rules laid down for guidance. The President shall not enter debate on any question, but shall endeavour to bring the business to a satisfactory conclusion, and shall have a deliberative vote only.

(d) The Divisional Branch President shall sign the minutes of proceedings of all meetings convened by the Divisional Branch Management Committee or Divisional Branch Executive when same have been duly confirmed.

(e) The Divisional Branch President may be required by resolution of the Divisional Branch Management Committee or Divisional Branch Executive to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Management Committee, Divisional Branch Executive or any Committees established in accordance with these Rules and shall if so required submit a report in writing of the findings to the Divisional Branch Management Committee or Divisional Branch Executive members.

(f) The Divisional Branch President shall be an ex-officio member of all Committees.

37 - DUTIES OF DIVISIONAL BRANCH VICE PRESIDENTS

The Divisional Branch Vice Presidents shall attend all meetings of the Divisional Branch, and assist the Divisional Branch President in the duties of the Divisional Branch President's office. The Divisional Branch Senior Vice President shall officiate in the Divisional Branch President's absence, with all the powers conferred on the chair. In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, a Divisional Branch Vice President shall officiate, with all the powers

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conferred on the chair. In the absence of the Divisional Branch President and Divisional Branch Vice Presidents the meeting shall elect one of its number to preside.

38 – TRUSTEES OF THE NO. 2 BRANCH

(i) No. 2 Branch Trustees shall be elected in accordance with Rule 44.

(ii) The No. 2 Branch Trustees shall:-

(a) Be responsible for the safe custody of the documents and securities of the No. 2 Branch of the Union. Documents and securities shall be deposited in the name of the No. 2 Branch, countersigned by the No. 2 Branch Trustees on behalf of the No. 2 Branch;

(b) act only on resolution of the No. 2 Branch Management Committee or Executive, certified under the hands of the No. 2 Branch Secretary;

(c) subject to the directions of the No. 2 Branch Management Committee or Executive, have custody of all property of the No. 2 Branch;

(d) be signatory for any accumulated funds invested in securities allowed by law as the No. 2 Branch Management Committee or Executive may direct;

(e) sign cheques or warrant for the withdrawal of funds which shall be countersigned by the No. 2 Branch Secretary.

39 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(i) The Divisional Branch Secretary shall:

(a) be under the control of the Divisional Branch Management Committee and the Divisional Branch Executive and shall be employed in a full time capacity (unless otherwise determined by the Divisional Executive) and shall among other things conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch;

(b) be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Management Committee or Divisional Branch Executive;

(c) prepare and forward to the Industrial Registrar returns as required by law;

(d) prepare the agenda for and minutes of each Divisional Branch Management Committee and Executive meeting; and shall attend meetings of the Divisional Branch Management Committee, Divisional Branch Executive

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and other meetings called by the Divisional Branch Management Committee or Divisional Branch Executive;

(e) be in charge of the office and subject to Rule 34 shall direct the labours of the officials and employees of the Division;

(f) keep a correct account of all monies received and expended;

(g) sign all cheques in addition to one of the Trustees and shall be the signatory to all documents on behalf of the Divisional Branch;

(h) be permitted to hold petty cash to the amount of $500.00;

(i) be paid incidental and travelling expenses;

(j) generally conduct all financial transactions of the Branch;

(k) draw up a report and balance sheet, to be submitted to the Divisional Branch Management Committee as directed, and submit the books and accounts annually to the auditors;

(l) keep a record of the names and addresses of all members of the Divisional Branch, the names, addresses and occupations of all officers of the Branch, with the dates when they were admitted, died or left, their financial position in the Divisional Branch and all other particulars necessary to enable the Rules to be enforced;

(m) receive all monies, and pay same into such Bank as the Divisional Branch Management Committee may direct, to the credit of the Union within seven (7) days after the receipt of same;

(n) when vacating office, deliver to the successor in office, in the presence of the Divisional Branch Management Committee or Executive, all books, documents and other property of the Divisional Branch in the Divisional Branch Secretary's possession;

(o) produce for audit at least once a year, and at such other times as the Divisional Branch Management Committee may direct, all books and documents of the Divisional Branch appertaining to finance;

(p) forward to the Divisional Secretary when requested a true copy of the minutes of each meeting of the Divisional Branch Management Committee or Executive or any special meeting thereof;

(q) summon all meetings of the Divisional Branch Management Committee and Divisional Branch Executive, issue all necessary notices to members of the Divisional Branch Management Committee or Divisional Branch Executive in connection with such meetings. In consultation with the Divisional Branch President the Divisional Branch Secretary shall be authorised to convene any extraordinary meeting as deemed necessary;

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(r) be ex officio member of all committees of the Divisional Branch;

(s) be responsible for the implementation and compliance with the decisions, rules and policies determined by the Divisional Conference or Divisional Executive by the Divisional Branch of which the Divisional Branch Secretary was elected.

(ii) Notwithstanding anything elsewhere contained in these Rule the Branch Secretary of the No. 1 Branch will not have the duties set out in (i)(f) (g) (m) (o) as the No. 1 Branch will not have funds.

40 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY/IES

(If Required)

(a) The Divisional Branch Assistant Secretary/ies shall be under the control of the Divisional Branch Management Committee and the Divisional Branch Executive Committee and shall, under the direction and authority of the Divisional Branch Secretary, carry out all responsibilities allocated to the position.

(b) The Assistant Secretary shall in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary.

(c) The Assistant Secretary shall attend meetings of the Divisional Branch Management Committee, Divisional Branch Executive Committee and other meetings called by the Divisional Branch Management Committee or Divisional Branch Executive Committee.

41 - DUTIES OF ORGANISERS

The Divisional Branch Management Committee may determine the number (if any) of Organisers of the Divisional Branch or District and the number (if any) to be appointed by it or elected pursuant to Rule 44 and shall determine the duties to be performed by any such Organisers.

42 – DISTRICT GOVERNANCE

(i) Each District shall have a Management Committee that shall consist of a President, Secretary, a Vice President, elected organisers (if any) and no less than three Management Committee members. Prior to the calling of nominations the District Management Committee may determine that the Management Committee shall also consist of any of the following further members: (up to two further Vice Presidents, and Assistant Secretary/ies, and no more than fourteen further Management Committee members.)

Where prior to the calling of nominations a District Management Committee determines that the Management Committee shall have two Vice Presidents one of those positions will be designated an affirmative action position to be filled by a

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female member. Where the District Management Committee determines that the Management Committee shall also consist of 14 further Management Committee members two of those positions will be designated affirmative action positions to be filled by female members.

Nominations for the designated affirmative action positions will be called from female members only, although this does not preclude female members from holding any other District Management Committee positions.

The failure to fill a designated affirmative action position shall not prevent a District carrying out or conducting the business of the District.

(ii). The District Management Committee shall, subject to these Rules, be the highest deliberative body of the District and shall subject to the Rules, policies and decisions of the Divisional Conference and/or Divisional Executive, manage and superintend the affairs of the District and perform all the duties allotted to them by the Rules. The District Management Committee shall, subject to these Rules, have the following responsibilities, functions, powers and duties:

(a) to take such steps as it shall consider necessary to carry out all or any of the objects of the Union in a manner consistent with the decisions of Divisional Conference and the No. 1 Branch Management Committee;

(b) to maintain close liaison with the Divisional Executive and the Divisional Branch Management Committee;

(c) to ascertain and identify the concerns, ideas and interests of members allocated to that District;

(d) to actively contribute to the development, implementation of the strategies and plans of the Division;

(e) to ensure that the Divisional Conference, Divisional Executive, and the No. 1 Branch Management Committee are fully informed of the concerns, ideas and interests of the members in its District;

(f) to establish such Committees or sub committees as it may from time to time determine;

(iii). The District Management Committee shall meet as required and at least twice per annum. A quorum for any meeting shall be a majority of its members.

(iv). The District Management Committee may determine that there shall be a District Executive. In the event of such a determination the District Executive shall include the President and Secretary and such other members of the District Management Committee as it may determine appropriate.

In the event that the District Management Committee makes such a determination the District Executive shall carry out any duties which they have been directed to

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perform by the Divisional Branch Management Committee and shall meet as frequently as is necessary to do so.

(v). Duties of District Officers shall be as follows:

(a) The District President shall preside at all meetings of the District Management Committee, carry out such duties as may be assigned from time to time by the District Management Committee, and shall have a deliberative vote only, shall sign the minutes of proceedings of all meetings convened by the District Management Committee.

(b) The District Vice President/s shall attend all meetings of the District Management Committee, and assist the District President in the conduct of the duties of that office, shall officiate in the absence of the District President with all of the powers of the District President.

(c) The District Secretary shall:

1. be under the control of the District Management Committee and shall conduct correspondence in connection with all matters relating to the business of the District;

2. be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Management Committee in the District;

3. prepare the agenda for and minutes of each District Management Committee; and shall attend meetings of the District Management Committee and other meetings of members of the District;

4. be in charge of the District Office/s and subject to the directions of the Divisional Branch Management Committee and the Divisional Executive shall direct those activities carried out on behalf of the District by any officials or employees including organisers through the District office/s;

5. when vacating office, deliver to the successor in office, in the presence of the District Management Committee, all books, documents and other property of the Divisional Branch including the District in the District Secretary's possession;

6. forward to the Divisional Secretary when requested a true copy of the minutes of each meeting of the District Management Committee or any special meeting thereof;

7. summon all meetings of the District Management Committee, issue all necessary notices to members of the District Management

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Committee in connection with such meetings. In consultation with the District President the District Secretary shall be authorised to convene any extraordinary meeting as deemed necessary;

8. attend and participate in any meeting of members of the District;

9. be a member of Divisional Conference pursuant to Rule 8;

10. be responsible for the implementation and compliance with of the decisions, rules and policies determined by the Divisional Conference or Divisional Executive by the District of which the District Secretary was elected.

(d). The District Assistant Secretary/ies (if any) shall:

1. be under the control of the District Management Committee and shall under the direction and authority of the District Secretary, carry out all responsibilities allocated to the position;

2. the Assistant Secretary/ies (if any) shall in the absence of the District Secretary fulfil the office and perform the duties of the District Secretary;

3. the Assistant Secretary/ies shall attend meetings of the District Management Committee and other meetings of members of the District.

(e). The Officers of the PPW District and of the PPW Sub Branches shall have the duties and carry out the functions as provided for in Rule 57 of these Rules.

(f) District Management Committee members shall have the powers of a Shop Steward.

43 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any position in a full-time capacity shall be employed full time in the service of the No. 2 Divisional Branch and be paid such weekly wages and conditions as shall be determined at a properly constituted meeting of the No. 2 Divisional Branch Management Committee/ Executive Committee.

(b) Full-time officers of the No. 1 Branch including any full time paid District or PPW sub branch officers shall be paid from the Divisional Fund.

(c) Full-time paid officers shall be under the control of the Divisional Branch Executive between Divisional Branch Management Committee meetings and shall carry out all instructions of the Divisional Branch Management Committee or Divisional Branch Executive in accordance with the Rules.

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(d) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of the intention so to do to the Divisional Branch Management Committee.

(e) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Management Committee first being obtained.

(f) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Executive within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Executive a medical certificate setting out that the officer has recovered and is capable to carry out the duties in accordance with the Rules.

44 - ELECTIONS

(a) (i) Any member of the Division who is financial as provided for in Rule 6, at the time of nominations and has three years financial membership, may nominate for the following positions:

Divisional Secretary
Divisional President
Divisional Assistant Secretary

(ii) Provided further that no member shall be entitled to nominate for more than one Divisional full time office.

(iii) Where a member nominates for more than one Divisional full time office the Divisional Returning Officer shall seek from the member a decision as to which position the member wishes to contest.

(iv) Where no decision is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:

Divisional Secretary, Divisional President, Divisional Assistant Secretary.

(v) The Office of the Divisional Senior Vice President shall be held by the District Secretary of the PPW District of the No. 1 Branch.

(vi) The term of office for the above positions shall be four (4) years such term shall commence from 2 January following the election.

(b) (i) Any member of the Divisional Branch who is financial as provided for in Rule 6, at the time of nominations and has financial membership of the

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Divisional Branch in accordance with the scale set out in this rule, may nominate for such positions according to this scale.

(ii) Provided further that no member shall be entitled to nominate for more than one Divisional Branch full-time office.

(iii) Where a member nominates for more than one Divisional Branch full-time position the Divisional Branch Returning Officer shall seek from the member a decision as to which position the member wishes to contest.

(iv) Where no decision is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-

Secretary, Assistant Secretary, President, Organiser (if any).

(v) The scale of financial membership of the Divisional Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary - 3 years financial membership
Divisional Branch Assistant Secretary/ies - 3 years financial membership
Divisional Branch President(s) - 3 years financial membership
Divisional Branch Delegate to
Divisional Conference - 3 years financial membership
Divisional Branch Senior Vice President - 1 year financial membership
Divisional Branch Vice Presidents - 1 year financial membership
Divisional Branch Trustees - 1 year financial membership
Divisional Branch Management Committee - 1 year financial membership and
Organiser (if any)- 1 year financial membership

Provided that for the purposes of this sub-rule financial membership of the State Registered Union being the United Timber Yards, Sawmills and Woodworkers Employees' Union of Western Australia or its successor shall be for all purposes continuous with and counted as financial membership of this Division.

(vi) The term of office for the above positions shall be four years and such term shall commence from the 2nd January, following the election.

(c)(i) Any member of the No. 1 Branch who is financial as provided for in Rule 6 at the time of nominations and has financial membership in accordance with the scale set out in this Sub Rule, may nominate for such positions according to this scale.

(ii) The No.1 Branch Divisional Management Committee shall determine prior to the calling of nominations whether a position of District Secretary in any District is to be a full time paid Office.

(iii) No member shall be entitled to nominate for both the position of District Secretary and District Assistant Secretary (if any)

(iv) The scale of financial membership of the Divisional Branch necessary for members to nominate for the following positions is a follows:

District Secretary – 3 years financial membership
District President – 1 year financial membership
District Vice President - 1 year financial membership
District Assistant Secretary/ies (if any) - 1 year financial membership
District Management Committee Members – 1 year financial membership
PPW Sub Branch Secretary-1 year financial membership
PPW Sub Branch Senior Vice President - 1 year financial membership
PPW Sub Branch Junior Vice President -1 year financial membership
PPW Sub Branch Committee of Management Members -1 year financial membership

(v) The term of office for the above positions shall be four years and such term shall commence from the 2nd of January following the election.

(d)(i) Nominations for the above positions, shall be called by the Divisional Returning Officer by notification in the union journal if one is due to be published and in one daily newspaper circulating in all of the areas in which members of the Division are Resident on or before the last day of August of every fourth year commencing on and from the last day of August, 1996.

(ii) Nominations shall open on the second Monday in September. Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Returning Officer or handed personally at the Divisional Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(iii) Nominations shall be closed at 4 pm on the last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Returning Officer by that time on the date to be eligible.

(iv) A member having nominated for any office in accordance with these Rules may withdraw the nomination by notifying the returning officer in writing of an intention to do so at any time up to 14 days after the closing of nominations. The returning officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the members name from the ballot papers prior to their distribution.

(v) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Management Committee member 50 words, containing only the candidate's personal history and only the candidate's policy statement.

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(vi) The Divisional Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(vii) If at the closing date for nominations only sufficient nominations have been received by the Divisional Returning Officer to fill any vacancy or vacancies the Divisional Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Returning Officers report to the Divisional Secretary.

(viii) If all nominations are received and there are more nominations than there are vacancies the Divisional Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or a nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(ix) The Divisional Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable the supply of a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(x) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(xi) Where a ballot is required, the Divisional Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Returning Officer.

(xii) The Divisional Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by prepaid post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Returning Officer by the Divisional Secretary and that envelope shall contain only the following documents -

(a) a ballot paper initialled by the Divisional Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

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(b) a declaration envelope and an empty unsealed pre-paid post envelope addressed to the Divisional Returning Officer, c/- the numbered mail box referred to in this rule;

(c) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Returning Officer may consider necessary;

(d) the candidates statement provided for in accordance with sub-rule (d)(v) of this rule.

(e) provided that the Divisional Returning Officer shall post to each member eligible to vote by mail each relevant ballot paper.

(xiii) For the purpose of the election the books of the Divisional Branches shall be deemed to have closed as at 1st September in the year of the election. Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines prior to the 1st September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Returning Officer that they have paid all contributions, levies and fines prior to the 1st September in the year of the election shall be entitled to receive a ballot paper and the Divisional Returning Officer shall send by post, a ballot paper in accordance with sub-rule (d)(xii) a of this rule.

(xiv) The opening date of the ballot shall be the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed
.

(xv) The Divisional Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box until the commencement of the count of the ballot which will take place no later than the first working day following the closing of the ballot and shall be completed as soon as is practicable.

(xvi) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present.

(xvii) The Divisional Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 4, Definitions, and the candidate or candidates receiving the necessary votes shall be deemed elected.

(xviii) In the case of equality of votes for any 2 or more candidates the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the

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office which is being contested the Returning Officer shall determine the result by casting lots.

(xix) The Divisional Returning Officer shall declare the successful candidates elected and notify the Divisional Secretary of the result of the ballot and the Divisional Management Committee or Divisional Executive shall issue instructions for the publication of same in their minutes. The Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional area.

(xx) The Divisional Returning Officer's report to the Divisional Secretary shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(xxi) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(xxii) In any election the Divisional Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Returning Officer may proceed nonetheless.

(xxiii) Where a casual vacancy occurs in any office under these Rules such vacancy shall be filled in accordance with the provisions of Rule 46. As a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in this sub-clause, the Divisional Returning Officer shall conduct an election in accordance with this rule with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

e. The elections for each of the offices provided for in Sub Rules (b) and (c) of this Rule shall be conducted with the necessary changes in accordance with the provisions of Sub Rule (d) shall be a reference to a Divisional Office or body shall be references to the corresponding Divisional Branch, District or PPW Sub Branch Office or body for the purposes of this Rule.

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45 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The Divisional Branch Management Committee shall determine the place and time of any meetings of that Committee or the Divisional Branch.

46 – CASUAL VACANCIES

(i) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(ii) Where the unexpired part of the term of office exceeds that specified in (i) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where this sub-rule (ii) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 44 of these Rules of the Union as modified to suit the requirements of the election.

(iii) Any extraordinary vacancy which occurs in the office of any Divisional Branch or District or PPW Sub Branch including any member of a Divisional Branch Management Committee, District Management Committee or PPW Sub Branch Management Committee shall be filled in the manner provided in (i) and (ii) of this sub rule with necessary changes and for that purpose by the Divisional Branch Management Committee, District Management Committee or PPW sub Branch Management Committee respectively.

47 - REMOVAL OF OFFICERS AND MANAGEMENT COMMITTEE MEMBERS

(a) Any officer/member of a Divisional Branch or District may be removed from office by a two-thirds majority of that Divisional Branch Management Committee or District Management Committee at a special meeting of the Divisional Branch Management Committee or District Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Division of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Division or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

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(b) Any officer/member of the Divisional Branch Management Committee or District Management Committee charged may be suspended immediately by decision of the Divisional Branch Management Committee or District Management Committee respectively pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of the rules. The officer or Divisional Branch Management Committee or District Management Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in their defence, or if the officer prefers, may answer the charges in writing.

In the case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to the Divisional Conference or Executive whichever is appropriate as soon as it is conveniently possible from the date of the decision. Rule 58 - Appeals of Members shall apply.

48 - DUTIES OF MEMBERS AND OFFENCES

A. DUTIES

(a) To adhere strictly to the Rules of the Union and Division including any Rules relating to its Divisional Branches or Districts.

(b) To promote the industrial welfare of every other member.

(c) To attend the meetings of the Divisional Branch or District as often as possible and to assist the Officers to the best of the members' ability.

(d) To supply the Divisional Branch Secretary or District Secretary with information as to where work is procurable for members.

(e) Not to knowingly divulge any portion of the Union's business to any non-member or to discuss it with members in the presence or within the hearing of non-members.

(f) When joining the Union to furnish the Divisional Branch Secretary or District Secretary with an address and notify any change of address within fourteen (14) days of such change.

(g) Not to defraud other members.

(h) To render every assistance to Shop Stewards/Job Delegates in their respective work places in the carrying out of their duties.

(i) To answer or cause to answer any correspondence received from the Divisional Branch Secretary or District Secretary and to supply any information that may be required.

(j) To report to the Divisional Branch Secretary or District Branch Secretary or the Divisional Secretary any member believed to be guilty of a breach of the Rules.

B. OFFENCES

(1) Any member may charge any other member with;

(a) Committing any breach of the Rules.

(b) Failing to comply with any lawful resolution or direction passed or given under any Rule of the Union after having been given notice thereof.

(c) Committing any fraudulent act or unlawful act in relation to funds or property of the Union or in relation to any election held under its Rules.

(d) Wrongfully holding themselves out as occupying any office or position in the Union or any Divisional Branch or District thereof, as being entitled to represent the Union or any Divisional Branch or District in any capacity.

(e) Behaving in a drunken, disorderly or offensive manner towards an officer of the union or at any meeting held under the Rules of the Union or in the office of the Union Divisional Branch or District.

(f) Knowingly giving false information to any officer, representative or employee of the Union or any person acting as or on behalf of a Returning Officer conducting any election under its Rules relating to any Union business or election or any matter affecting the interest of the Union or its members, or refusing to give information to such persons when reasonably requested to do so.

(g) Aiding or encouraging any other member in any offence under these Rules.

(h) Doing any act calculated to injure or destroy the Union or making any wilful false statement concerning the administration of its affairs.

(i) Failing to report to the Divisional Branch Management Committee or the Divisional Conference a member believed to be guilty of a breach of the Rules.

(j) any of the following, the member so charged being the holder of any office within the Union:

(i) misappropriation of the funds of the Union;

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(ii) a substantial breach of the Rules of the Union; or

(iii) gross misbehaviour or gross neglect of duty.

(2) Any charge must be made in writing and shall be made to the Divisional Secretary or the Divisional Branch Secretary. Such Officer shall, if directed by the Divisional Branch Management or Executive Committee or the Divisional Conference or the Divisional Executive, summon the member charged. Such summons shall be in writing and shall state the time and place of the hearing and the substance of the charge. The member's fares to and from the place of the meeting shall be paid. The member shall on written request, be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is charged.

(3) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be investigated, whether or not the person charged is present, unless a satisfactory explanation of the absence has been received.

(4) At the hearing the member charged must be given a reasonable opportunity to present a defence to the charges including a reasonable opportunity to call any witness upon whose evidence the member wishes to rely, and if necessary to tender a written submission.

(5) If the Divisional Conference or the Divisional Executive or Divisional Branch Management Committee or Divisional Branch Executive finds the member concerned so charged guilty it may:

(a) Impose a fine of a sum not exceeding $100.00, and/or

(b) Suspend the member from membership; and/or

(c) Remove the member from any office or position; and/or

(d) Expel the member from membership of the Union.

(6) Suspension from membership shall deprive a member of the rights and benefits of membership, but shall not relieve the member of the obligations of membership and shall not exceed six months for any one offence.

(7) An appeal under this Rule shall lie in respect of any decision from a Divisional Branch to the Divisional Conference, or the Divisional Executive, provided that Notice of Appeal shall be given in writing to the Divisional Secretary within twenty-one days from the date of the member being notified of the Divisional Branch decision and shall set forth in full all matters which the appellant desires to be considered.

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(8) The Divisional Conference or the Divisional Executive shall decide the appeal at its next meeting after the appeal is made and the appellant shall have the right to attend the meeting and state a case on the appeal.

(9) Notwithstanding anything to the contrary in these Rules a person elected to any office within the Union shall not be dismissed from office unless found guilty of misappropriation of the funds of the Union a substantial breach of the Rules of the Union or of gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold the office.

49 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's union subscriptions.

50 - SHOP STEWARDS/JOB DELEGATES

(1) A majority of members in each workplace or where appropriate department of the workplace present may select from amongst their number a person or persons to act as Steward or Stewards, Job Delegate or Job Delegates who shall as far as possible perform the following duties:-

(a) To see that these Rules are strictly adhered to.

(b) To investigate and if possible rectify any complaints or disputes and if unsuccessful to refer any such matters to the Divisional Branch Secretary for resolution.

(c) To report any infringement of any award or agreement affecting the Union to the Divisional Branch Secretary at once.

(d) To attend all meetings as regularly as possible.

(e) To notify the Divisional Branch Secretary when possible within twenty-four hours, of all accidents to members of the Union. All such information shall be supplied where possible on a form furnished by the Divisional Branch Secretary.

(g) It shall be the duty of all Shop Stewards/Job Delegates to endeavour to enrol appropriate workers in their respective workplace or jobs into the Union.

(h) On the start of every job where two or more workers are working there shall be a show of cards and also at any time the Shop Steward/Job Delegate may determine.

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(i) Any member refusing to show their card when required by a Shop Steward/Job Delegate shall be liable to be fined up to $100 by the Divisional Branch Management Committee.

(j) It shall be the duty of Shop Stewards/Job Delegates to interest themselves in the welfare of the worker probationers, indentured apprentices and trainees.

(k) On direction of the Divisional Branch Management Committee or at the request of one third of the members on the job, they shall be required to call a meeting as soon as convenient.

(2) The Divisional Branch Secretary shall be advised of the appointment of Shop Stewards/Job Delegates in accordance with paragraph (1) and approved by the Divisional Branch Management Committee or Executive. In the event of failure of the members to appoint a Steward/Job Delegate in accordance with paragraph (1) the Divisional Branch Secretary or an officer authorised by the Divisional Branch Secretary shall have the power to appoint a Steward/Job Delegate or Stewards/Job Delegates.

(3) Where no alternative arrangements for the payment of Union contributions have been determined by the Union, the Steward/Job Delegate shall collect all contributions, fines and levies due to the Union by members in the work place where the Steward/Job Delegate is employed, the same to be paid to the Secretary within 14 days. The Steward/Job Delegate may be paid a Commission to be fixed by the Divisional Branch Management Committee on all monies (except levies) collected, and shall be paid quarterly.

(4) If the Divisional Branch Secretary is advised by members in any work place of their dissatisfaction with the performance of a Shop Steward/Job Delegate then a meeting of members will be convened to consider the complaints.

(5) In relation to the No. 1 Branch a reference to the Divisional Branch Secretary shall include for all purposes of this Rule a reference to the relevant District Branch Secretary.

51 - VICTIMISATION

Should any Shop Steward or Job Delegate be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee/Executive Committee shall take all necessary steps to see that the Shop Steward/Job Delegate interests are protected.

52 - ALLOWANCES

The Divisional Branch Management Committee/Executive may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or District for attending meetings at the request of the Divisional Branch or for its purposes.

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53 - LOANS, GRANTS AND DONATIONS

A loan, grant or donation of an amount exceeding $1,000.00 shall not be made by any Divisional Branch, unless the Divisional Branch Management Committee or the Divisional Branch Executive, as the case may be:

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the other Rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory, and

(b) has approved the making of the loan, grant or donation.

54 - CHANGE OF RESIDENCE

Any member changing residence shall report the same to the Divisional Branch Secretary within fourteen (14) days and in default shall be liable to a fine of up to $100.

55 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary.

56 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Divisional Branch including any District may make a written appeal to the Divisional Branch Executive for redress, who shall in the case of appeals on any matter that does not relate to the Divisional Branch Executive forward the appeal to the Divisional Branch Executive within one (1) month.

(b) Any members dissatisfied with the decision of the Divisional Branch Executive may appeal to the Divisional Branch Management Committee within one (1) month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Executive within one (1) month after the hearing of the case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based

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and the Divisional Branch Management Committee or Divisional Branch Executive or Divisional Executive may confirm, annul or modify the penalty or finding. Should the appellant desire to appear in person the appellant member shall be afforded the opportunity to do so.

57 - SPECIAL RULE – THE PULP AND PAPER WORKERS DISTRICT

The following provisions shall apply in respect of the Pulp and Paper Workers' District of the No.1 Branch of the Division (in this Rule called "the PPW District")

(1) Nothing in this Rule shall affect the application of the Rules to the PPW District and to the holders of offices within and to the members of that District except insofar as this Rule may be inconsistent with another rule in which event the provisions of this Rule shall prevail to the extent of such inconsistency.

PPW DISTRICT PROVISIONS

(2) The business of the PPW District shall be conducted by the District Management Committee which shall consist of the District Secretary and Sub-Branch Delegates.

(3) The powers of the District Management Committee shall include the following powers:-

(a) To establish new Sub-Branches and amalgamate existing Sub-Branches, to close or disband Sub-Branches in accordance with the Rules, and generally to control Sub-Branches and the members thereof including the power to disallow By-Laws made by any Sub-Branch in conflict with the Rules.

(b) When establishing a new Sub-Branch to make Rules providing for the admission of members to that new Sub-Branch, the establishment of a Management Committee of that new Sub-Branch, the election of officers of that new Sub-Branch and all such matters as may be necessary.

(c) To fix the amount of per capita payments by the Sub-Branches to the Divisional Executive - such payments not to exceed 75% of the members' contributions unless agreed by a majority of the Sub-Branches.

(d) To establish and or operate a Superannuation Fund for the benefit of the members of the District and others.

(4A) The District shall hold an Annual General Meeting and such other meetings as may be necessary. Such meetings shall consist of a series of meetings of the members of each Sub-Branch held at times, places and dates to be decided by the District Management Committee. Members entitled to attend the meetings shall be notified thereof by circular or advertisement, or by printed notices or by such other similar means as the District Management Committee may deem reasonable. Any proposed resolution put to the series of meetings shall have been passed if it receives on the aggregate of all meetings held in the series, the majority of votes.

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(5) The Divisional Conference or District Management Committee shall have the power to suspend any Sub-Branch Management Committee and/or all or any officers, committee members and delegates of a Sub-Branch if it is satisfied after due enquiry and after giving it or them the opportunity of being heard:-

(a) That the Rules of the District or Sub-Branch have not been bona fide observed or enforced by the Sub-Branch.

(b) That any lawful decision of the District Management Committee has not, after notification, been bona fide observed and enforced by the Sub-Branch.

(c) That the Sub-Branch is wilfully neglecting to provide for the collection of fees, levies, fines or contributions.

(d) That the accounts of the Sub-Branch have not been duly audited or that the accounts of the Sub-Branch or the Auditor do not disclose the true financial position of the Sub-Branch.

(e) That for any reason the Sub-Branch cannot or fails to meet in accordance with the Rules.

(f) That the officers of the Management Committee of the Sub-Branch refuse to disclose to the District Management Committee information concerning the Sub-Branch or the Management Committee.

(6) If a Sub-Branch or a Sub-Branch Management Committee fails to comply with any lawful direction of the District Branch and incurs legal costs or has imposed upon it a fine and/or legal costs arising from the conduct of the Sub-Branch, the Sub-Branch Management Committee or members of the Sub-Branch, which conduct is in contravention of the lawful direction of the District Management Committee then the District Conference or District Management Committee shall have the power to direct that the amount of legal costs, fine and/or legal costs so incurred by and/or imposed upon the District shall be paid to the District Management Committee from the funds of the Sub-Branch.

(7) The District Management Committee shall call a meeting upon the requisition of three (3) Sub-Branches.

(8) The Sub-Branch Delegates to the District Management Committee shall be the Sub-Branch Secretary together with the additional Delegates who shall be elected quadrennially by the membership of each Sub-Branch in accordance with Rule 44. The additional Delegates shall be elected on the following basis:-

(a) Each Sub-Branch with a membership of less than 100 members - the Sub-Branch Secretary only.

(b) Each Sub-Branch with a membership of 100 members or more but less than 400 members - the Sub-Branch Secretary together with one (1) additional Delegate.

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(c) Each Sub-Branch with a membership of 400 members or more but less than 1,000 members - the Sub-Branch Secretary together with two (2) additional Delegates.

(d) Each Sub-Branch with a membership of 1,000 members or more but less than 2,000 - the Sub-Branch Secretary together with three (3) additional Delegates.

(e) Each Sub-Branch with a membership of 2,000 members or more but less than 3,000 members - the Sub-Branch Secretary together with four (4) additional delegates.

(f) Each Sub-Branch with a membership of 3,000 members or more - the Sub-Branch Secretary together with five (5) additional Delegates.

(9) The Sub-Branch Management Committee may appoint a proxy delegate to any meeting of the District Management Committee when the delegate or delegates of the Sub-Branch to the District Management Committee (being either the Sub-Branch Secretary or additional Delegate or Delegates) is or are unable to attend that meeting: Provided that such proxy delegate shall be entitled to speak and vote on any matter except that such proxy delegate shall not participate in any step in any election for an office conducted amongst members of the District Management Committee.

(10) The District Secretary and Divisional Conference Delegates shall be elected quadrennially by the members of the District in accordance with the provisions of Rule 44.

(11) The District President, Senior District Vice President, Junior District Vice President and three (3) Trustees shall be elected by secret ballot after nominations have been called for by the Returning Officer at the meeting of the District Management Committee held next after the declaration of the quadrennial elections by and from the members of the District Management Committee in accordance with the provisions of Rule 44 with the necessary changes.

(12) In the event of a member being elected to the office of District Secretary and as an Additional Delegate of a Sub-Branch to the District Management Committee such position of Additional Delegate shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 44 with the necessary changes.

(13) In the event of a member being elected to the offices of District Secretary and Sub-Branch Secretary the office of Sub-Branch Secretary shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 44.

(14) (a) In the event of an industrial dispute taking place in any Sub-Branch the officers of such Sub-Branch shall try, by conciliation, to settle the dispute. In the event of the Sub-Branch officers concerned being unable to secure a satisfactory settlement the matter shall be referred to the District Secretary who shall, on behalf of the District Management Committee take charge of such dispute and shall consult with the District President and shall, if

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necessary, convene a meeting of the District Management Committee to deal with the matter.

(b) (i) A majority of the Sub-Branches shall, at special meetings of the Sub-Branch Management Committees called for that purpose, decide whether an industrial dispute affecting members of the Divisional Branch is to be submitted by the District to the appropriate tribunal established under the Workplace Relations Act 1996.

(ii) The District President and District Secretary or such other person or persons as the District Management Committee may decide shall be empowered to make submissions on behalf of and represent the District before a Federal or State Industrial Tribunal and to sign or issue any document including any agreement for the District which is necessary in respect of any such submission or presentation.

(15) Any delegates representing the District or a Sub-Branch on the Australian Labor Party shall be a member of that party.

(15A) The District Secretary shall be ex-officio a member of all committees of the Sub-Branches but shall not be entitled to exercise a vote on matters appertaining exclusively to only one Sub-Branch.

PPW SUB-BRANCH PROVISIONS

(16) (a) The following Sub-Branches are and shall be deemed to have been established as from the several dates on which they began to function:-

Melbourne, Maryvale, Millicent, Sydney, Nowra, Tasmania, Tumut and, Petrie.

(b) The Sub-Branches shall consist of members of the District as follows:-

(i) The Melbourne Sub-Branch shall consist of members who are employed within a radius of forty (40) kilometres of the General Post Office.

(ii) The Maryvale Sub-Branch shall consist of members employed within a radius of forty (40) kilometres from either the Traralgon or the Morwell Post Office.

(iii) the Millicent Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Millicent Post Office.

(iv) The Sydney Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Sydney Post Office.

(v) The Nowra Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Nowra Post Office.

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(vi) The Tumut Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Tumut Post Office.

(vii) The Petrie Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Petrie Post Office.

(viii) The Tasmanian Sub-Branch shall consist of members employed in the State of Tasmania.

(17) (a) Additional Sub-Branches may be established by resolution of the District of Management.

(b) Any member not employed within a Sub-Branch area shall be attached to the Sub-Branch nearest to where he is employed.

(18) (a) Officers of the Sub-Branches shall be the President, two (2) Vice-Presidents (a Senior and Junior Vice President) and a Secretary such officers shall also be officers of the Union. These officers together with such number of other members which shall not be less than three (3) or exceed ten (10) as the Sub-Branch shall determine shall form the Sub-Branch Committee of Management. The Sub-Branch Secretary shall also mean the Sub-Branch Secretary-Treasurer.

(b) Delegates to the District Committee of Management shall be ex-officio members of all Committees and Sub-Committees of the Sub-Branch to which they belong.

(c) The Officers of the Sub-Branch together with the other members of the Sub-Branch Committee of Management shall be elected quadrennially by the members of the Sub-Branch in accordance with the provisions of Rule 44.

(19) (a) No member shall hold more than one of the offices of Sub-Branch President, Sub-Branch Senior Vice-President, Sub-Branch Junior Vice-President, Sub-Branch Committeeman, or Sub-Branch Secretary. If a member is elected to any two or more of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch Secretary signify which one of the said offices such member elects to hold. The member shall thereupon be deemed to have resigned from the other office or offices and the vacancy shall be filled in accordance with the provisions of Rule 44 mutatis mutandis.

(b) No member shall hold the office of Sub-Branch Secretary and Sub-Branch Additional Delegate from the Sub-Branch to the District Committee of Management. If a member is elected to each of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch President signify which one of the said offices such member elects to hold and shall thereupon be deemed to have resigned from the other office. The vacancy so occurring in

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the other office shall be filled in accordance with the provisions of Rule 44 mutatis mutandis.

(20) Each Sub-Branch shall elect delegates to represent it on any body with which the Sub-Branch is affiliated. The election shall be conducted amongst members of the Sub-Branch Management Committee and be held at the next Sub-Branch Management Committee meeting following Sub-Branch elections. Nominees are required to be a member of the Sub-Branch Management Committee.

(21) Times and places of meetings of a Sub-Branch shall be fixed by the Sub-Branch Management Committee and shall be notified to members by being posted on work place notice boards at least three (3) days prior to the date of such meetings. At least one meeting shall be carried quarterly.

(22) Each Sub-Branch shall decide the starting and finishing times of its meetings and no extension shall exceed thirty (30) minutes beyond the time of normal finishing.

(23) The Sub-Branch President and Sub-Branch Secretary may call a meeting of the Sub-Branch Management Committee at any time by giving the membership of such Committee three (3) days notice in writing of the date, time and place of such meeting. The Sub-Branch President and Sub-Branch Secretary shall call a meeting of the Sub-Branch Management Committee. The Sub-Branch Management Committee if required to do so, by a written request of a majority of members of the Sub-Branch Management Committee may, at any meeting held of such Management Committee, decide the date, time and place of future meetings.

(24) A quorum for a Sub-Branch meeting shall consist of five (5) members (not including officers or members of the Management Committee) where the Sub-Branch has a membership of 100 or less members; a quorum for a Sub-Branch meeting shall consist of ten (10) members (not including officers or members of the Sub-Branch Management Committee) where the Sub-Branch has a membership of over 100 members. If no such quorum is present at a meeting of a Sub-Branch thirty (30) minutes after the normal starting time of such meeting that meeting shall lapse.

(25) If due to the absence of a quorum at a meeting, a Sub-Branch is unable to conduct its business, the Sub-Branch Management Committee shall conduct such business with the full authority of a properly constituted Sub-Branch meeting.

58 – TRANSITIONAL PROVISIONS

(i) The purpose of this Rule is to provide for the commencement of the operation of amendments made to the Rules of the Division in 2008 which provide for the substantial restructure of the Division including the creation of new Divisional Branches and Districts, and of new Offices (the new Offices) and for various other additions, amendments, rescissions and other alterations (the 2008 Rule changes).

(ii) The provisions of this Rule and of all the Rules referred to in sub rule (i) (the new Rules or new sub rules) shall take effect on and from the day the Industrial

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Registrar certifies them (the Rule 58 commencement date). The Division and its members shall comply with them severally as provided for in this Rule.

(iii) Subject to the provisions of this Rule and after the Rule 58 commencement date, the Division and its members shall continue to comply with the Rules in operation immediately prior to that date (the unamended Rules).

(iv) As soon as practicably possible after the Rule 58 commencement date, after receiving advice from the Divisional Secretary, the Divisional Executive in office in accordance with the unamended Rules, shall in accordance with the relevant provisions of the new Rules determine to which Divisional Branch of the Division each member of the Division is to be attached and to which District (if applicable) or PPW sub branch to which each member is to be attached.

(v) On or before the last day of August 2008 or as soon as practicable thereafter the Divisional Returning Officer shall conduct an election for each of the following new offices in accordance with the new Rule 44:

Divisional Offices:

Divisional Secretary
Divisional President
Divisional Assistant Secretary

No 1 Branch Offices:

Divisional Branch President
Divisional Branch Secretary
Divisional Branch Assistant Secretary (if any)
District Secretaries of each District
District President
District Vice President
District Committee of Management Members

(the Divisional Senior Vice President is the PPW District Secretary and a National Officer by virtue of that office.)

No 2 Branch Offices:

Divisional Branch President
Divisional Branch Senior Vice President
Divisional Branch Two Vice President – one of whom will be designated in an affirmative action position to be filled by a female member
Secretary
Divisional Branch Assistant Secretary (if any)
Four Divisional Branch Trustees – one of whom will be designated in an affirmative action position to be filled by a female member
Ten other members of the Divisional Branch Management Committee two of whom will be designated in an affirmative action position to be filled by female members

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(vi) The persons elected to the new Offices as set out in sub rule (v) hereof shall assume office on 2 January 2009. Until the declaration of the ballot in the election to be conducted by the members of the Divisional Conference as provided for in this Rule the Divisional Executive shall consist of the Principal Officers of the Division and the Divisional Secretary of the No. 2 Branch.

(vii) As soon as is practicable after the declaration of the ballot as provided for in (v) the Divisional Secretary shall summon a meeting of the Divisional Executive as constituted pursuant to sub rule (vi) hereof at which meeting the Divisional Executive shall determine a time and place for meeting of the Divisional Conference to be held.

(viii) The Divisional Secretary shall give members of the Divisional Conference at least 7 days notice of the date of the Conference meeting.

(ix) The Divisional Conference called in accordance with (viii) shall elect the Divisional Executive Officers and the Divisional Executive members in the manner provided for in new Rule 9.

(x) The meeting of Divisional Conference shall be conducted in accordance with the provisions of the new Rules.

(xi) Upon the declaration of the ballot in the election conducted at the Divisional Conference as provided for in (x) the Divisional Executive shall be constituted in accordance with the new Rules. As soon as is practicable thereafter the Divisional Secretary shall call a meeting of the Divisional Executive.

(xii) The terms of office of each of the offices elected in accordance with sub rules (v) and (ix) shall be 4 years commencing on 2 January 2009, thereafter elections shall be conducted for all offices in accordance with the new Rules.

(xiii) For all of the purposes of this Rule and of these new Rules the financial membership of those persons who are financial members of the Reporting Units known as Victorian FFTS Divisional Branch or the Queensland FFTS Union Divisional Branch, Reporting Units pursuant to the RAO shall be financial membership for the purposes of all elections relating to the Division or any part of the Division.

(xiv) For the avoidance of doubt all persons elected to full time office in the elections conducted in 2004 in the Victorian FFTS Divisional Branch and any successors thereto shall be eligible for election in the elections to be conducted in accordance with this Rule.

(xv) For the avoidance of doubt at the election to be conducted in accordance with this Rule 58 the following offices of District Secretary as provided for in Sub Rule 58 (v) shall be full time paid offices:

NSW District Secretary, Victorian District Secretary, SA District Secretary, Tasmanian District Secretary and PPW District Secretary.

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(xiv) Upon the declaration of the ballot in the election for the new offices as set out in Sub Rule (v) hereof the unamended Rules shall cease to have any further operation.

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SCHEDULE 1 –SPECIAL FUNDS

The following are special funds as provided for in sub rule 14D and such funds will be managed and maintained by the Divisional Executive on behalf of and in the interest of and for the benefit of those groups of members for whom the funds were collected, as set out hereunder:

No 1 Branch Districts

Victorian District

The John Curtin Fund – for members of the Victorian District.

South Australian District:

South Australian Glaziers Fund – Flat Glass and Glazing members in the South Australian District.

Metro and Country Fund – for members of specific Worksites in the South Australian District.

South East Welfare Fund – for members in the South East Region of the South Australian District

PPW District:

PPW Support Fund - for members of the PPW District

PPW Maryvale Sub Branch Fund – for members of the PPW Maryvale Sub Branch

PPW Millicent Sub Branch Fund - for members of the PPW Millicent Sub Branch

PPW Melbourne Sub Branch Fund – for members of the PPW Melbourne Branch

NSW District

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Member Support Fund – members of NSW District

SCHEDULE 2 - RULES OF DEBATE

MOTIONS, HOW DEALT WITH:

(a) All motions shall be of an affirmative character and must be moved and seconded by members. Such motions become the property of the Union, and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless two-thirds of the members present agree to an extension of time.

(b) Unless a member opposes the motion or proposes an amendment thereto, the motion shall be immediately put to the meeting for decision.

(c) A motion may be superseded at any time by another motion "that it be discharged from the notice paper" or "that the next business be proceeded with" being resolved in the affirmative.

(d) A motion may be amended at any time during the debate thereon by -

(i) striking out certain words
(ii) adding certain words, or
(iii) striking out certain words and inserting others in their place.

Always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(e) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(f) (i) At meetings other than meetings of the membership of a Branch or of a sub-branch all motions shall be put to the meeting by the chairperson in a clear manner. Any member present may demand that the vote be by ballot and the Chairperson shall thereupon conduct a ballot. In the absence of such a demand all motions shall be put to the meeting by the Chairperson by asking for the "ayes" to vote first and then the "noes". The Chairperson's decision as to which has the majority will be final unless any member present demands a show of hands. Upon such a demand being made the chairperson shall ask "those in favour" to raise one hand then "those against" to raise one hand.

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(ii) At meetings of the membership of a Branch or of a Sub-Branch all motions shall be put to the meeting by the Chairperson in a clear manner by asking "ayes" to vote first and then the "noes".

The Chairperson's decision as to which has the majority will be final unless a member supported by one quarter of the number of members present demands a show of hands.

Upon such a demand being made the Chairperson shall appoint tellers to count the votes and shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(iii) If the votes are equal the question is resolved in the negative.

(g) No member shall be allowed to vote who was not present when the question was first put.

(h) A mover of a motion to be allowed 10 minutes to introduce and 5 minutes to reply. Other speakers 5 minutes unless two-thirds of the members present agree to an extension of time.

(i) Any member desiring to move to change a decision of the Union or of a Branch must submit notice in writing of such intention to the Divisional Secretary or the Divisional Branch Secretary of the Union as the case may be fourteen (14) days prior to the date of the meeting at which they will move for such change.

(j) During the course of a meeting any resolution which has been the business of that meeting may be recommitted at the hearing.

RIGHT TO SPEAK

(a) Any member desiring to speak shall rise and address the chairperson. If two (2) or more delegates begin to address the chairperson at the same time, the Chairperson shall call upon the one who, in the Chairpersons opinion, began to speak first. Provided that no member can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(i) In reply as the mover of the original motion.

(ii) In explanation or correction of some matter during the debate.

(iii) Upon a point of order raised during the debate.

(iv) Upon a resolution being carried "that a member be now heard".

(b) A member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by the member.

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(c) Not more than two members shall be allowed to speak in succession for or against any question. If at the conclusion of the second speaker's remarks no member speaks on the other side, the motion or amendment shall be put to the vote.

(d) Any member speaking shall at once stop:-

(i) If the chairperson begins to speak; or

(b) If a point of order is raised;

and shall not resume speaking until the point of order is decided.

(e) No member may speak to any question after it has been put by the chairperson, or during a division.

REPORTS

(a) A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of the Conference/Executive thereon.

(b) If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

SITTING AS A COMMITTEE

Divisional Conference or Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Conference or Executive shall be observed when in Committee.

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DEFINITION

In this rule "member" shall include any person attending a meeting.

CHAIRPERSON'S RULING

(a) The chairperson's rulings on all points of order shall be final, unless at the time a motion is carried that such ruling be disagreed with.

(b) When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

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[105N-ATAI: Incorporates alterations in matter R2010/7 certified on 12/03/2010

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 58 both inclusive contain a true and correct copy of the registered rules of Construction, Forestry, Mining and Energy Union, The Forestry, Furnishing, Building Products and Manufacturing Division and Divisional Branches.

DELEGATE OF THE GENERAL MANAGER
FAIR WORK AUSTRALIA

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of Fair Work Australia.]

Rules of the CFMEU, Forestry, Furnishing, Building Products and Manufacturing Division

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THE FORESTRY, FURNISHING, BUILDING PRODUCTS AND MANUFACTURING DIVISION RULES

1 - NAME

The name of the Division shall be "The Forestry, Furnishing, Building Products and Manufacturing Division". (FFPD)

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-Rule (C) and (F) of the National Rules shall belong to this Division.

3 – SIGNING OF DOCUMENTATION

Any document required or permitted by the Workplace Relations Act or any document required to be executed on behalf of the Division shall be signed by the Divisional Secretary, or, in the absence of the Divisional Secretary, either the Divisional President or Divisional Assistant Secretary.

4 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

“DISTRICT” shall mean a District of the National Divisional Branch set up in accordance with the Rules of the Union.

"FFPD DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to FFPD Division is a member of this Division.

"MEMBER" shall mean a member of FFPD Division and membership shall have a corresponding meaning.

“NATIONAL OFFICERS” shall mean the Divisional President, the Divisional Assistant Secretary and the Divisional Senior Vice President (who shall be the person holding the office of PPW District Secretary).

“NO. 1 BRANCH” shall mean the National Branch.

“NO. 2 BRANCH” shall mean the Victorian FFTS Branch of the Division.

“PPW SUB BRANCH” shall mean a sub branch of the PPW District.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

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In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then the candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“PRINCIPAL OFFICER” shall mean the Divisional Secretary.

“RAO” shall mean the Workplace Relations Act 1996 Schedule 1 – Registration and Accountability of organisations.

“THE 2008 RULE CHANGES” shall mean the amendments made to the Rules of the Division in 2008 providing for the substantial restructure of the Division.

5 - MEMBERSHIP

(i) A candidate for membership of the Division in the No.1 Branch may make application to the Divisional Secretary or the District Secretary covering the area in which the candidate resides or is employed and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the Rules of the Division.

(ii) A candidate for membership of the No.2 Branch may make application to the Divisional Branch Secretary of the No.2 Branch and such application shall be made and dealt with in the manner and subject to conditions including conditions as to any probationary period required by the Rules of the Division.

(iii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Executive may require, and shall, when requested, fill in and sign such application form as may be provided.

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(iv) An application for membership of the No.1 Branch may be referred by the Secretary of the relevant District to the Divisional Branch Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

(v) An application for membership of the No.2 Branch may be referred by the Divisional Branch Secretary to the Divisional Branch Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right of appeal to the Divisional Executive the decision of which shall be final.

(vi) A member who is eligible for membership of the Division pursuant to Sub Rule 2(F) of National Rule 2 Constitution who are resident in the State of Victoria shall be deemed to be attached to the No. 2 Branch. All other members shall be deemed to be attached to the No. 1 Branch and to the District covering the locality in which the member resides or where the member is eligible for membership of the Division pursuant to Sub Rule 2 (C) of National Rule 2 Constitution to the PPW District.

6 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Applicants for membership of the FFPD Division shall pay on application an entrance fee in accordance with these rules. Such entrance fee if applicable shall not exceed $300.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

(ii) The contribution payable by each member shall be fixed by the Divisional Executive subject to the processes provided for in Rule 14

(iii) The Divisional Executive may if, in its opinion it is desirable or necessary for financial or any other reason that the aforesaid entrance fees or contributions should be altered, waived or suspended, make such decision as it deems desirable or necessary, and the altered, waived or suspended entrance fee and/or contribution payable shall be applicable to the member(s), group or class of members concerned.

(iv) Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these rules, shall be deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

(v) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(vi) Contributions shall be paid to and collected by the Divisional Secretary, Divisional Branch Secretary, or an authorised agent of the Division or Divisional Branch.

Provided that notwithstanding the foregoing provisions of this Rule, members of the No.2 Branch shall pay contributions to the Divisional Secretary of that Branch and such funds may be retained by that Branch except for such sum as is fixed by the Divisional Conference from time to time.

7 - SPECIAL MEMBERS

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The Divisional Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rule 6 be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY OF THE DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference which shall meet at least every two (2) years.

(ii) The Divisional Conference shall consist of the following:

(a) the Principal Officer of the Division;

(b) the National Officers of the Division; and

(c) delegations from each Divisional Branch calculated in accordance with (iii) hereof.

(iii) Each Divisional Branch shall be entitled to one (1) representative up to 500 members, one (1) additional representative between 500 members and 1,000 members and one representative for each additional 1,000 members, based, on in the case of the No. 1 Branch, the aggregate income received by the Division in relation to members of that Branch (Union contributions only) and in the case of the No. 2 Branch based on the aggregate income received by that Branch, (Union contributions only) divided by the amount of the yearly contribution fixed by the Rules from time to time, for the financial year ending on the 31st December in the year preceding the quadrennial election of representatives to act as its representatives at the Divisional Conference.

The number of representatives to which each Divisional Branch is entitled shall remain unaltered throughout the period between the quadrennial elections provided that prior to each Divisional Conference meeting the Divisional Executive may review the delegations to Divisional Conference in the event that as a result of growth or decline in membership the formula set out in this sub rule should be adjusted.

Provided further that the delegation from the No. 1 Divisional Branch will include the following officers of that Branch ex officio: the Divisional Branch Secretary, the District Secretaries of each District other than the PPW District and such other delegates to which the Branch is entitled as a consequence of the formula in this sub rule and also provided that the delegation from the No. 2 Branch shall include ex officio the Divisional Branch Secretary and such other delegates as the Branch is entitled to pursuant to the formula in this sub rule.

For the avoidance of doubt the Officers referred to in the above proviso as being ex officio members of the delegation from each Divisional Branch will be counted as representatives in calculating the entitlement of each Divisional Branch in accordance with this sub clause.

(iv) Representatives of the Branches other than those ex officio representatives as provided for in sub-rule (iii) hereof shall be elected by secret postal ballot of all members of the Branch eligible to vote every four (4) years in accordance with the provisions of Rule 44 of these Rules.

(v) In the event of a circumstance leading to a casual vacancy in a position of a Divisional Conference Delegate that vacancy shall be filled in accordance with the provisions of Rule 46.

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(vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialed and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

(vii) Where one or more representatives of a Divisional Branch is or are unable to attend a meeting of the Divisional Conference the Divisional Branch Executive of that Divisional Branch itself select a proxy representative or representatives to act on its behalf at that meeting. Such representative or representatives shall vote in accordance with the instructions of the Executive Committee of the Divisional Branch Executive.

(viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 44 of these Rules.

(ix) A majority of delegates eligible to attend the Divisional Conference shall form a quorum.

(x) All expenses of representatives to the Divisional Conference shall be borne by the Divisional Branch by which the representatives are elected unless otherwise determined by the Divisional Conference.

(xi) No alteration of the personnel of the representatives at a meeting of the Divisional Conference shall be permitted after the credentials of the representatives have been received and accepted by the Divisional Conference, unless such alteration is rendered necessary by death or serious illness.

(xii) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of $100, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members, organisers or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive, Divisional Branch Management Committee or District Management Committee relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive relevant Divisional Branch or District Management Committees are available to members at each Divisional Branch office or District Office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

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(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate concerned has been afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

A period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal from the Branch on an issue concerned solely with a matter affecting this Division, from a District or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division or Divisional Executive.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches, Districts or PPW Sub Branches of this Division.

(h) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(i) To establish new Divisional Branches or Districts and amalgamate existing Divisional Branches or Districts, to close or disband Divisional Branches or Districts in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the PPW District without its consent), and generally to control Divisional Branches including Districts and the members thereof.

(j) When establishing a new Divisional Branch or District the Divisional Conference shall have power to make rules providing for the admission of members of that new Divisional Branch or District, the establishment of a Management Committee of that new Divisional Branch or District, the election of officers of that new Divisional Branch or District and all such matters as may be necessary.

(k) To make, alter and rescind rules of this Division.

(l) To deal with any Divisional Branch or District not working in conformity with the Rules and policy of the Union.

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(m) To appoint and remove organisers.

(n) To vote moneys and pass accounts.

(o) To fix salaries and allowances for all Officers and employees of the Division and of all Conference delegates and representatives.

(p) To appoint a Returning Officer, who shall conduct any plebiscite upon any question submitted to the whole of the membership for determination, and who shall have power to appoint Deputy Returning Officers.

(q) To elect, appoint and remove officers and members of the Divisional Executive of the Union.

(r) To establish any special fund to achieve any of the objects of the Union.

(s) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary and District Secretary at least one(1) week before the date of such meeting but no failure to notify will of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary and District Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary or District Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office or District Office during the ordinary hours in which the Divisional Branch Office or District Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, email, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit by the Divisional Secretary conduct a postal, telephonic, telegraphic, facsimile, email and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter.

(xvii) All meetings of the Divisional Conference shall be held at such time and place as the Conference shall from time to time determine, and in case of default, or of special meetings, as the Divisional Executive shall determine.

(xviii) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Conference -

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(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

9 - DIVISIONAL EXECUTIVE

i). The Divisional Executive shall consist of the following:

(a) the Divisional Principal Officer ie: the Divisional Secretary, the Divisional National Officers ie: the Divisional President, Divisional Assistant Secretary and the Divisional Senior Vice President (which office shall be held by the District Secretary of the PPW District of the No 1 Branch);

(b) two further Vice Presidents and four Trustees (who shall be titled Divisional Executive Officers) who shall be elected by Conference from the members of Conference other than the Principal Officer and the National Officers; and

(c) Divisional Executive members being no less than 3 and no more than 5 such number to be determined by Divisional Conference prior to the calling of nominations who shall be elected by the conference from Conference Delegates other than the Principal Officer and the National Officers.

ii). Except for the filling of extraordinary vacancies Divisional Executive Officers and Divisional Executive members shall be elected by and from the Divisional Conference held in 2009 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

iii). Preceding such conferences the Divisional Executive shall appoint a Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Divisional Branch, District, sub-Branch or section of the Union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers in accordance with these Rules.

iv). Nominations unless otherwise determined by the Divisional Executive shall be called for on the second day of the Divisional Conference. Where practicable the ballot shall be conducted on that day. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

v). The ballot for Divisional Vice Presidents other than the Divisional Senior Vice President (who is the person holding the office of District Secretary of the PPW District of the No. 1 Branch) shall be dealt with and completed. The ballot for the Divisional Trustees shall be dealt with and completed. The ballot for the Divisional Executive Members shall be dealt with and completed.

vi). If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Executive that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive.

vii). If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

viii). The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Returning Officer may proceed nonetheless.

ix). Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where the delegate can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until the Returning Officer has given such delegates a reasonable opportunity to vote.

x). The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

xi). Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly holding such office.

xii). A Divisional Executive member shall hold office until a successor is elected.

xiii). The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, powers, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the

Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any Divisional Branch or member. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with any Divisional Branch not working in conformity with the Rules**,** Decisions and policy of the Division.

(g) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.

(h) To confirm, over-rule or otherwise deal with decisions of the Divisional Branches of this Division.

(i) To make, alter and rescind any of the rules of this Division including any rules relating to Divisional Branches or Districts subject to Rule 16 of these Rules.

(j) To appoint and remove organisers or specialist officers.

(k) To select persons as delegates to represent the Division at meetings, committees or to affiliated organisations.

(l) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(m) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(n) Submit any matter to the members for decision by ballot.

(o) Ensure that officers, committee members, organisers, delegates or members of the Division and Divisional Branches including Districts and PPW Sub Branches comply with the rules, policies and decisions of the union and subject to Rule 11 impose penalties [i.e., fines not exceeding the sum of $100, suspension, expulsion or dismissal from office,] on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules, policies or the decisions of the Divisional Executive. Provided that the rules, policies or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Divisional Branch Office and District Office. No penalty shall be imposed unless -

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(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(p) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch including any Districts of this Division, take such action as may be necessary to ensure the adherence to the rules of the Union and decisions and policies of the Divisional Conference and/or Divisional Executive by any Divisional Branch including any District and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch including any District and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch or District. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(q) Control and supervise the work of the Divisional Officers.

(r) To establish new Divisional Branches or Districts and amalgamate existing Divisional Branches or Districts, to close or disband Divisional Branches or Districts in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the PPW District without its consent), and generally to control Divisional Branches including Districts and the members thereof.

(s) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these Rules.

xiv). The Divisional Executive shall meet at least six (6) times in each calendar year. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, telegram, telex, facsimile, email or otherwise in writing, telephone or verbally, provided that in the latter two instances such is confirmed by letter, telegram, facsimile, email or other writing.

(a) (i) On receipt of a petition signed by not less than 10 per cent of the financial members of the Division, the Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference, Divisional Executive and the members of the Division.

Divisional Conference or Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

(a) Determine the question to be submitted to the members and the form of the ballot paper.

(b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

(c) Appoint a Divisional Returning Officer and Divisional Scrutineer to conduct the ballot.

(d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

(b) (i) On receipt of a petition signed by not less than 10% financial members of a Divisional Branch, the Divisional Branch Management Committee shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by the Divisional Branch Management Committee and/or Executive.

(ii) The petition shall have set out the member's full name, address, signature and the date the said petition was signed by the member. In determining the 10% requirement of financial members for a referendum to be conducted, the petition shall be presented to the Divisional Branch Secretary within 30 days of the first financial member signing the aforesaid petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 10% financial members.

(iii) Such referendum shall take place within 2 months of the receipt of the petition.

(iv) The decision reached by a majority of the actual votes recorded shall be binding on the Divisional Branch Management Committee and the members of the Divisional Branch and on the Divisional Branch Executive.

(c) The Divisional Branch Management or Executive Committee may at any time, by its own motion, take a referendum of the whole of the financial members of the Divisional Branch upon any matter it thinks fit.

(d) The referendum referred to in this rule shall be conducted as follows:

(i) Divisional referendum:

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The Divisional Executive shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Returning Officer and Divisional Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Officers.

(ii) Divisional Branch referendum shall be conducted as in (i) with reference to the Divisional Executive being a reference to the Divisional Branch Management Committee and other references to the Division being references to the Divisional Branch.

11 - REMOVAL OF OFFICERS

(a) Any Divisional or Divisional Branch Officer including any District Officer may be removed from office by majority decision of the Divisional Executive, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union **,** or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(b) Should any officer be removed from office the Divisional Executive shall appoint a member to fill the vacancy until the next elections are held in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive. In the event of the appeal being upheld the Divisional Conference or National Executive may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office including any District Office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

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13 - DUTIES OF DIVISIONAL OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of the Divisional Conference, Executive and meetings convened by the Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where the Divisional President is a full time officer the Divisional President shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall summon all meetings of the Divisional Conference and Divisional Executive, issue all necessary notices to members of the Divisional Conference or Divisional Executive or to Divisional Branches in connection with such meetings.

The Divisional Secretary shall sign all cheques or any other type of instrument for the withdrawal of any funds of the Division from any financial institution or other account together with one Divisional Trustee or other person authorised for this purpose by the Divisional Executive. In the event that the Divisional Secretary is absent the Divisional Assistant Secretary or the Divisional President and one Divisional Trustee or a person authorised for this purpose by the Divisional Executive shall sign cheques or any other type of instrument for the withdrawal of any funds of the Division from any financial institution or other account.

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the implementation and compliance by the Division, Divisional Branches, Districts and PPW Sub Branches of the decisions, rules and policies made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive or Divisional Conference, to appoint, control and dismiss the staff of the Divisional Office and of the No.1 Branch including its Districts and PPW District Sub Branches.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.

Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches, Districts and PPW Sub Branches of this Division.

The Divisional Secretary shall have the authority to initiate any proceedings and/or actions to advance or defend the interests or objectives of the Division.

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The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive or Divisional Conference and allocate the duties of Officers.

The Divisional Secretary shall be an ex officio member of all Divisional Branch Committees, including Districts and PPW Sub Branches, but shall not be entitled to vote in respect of the decisions of those committees.

(iii) Divisional Assistant Secretary(s):

The Divisional Assistant Secretary(s) shall perform all duties assigned by the Divisional Executive. The Divisional Assistant Secretary(s) shall be under the control of the Divisional Secretary and shall attend all meetings of Divisional Executive, Divisional Conference and National Executive.

The Divisional Assistant Secretary may exercise any and all of the powers and duties of the Divisional Secretary in the absence of the Divisional Secretary.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(v) Divisional Vice-President(s):

The Divisional Vice-President(s) shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President(s) shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of the Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

A (i) The Divisional Office shall collect all entrance fees, contributions, levies and fines and all other monies relating to the membership of the No 1 Branch, its Districts and the PPW sub branches. The No. 2 Branch shall forward to the Divisional Office such percentage of the Branch income as may be determined from time to time by the Divisional Executive.

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At the commencement of the financial year 2009 the funds of each of the Branches of the Division other than the funds of the Victorian FFTS Branch shall become part of the Divisional funds and thereafter the Divisional Office shall administer such funds. The funds of the Victorian FFTS Branch shall become the funds of the No. 2 Branch.

(ii) All monies received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. Cheques or other types of instruments for the withdrawal of any funds of the Division shall be signed by the Divisional Secretary and one Divisional Trustee or person authorised for that purpose by the Divisional Executive. In the event of the absence of the Divisional Secretary all cheques and other instruments for the withdrawal of any funds of the Division shall be signed by an Assistant Secretary or the Divisional President, one Divisional Trustee or a person authorised for that purpose by the Divisional Executive.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the Divisional Office, may be disbursed by decision of the Divisional Secretary.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive or Divisional Conference.

(iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Division. Where this is not possible, investments shall be made in the name of the Divisional Trustees. The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The Divisional Executive shall have the authority to hold, purchase, lease, sell, mortgage or otherwise deal in property on behalf of the Division and/or Branches which shall be executed on the Divisional Executive's behalf by the Divisional Secretary.

(vi) The property of the Division shall be under the control of the Divisional Executive.

B. Divisional Budget and Administrative Committee

i) There shall be a National Administrative and Budget Committee of the Divisional Executive composed of a minimum of four members who shall be Divisional Secretary, the PPW District Secretary and a representative from each Divisional Branch together with such other persons if any as the Divisional Executive may determine.

ii) Meetings of the Divisional Administrative and Budget Committee shall be conducted at a time and place and in a manner determined by the Divisional Secretary or the Divisional Executive.

iii) The Divisional Administrative and Budget Committee shall subject to the directions of the Divisional Executive have the following duties and responsibilities:

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a) to oversee financial, membership and other relevant data and the administrative affairs of the Division;

b) to conduct income and expenditure reviews to advise the Divisional Executive on the most effective use of the Divisional funds;

c) in consultation with the Divisional Officers and where relevant with each constituent part of the Division including its Divisional Branches, Districts of the No. 1 Divisional Branch and the PPW Sub Branches assist in the development of draft budgets for consideration by the Divisional Executive;

d) to monitor, administer and report on the implementation of budgets adopted by the Divisional Executive:

Provided that the Divisional Budget and Administrative Committee shall not have any policy making powers but shall act in an advisory capacity only.

C. Budget/s

i) At the first meeting of the Divisional Executive at the commencement of each financial year the Divisional Executive shall, upon considering advice and recommendations from the Divisional Budget and Administrative Committee and the No. 2 Branch approve a budget/s for the Division including the Divisional Branches and each constituent part of the No. 1 Divisional Branch.

ii) To ensure the equitable distribution of resources amongst members throughout the Division budgets will take into account clear and consistent criteria including the following:

a) the percentage of membership income contributed;

b) appropriate financial support and underpinning for Divisional operations;

c) any cross subsidies between funds as may be necessary to provide and maintain effective operations throughout the Division for appropriate coverage and representation for all members of the Division.

d) the provision of ongoing funding for core union activities including growth recruitment, face to face organising, and campaigns in support of Divisional activities, industrial disputes, legal representation and advice, development of delegate and member involvement and activities, publications including newsletters and similar communications with members, member benefits and associated matters.

e) nationally consistent levels of contributions and costs structures including wage levels and employment standards for employees of the Division and each part of the Division.

f) as far as possible provide adequate funds for the purpose of continuing to build an appropriate asset base to both for the financial survival growth of the Division and where possible to house the operations of the Division and its various constituent parts.

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g) where appropriate to support and continue to build specific member support funds and provident funds.

D. Special Funds

The Divisional Branches of the Division as constituted prior to the 2008 Rules Changes and the PPW Sub Branches have administered specific funds on behalf of the members of those Divisional Branches or Sub Branches. Schedule 1 to these Rules refers to these specific funds. These funds from the commencement of the 2008 Rule changes shall be managed and maintained by the Divisional Executive on behalf of, in the interests of and for the benefit of those groups of members for whom without the 2008 Rule changes those funds would otherwise be applied. Those funds will be expended to members of those groups of members in a manner consistent with the purposes for which the funds were established and that manner shall not be changed without consultation and agreement with the relevant District Committee of Management.

15 - AUDITOR AND AUDITOR'S REPORT

(i) The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

(ii) The auditor shall, in the auditor's report, draw attention of the Divisional Executive, Divisional Conference to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

(iii) For the purpose of this Rule a competent person shall have the same meaning as in the Registration and Accountability of Organisations schedule to the Workplace Relations Act ("RAO") and any Regulations may thereunder or any successor legislation thereto.

(iv) On receipt of a petition signed by not less than 5% of the members of the Division, the Divisional Secretary shall convene a general meeting of members to present the Auditor's Report, the general purpose financial report and the operating report.

(v) The petition shall have set out the members full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of members for a general meeting to be held, the petition shall be presented to the Divisional Secretary within 30 days of the first member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% members.

(vi) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

(vii) For the purposes of sub rules (iv), (v), (vi) the general meeting shall be conducted as a series of meetings in the localities of each District of the No. 1 Branch including the localities of the PPW sub branches and of the No. 2 Branch.

15A REPORTING UNITS

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The Division shall be divided into reporting units on an alternative basis as provided for in the RAO as follows:

(i) (a) The Division on behalf of all members of the Division including the members of the No. 1 Branch and its Districts and the PPW sub districts other than the members of the No. 2 Branch.

(b) The No. 2 Branch on behalf of the members of the No. 2 Branch.

(ii) The Divisional Secretary shall be the designated officer for the purposes of the RAO for the Division and the Secretary of the No. 2 Branch shall be the designated officer for the purpose of the RAO for the No. 2 Branch.

(iii) On receipt of a petition signed by not less than 5% of the members of the Division the Divisional Secretary shall convene a general meeting of members to present the auditors report, the general purpose financial report and the operating report.

(iv) The petition shall have set out the member's full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of members for a general meeting to be held, the petition shall be presented to the Divisional Branch Secretary within 30 days of the first member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% members.

(v) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

(vi) The General Meeting shall be conducted as a series of meetings in localities of each of the Districts of the No. 1 Branch and each of the PPW Sub Branches.

16 - ALTERATION OF RULES

These Divisional Rules including any Rules relating to Divisional Branches or Districts of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice to the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

Provided that any such rescission, alteration or amendment which affects in any way the existence, structure or position under these rules of the PPW District, shall be of no effect unless endorsed by a resolution of the District Management Committee of that PPW District.

17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisional Branches including all Districts of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

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18 - DIVISIONAL BRANCHES

(i) The following Divisional branches of the Union are hereby constituted:

(a) The No. 1 Branch known as the National Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members of the Division other than those persons who are eligible for membership of the No.2 Branch of the Division.

(b) The No. 2 Branch known as the Victorian FFTS Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Victoria who are eligible for membership of the Division pursuant to Sub Rule 2(F) of Rule 2 Constitution of the Rules of the Union.

(ii) The Divisional Conference or Divisional Executive shall have the power to constitute such other Divisional Branches, Districts or Sub Branches as it may determine appropriate from time to time.

(iii) Divisional Executive or Divisional Branch Management Committee shall determine the location of the Divisional Branch office.

(iv) Unless otherwise determined by the Divisional Conference or Divisional Executive**,** a Divisional Branch shall have autonomy in matters affecting members of the Divisional Branch only subject to the provisions of these Rules.

19 – DISTRICTS OF THE NO. 1 BRANCH

i. For the purposes of organisation of the members of the No. 1 Branch and for provision of services to members of that Branch each member of that Branch shall be allocated to a District as follows:

(a) the NSW District which shall consist of all members resident in that State of NSW and the Australian Capital Territory other than those persons who are eligible for membership of the PPW District as provided for in (f) of this Sub Rule;

(b) the Victorian District consisting of all members resident in the State of Victoria other than those persons who are eligible for membership of the No. 2 Branch and those persons who are eligible for membership of the PPW District pursuant to (f) of this Sub Rule;

(c) the South Australian District consisting of all members resident in the State of South Australia other than those persons who are eligible for membership of the PPW District pursuant to (f) of this Sub Rule;

(d) the Tasmanian District consisting of all members resident in the State of Tasmania other than those persons who are eligible for membership of the PPW Branch pursuant to (f) of this Sub Rule.

(e) the Queensland Northern Territory Western Australian District consisting of all members resident in the States of Queensland, Western Australia and the Territory

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of the Northern Territory other than those persons who are eligible for membership of the PPW Branch pursuant to (f) of this Sub Rule;

(f) the PPW District consisting of all members eligible for membership of the Union pursuant to Sub Rule 2 (C) (ii) of Rule 2 Constitution of the Rules of the Union.

ii. The Divisional Conference or Divisional Executive shall have power to constitute such other Districts and allocate members thereto as it may determine appropriate from time to time.

iii. The Divisional Executive or Divisional Branch Management Committee shall determine the location of each District Office.

20 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute may be submitted to the appropriate industrial Tribunal, Court or Commission, upon a resolution in favour of so submitting such dispute carried by a majority of the members of the Divisional Executive.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such submission.

In the case of an emergency or necessity however, such proceedings may be initiated and matters may be submitted by the authority of the Divisional Secretary, who may also authorise a Divisional Branch Secretary or a District Secretary to initiate such proceedings and submit such matters on behalf of the Division.

The aforesaid power shall extend to cases of defending and/or responding to any proceedings or matters instituted or submitted by any other person, corporation, association or organisation. The Divisional Secretary and Divisional Branch Secretary or District Secretary shall be subject to the control of the Divisional Executive on all matters connected with such legal proceedings and matters.

21 - INDUSTRIAL AGREEMENTS

Industrial agreements and other related instruments required to be signed or executed on behalf of the Division shall be signed or executed by the Divisional Secretary provided that the Divisional Secretary may delegate this power to the Divisional Branch Secretary or a District Secretary.

22 - INDUSTRIAL DISPUTES

(1) In the event of an Industrial dispute taking place in any Divisional Branch the officers of such Divisional Branch shall try, by conciliation to settle the dispute. In the event of the Divisional Branch officers concerned being unable to secure a satisfactory settlement the matter may be referred to the Divisional Branch Executive who shall seek to resolve the dispute.

(2) In the event of no satisfactory settlement of such dispute being secured the Divisional Branch Secretary shall immediately report the matter to the Divisional Secretary who shall on behalf of the Division take charge of such dispute and shall consult with the Divisional

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President and shall if necessary convene a meeting of the Divisional Executive to deal with the matter.

(3) (a) The Divisional Secretary or a person authorised to act on behalf of the Divisional Secretary shall make any submission to a tribunal.

The Divisional Secretary or a person authorised to act on behalf of the Divisional Secretary shall be the person to sign or issue any document necessary for such submission.

(b) The Division may be represented in any proceedings before any Commonwealth or State Industrial Tribunal by the Divisional Secretary or by such other officers or persons authorised by the Divisional Secretary and subject to any authorisation vested by State Legislation.

(4) Notwithstanding anything contained elsewhere in this Rule, PPW District shall have autonomy in industrial matters affecting its members only and no action will be taken in relation to such matters by the Divisional Conference or Divisional Executive unless authorised and requested by the PPW District Management Committee.

(5) Where the Divisional Branch Secretary of the No. 1 Branch considers it appropriate the powers and functions of that Divisional Branch Secretary may be delegated to a District Secretary.

23 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 148 – 152 Miller Street West Melbourne, or such other place as the Divisional Executive shall decide.

24 – THE PRINCIPAL OFFICER OF THE DIVISION

(i) The Divisional Secretary shall be the Principal Officer of the Division for all purposes of the RAO regulations and any successor legislation or regulations.

(ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or other person or body authorised by these Rules shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

25 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by the Divisional Branch Secretary of the Branch to which the member is attached or by any person or body authorised by these rules.

26 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Division or body having objects similar in whole or in part to those of this Division.

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(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $10.00 per week and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A Divisional Branch may impose a levy on its members, which shall not exceed $10.00 per week.

(iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

(v) In no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

27 - LIFE MEMBERSHIP

The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may, at their entire discretion, constitute a member a Life Member, provided that the member has been a member for a period of at least 20 years, has retired from the industry, and was financial at the time of retirement. Life members shall not be liable to pay dues of any kind to the Division, and shall not be entitled to nominate for or to hold any office, but shall be entitled to vote at the Division elections. The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may reduce the qualifying period of membership in special circumstances.

28 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time the Divisional Secretary may submit a resolution dealing with such matter to the members by letter, facsimile, email, telephone, telegram, verbally and/or any other means of communications or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negative any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in the Divisional Secretary's absolute discretion.

(e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.

(f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

29 - BRANCH INFORMATION

It shall be the duty of the Divisional Branch Secretary of each Divisional Branch to transmit to the Divisional Secretary, on written request from the Divisional Secretary, a true copy of the minutes of each meeting of the Divisional Management Committee or Executive of such Divisional Branch or of any special meeting thereof.

30 - UNEMPLOYED MEMBERS

(i) When, in the opinion of the Divisional Branch Management Committee, a condition of unemployment in the industry exists the following conditions may be applied:

(ii) Members becoming unemployed, ie, being employed under the terms of the Award or Agreement covered by this Division for less than one month in any quarter, may apply to be placed on an unemployed members list if any.

(iii) This list shall be kept at the Divisional Branch office under the control and supervision of the Divisional Branch Management Committee.

(iv) Members wishing to be placed on the unemployed list must apply in writing to the Divisional Branch Secretary, and shall attend at the Divisional Branch Office or such place as may be decided by the Divisional Branch Management Committee, or give satisfactory proof of their inability to attend.

(v) All applications for inclusion on the unemployed members' list shall be dealt with by the Divisional Branch Management Committee Executive Committee or other authorised committee who shall, if satisfied that the application is genuine, include them on the list.

(vi) Members placed on the list shall be exempt from the payment of contributions for the period specified in this Rule. They shall be entitled to all rights under these rules, but shall only qualify for funeral benefit applicable at the discretion, or upon conditions determined by the Divisional Branch Management Committee.

(vii) Exemption from payment of contributions shall operate for a period of twelve months from the date of inclusion on the unemployed members' list, or until again employed, whichever is the lesser.

(viii) On expiration of the 12 months' period, unemployed members may make further application to be again placed on the unemployed list. Each further application may be approved by the Divisional Branch Management Committee who may require payment of such amount of contributions as may be considered reasonable.

(ix) Any member commencing employment without notifying the Divisional Branch Secretary and continuing to receive the benefits of this unemployed clause while in employment shall be deemed to have committed a breach of the Rules. Such member(s) shall be required to pay full contributions for the period of employment and in addition, may be dealt with under the provisions relating to misconduct.

(x) Continuous membership for the purpose of this Rule, and wherever encountered in these Rules, means continuous membership without any break in the continuity of membership from the last date of acceptance into the Branch.

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31 - FUNDS OF THE NO. 2 BRANCH

(i) The No. 2 Branch funds by entrance fees, contributions, levies and fines, together with any other monies received, shall be applied for the following purposes:-

(a) Defraying the cost of administering the affairs of the No. 2 Branch;

(b) Subscribing on a pro rata basis to any organisation or Labor Council with which the Union may become affiliated and to which affiliation the No. 2 Branch agrees;

(c) Defraying any expenses incurred in any legal proceedings;

(d) Assisting any members out of work through any trade dispute;

(e) Making all necessary payments as determined by the No. 2 Branch Management Committee in connection with any matters affecting members in regard to:-

(i) Preservation of life and limb;
(ii) Compensation for injuries and death;
(iii) The hours of labour;
(iv) The remuneration of labour;
(v) Protection of salaries and wages;
(vi) Other conditions affecting employment of members;
(vii) For the furtherance of any of the matters as set forth in the objects of the Union;
(viii) And any other matters when the Divisional Executive or No. 2 Branch Management Committee determines the best interests of members require it.

(ii) The No. 2 Branch Fund which shall be managed and controlled by each No. 2 Branch Management Committee shall consist of:-

(a) Any real or personal property of which the No. 2 Branch by the Rules or by any established practice not inconsistent with the Rules has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;

(b) All entrance fees and all contributions collected in accordance with the Rules save and except such part of the contributions as are fixed by the Divisional Conference from time to time and are Divisional Funds.

(c) All fines and levies raised pursuant to No. 2 Branch Rules;

(d) Any interest, rents or dividends derived from the investment of the Fund;

(e) Any superannuation or long service leave fund operated or controlled by the No. 2 Branch for the benefit of its officers or employees;

(f) Any sick pay fund, accident pay fund, mortuary or funeral fund, tool benefit fund or like fund operated or controlled by the No. 2 Branch for the benefit of its members;

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(g) Any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and

(h) The proceeds of any disposal of parts of the Fund.

32 - AUDIT OF ACCOUNTS

(a) The accounts of the No. 2 Branch shall be audited yearly by a competent person appointed by the No. 2 Branch Management Committee who shall produce and certify a financial statement and report setting out the financial position of the No. 2 Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or No. 2 Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

(b) The auditor shall have full and complete access to the books and documents of the No. 2 Branch.

(c) On receipt of a petition signed by not less than 5% of members of the Branch, the No. 2 Branch Secretary shall convene a general meeting of members to present the Auditor's Report, the general purpose financial report and the operating report.

(d) The petition shall have set out the member's full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of members for a general meeting to be held, the petition shall be presented to the No. 2 Branch Secretary within 30 days of the first member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% members.

(e) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

33 – DIVISIONAL BRANCH MANAGEMENT COMMITTEE AND OFFICERS

Each Divisional Branch shall have a Management Committee consisting of:

(i) in the No. 1 Branch a President, a Secretary, an Assistant Secretary (if any) who shall form the Executive and the Secretaries of each District;

(ii) the No. 2 Branch a President, a Senior Vice President, two (2) Vice Presidents – one of whom will be designated an affirmative action position to be filled by a female member, Secretary, Assistant Secretary/ies (number, if any, to be decided by the Divisional Branch Management Committee prior to the calling of nominations), and four (4) Trustees – one of whom will be designated an affirmative action position to be filled by a female member, who shall be the officers of the Management Committee and who shall form the Executive, elected organisers (if any) and not more than ten (10) other members – two (2) of whom will be designated affirmative action positions to be filled by female members, who shall with the Executive, form the Management Committee.

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Nominations for the designated affirmative action positions will be called from female members only, although this does not preclude female members from holding any other Management Committee, Executive or Officer positions.

The failure to fill the designated affirmative action positions shall not prevent a Divisional Branch carrying out or conducting the business of a Divisional Branch.

34 - DUTIES OF MANAGEMENT COMMITTEE

(i) The Divisional Branch Management Committee shall be the highest deliberative body of the Divisional Branch and shall subject to the Rules**,** Policies and Decisions of the Divisional Conference and/or Divisional Executive**,** manage and superintend the affairs of the Divisional Branch protect the funds and perform all the duties allotted to them by the Rules. The Divisional Branch Management Committee shall have the power subject to these Rules and to the proviso (s) to this sub rule relating to the No. 1 Branch to:-

(a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Union and to employ such assistance as it may deem necessary.

(b) Direct the policy of the Divisional Branch.

(c) Hear and determine all appeals that are submitted in accordance with the Rules.

(d) Fix the salaries, allowances, conditions of employment and/or entitlements of the Divisional Branch Officers, employees, delegates and members as it deems to be appropriate and to appoint and/or remove and/or suspend officers, organisers and employees of the Divisional Branch.

(e) Fine, suspend or expel Divisional Management Committee members, delegates and/or members for knowingly refusing to comply with the Rules or the decisions or policy of the Divisional Conference, Divisional Branch Management Committee or Divisional Branch Executive.

(f) All Divisional Branch Officials and assistants shall be under the control of the Management Committee and Executive, subject to the Rules.

(g) Investigate, report and take such action in accordance with these Rules upon all grievances and disputes of officials, officers and members that are placed before them.

(h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated and to select persons as delegates to represent the Divisional Branch at meetings and committees.

(i) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.

(j) Impose levies not exceeding $10.00 per week provided that in no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

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(k) Subject to Rule 32 appoint a Public Accountant to audit the accounts of the Divisional Branch.

(l) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.

(m) Issue instructions regarding the registration of members desiring employment.

(n) Direct the Divisional Branch Executive Committee to carry out any of the provisions of the Rules or the performance of any duties that may be considered necessary.

(o) Issue instructions for the holding of meetings of members at any time to discuss important matters.

(p) Decide the number of Organisers (if any) under the provisions of the Rules.

(q) Appoint Temporary Organisers under the provisions of the Rules.

(r) Appoint a Divisional Branch Returning Officer for the conduct of any elections as may be necessary.

(1) The Divisional Branch Returning Officer shall have absolute control of any election or appointment.

(2) The Divisional Branch Returning Officer so appointed:

(i) may not be a member of the Union; and

(ii) shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organisation.

(s) Provided that as the No. 1 Branch shall not have funds, the No. 1 Branch Management Committee shall not have the powers set out in (d) (i) (j) (k) of this sub rule. Such powers in relation to the membership of the No. 1 Branch shall be held by the Divisional Executive.

(ii) The Management Committee shall meet at least four times per annum, five (5) members shall form a quorum. Subject to (i) (s) here of the Executive Officers shall pass accounts, subject to the review of the Management Committee and deal with applications for membership.

(iii) Each member of the Committee shall be paid other than the full time paid officers the sum of not less than $4.00 or the expenses and loss of time for each meeting the Committee member attends.

(iv) Each Divisional Branch shall hold such General Meetings as may be deemed necessary.

(v) The Divisional Branch Management Committee shall ensure the Divisional Branch and its officers and members carry out the decisions and policies determined by the Divisional Conference and/or Divisional Executive and the rules of the Union are complied with.

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(vi) A Divisional Branch Management Committee member shall have the powers of a Shop Steward.

35 - DIVISIONAL BRANCH EXECUTIVE

(a) The Divisional Branch Executive shall meet at least six (6) times in a calendar year and subject to a review of their actions by the Divisional Branch Management Committee, shall have the care, control, superintendence, management, administration, powers and responsibility in all respects of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee, subject to the proviso contained in sub rule 34 (i) (s).

(b) A quorum for any meeting shall be a majority of the Executive Officers as set out in Rule 33 hereof.

(c) The Divisional Branch Executive shall meet at a time and place determined by the Executive or between members of the Executive by the Divisional Branch Secretary who shall notify the members of the Divisional Branch Executives of such time and place as soon as is convenient.

(d) The Divisional Branch Executive shall carry out any duties which they have been directed to perform by the Divisional Branch Management Committee.

36 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

(a) The Divisional Branch President shall preside at meetings of the Divisional Branch Management Committee or Divisional Branch Executive and meetings convened by the Divisional Branch Management Committee or Divisional Branch Executive.

(b) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee or Divisional Branch Executive.

(c) The Divisional Branch President shall conduct business in accordance with Rules laid down for guidance. The President shall not enter debate on any question, but shall endeavour to bring the business to a satisfactory conclusion, and shall have a deliberative vote only.

(d) The Divisional Branch President shall sign the minutes of proceedings of all meetings convened by the Divisional Branch Management Committee or Divisional Branch Executive when same have been duly confirmed.

(e) The Divisional Branch President may be required by resolution of the Divisional Branch Management Committee or Divisional Branch Executive to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Management Committee, Divisional Branch Executive or any Committees established in accordance with these Rules and shall if so required submit a report in writing of the findings to the Divisional Branch Management Committee or Divisional Branch Executive members.

(f) The Divisional Branch President shall be an ex-officio member of all Committees.

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37 - DUTIES OF DIVISIONAL BRANCH VICE PRESIDENTS

The Divisional Branch Vice Presidents shall attend all meetings of the Divisional Branch, and assist the Divisional Branch President in the duties of the Divisional Branch President's office. The Divisional Branch Senior Vice President shall officiate in the Divisional Branch President's absence, with all the powers conferred on the chair. In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, a Divisional Branch Vice President shall officiate, with all the powers conferred on the chair. In the absence of the Divisional Branch President and Divisional Branch Vice Presidents the meeting shall elect one of its number to preside.

38 – TRUSTEES OF THE NO. 2 BRANCH

(i) No. 2 Branch Trustees shall be elected in accordance with Rule 44.

(ii) The No. 2 Branch Trustees shall:-

(a) Be responsible for the safe custody of the documents and securities of the No. 2 Branch of the Union. Documents and securities shall be deposited in the name of the No. 2 Branch, countersigned by the No. 2 Branch Trustees on behalf of the No. 2 Branch;

(b) act only on resolution of the No. 2 Branch Management Committee or Executive, certified under the hands of the No. 2 Branch Secretary;

(c) subject to the directions of the No. 2 Branch Management Committee or Executive, have custody of all property of the No. 2 Branch;

(d) be signatory for any accumulated funds invested in securities allowed by law as the No. 2 Branch Management Committee or Executive may direct;

(e) sign cheques or warrant for the withdrawal of funds which shall be countersigned by the No. 2 Branch Secretary.

39 - DUTIES OF DIVISIONAL BRANCH SECRETARY

(i) The Divisional Branch Secretary shall:

(a) be under the control of the Divisional Branch Management Committee and the Divisional Branch Executive and shall be employed in a full time capacity (unless otherwise determined by the Divisional Executive) and shall among other things conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch;

(b) be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Management Committee or Divisional Branch Executive;

(c) prepare and forward to the Industrial Registrar returns as required by law;

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(d) prepare the agenda for and minutes of each Divisional Branch Management Committee and Executive meeting; and shall attend meetings of the Divisional Branch Management Committee, Divisional Branch Executive and other meetings called by the Divisional Branch Management Committee or Divisional Branch Executive;

(e) be in charge of the office and subject to Rule 34 shall direct the labours of the officials and employees of the Division;

(f) keep a correct account of all monies received and expended;

(g) sign all cheques in addition to one of the Trustees and shall be the signatory to all documents on behalf of the Divisional Branch;

(h) be permitted to hold petty cash to the amount of $500.00;

(i) be paid incidental and travelling expenses;

(j) generally conduct all financial transactions of the Branch;

(k) draw up a report and balance sheet, to be submitted to the Divisional Branch Management Committee as directed, and submit the books and accounts annually to the auditors;

(l) keep a record of the names and addresses of all members of the Divisional Branch, the names, addresses and occupations of all officers of the Branch, with the dates when they were admitted, died or left, their financial position in the Divisional Branch and all other particulars necessary to enable the Rules to be enforced;

(m) receive all monies, and pay same into such Bank as the Divisional Branch Management Committee may direct, to the credit of the Union within seven (7) days after the receipt of same;

(n) when vacating office, deliver to the successor in office, in the presence of the Divisional Branch Management Committee or Executive, all books, documents and other property of the Divisional Branch in the Divisional Branch Secretary's possession;

(o) produce for audit at least once a year, and at such other times as the Divisional Branch Management Committee may direct, all books and documents of the Divisional Branch appertaining to finance;

(p) forward to the Divisional Secretary when requested a true copy of the minutes of each meeting of the Divisional Branch Management Committee or Executive or any special meeting thereof;

(q) summon all meetings of the Divisional Branch Management Committee and Divisional Branch Executive, issue all necessary notices to members of the Divisional Branch Management Committee or Divisional Branch Executive in connection with such meetings. In consultation with the Divisional Branch President the Divisional Branch Secretary shall be authorised to convene any extraordinary meeting as deemed necessary;

(r) be ex officio member of all committees of the Divisional Branch;

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(s) be responsible for the implementation and compliance with the decisions, rules and policies determined by the Divisional Conference or Divisional Executive by the Divisional Branch of which the Divisional Branch Secretary was elected.

(ii) Notwithstanding anything elsewhere contained in these Rule the Branch Secretary of the No. 1 Branch will not have the duties set out in (i)(f) (g) (m) (o) as the No. 1 Branch will not have funds.

40 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY/IES

(If Required)

(a) The Divisional Branch Assistant Secretary/ies shall be under the control of the Divisional Branch Management Committee and the Divisional Branch Executive Committee and shall, under the direction and authority of the Divisional Branch Secretary, carry out all responsibilities allocated to the position.

(b) The Assistant Secretary shall in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary.

(c) The Assistant Secretary shall attend meetings of the Divisional Branch Management Committee, Divisional Branch Executive Committee and other meetings called by the Divisional Branch Management Committee or Divisional Branch Executive Committee.

41 - DUTIES OF ORGANISERS

The Divisional Branch Management Committee may determine the number (if any) of Organisers of the Divisional Branch or District and the number (if any) to be appointed by it or elected pursuant to Rule 44 and shall determine the duties to be performed by any such Organisers.

42 – DISTRICT GOVERNANCE

(i) Each District shall have a Management Committee that shall consist of a President, Secretary, a Vice President, elected organisers (if any) and no less than three Management Committee members. Prior to the calling of nominations the District Management Committee may determine that the Management Committee shall also consist of any of the following further members: (up to two further Vice Presidents, and Assistant Secretary/ies, and no more than fourteen further Management Committee members.) Provided that the President of the Queensland Northern Territory Western Australian District will be a member assigned to that district and who resides in Queensland.

Where prior to the calling of nominations a District Management Committee determines that the Management Committee shall have two Vice Presidents one of those positions will be designated an affirmative action position to be filled by a female member. Where the District Management Committee determines that the Management Committee shall also consist of 14 further Management Committee members two of those positions will be designated affirmative action positions to be filled by female members.

Nominations for the designated affirmative action positions will be called from female members only, although this does not preclude female members from holding any other District Management Committee positions.

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The failure to fill a designated affirmative action position shall not prevent a District carrying out or conducting the business of the District.

(ii). The District Management Committee shall, subject to these Rules, be the highest deliberative body of the District and shall subject to the Rules, policies and decisions of the Divisional Conference and/or Divisional Executive, manage and superintend the affairs of the District and perform all the duties allotted to them by the Rules. The District Management Committee shall, subject to these Rules, have the following responsibilities, functions, powers and duties:

(a) to take such steps as it shall consider necessary to carry out all or any of the objects of the Union in a manner consistent with the decisions of Divisional Conference and the No. 1 Branch Management Committee;

(b) to maintain close liaison with the Divisional Executive and the Divisional Branch Management Committee;

(c) to ascertain and identify the concerns, ideas and interests of members allocated to that District;

(d) to actively contribute to the development, implementation of the strategies and plans of the Division;

(e) to ensure that the Divisional Conference, Divisional Executive, and the No. 1 Branch Management Committee are fully informed of the concerns, ideas and interests of the members in its District;

(f) to establish such Committees or sub committees as it may from time to time determine;

(iii). The District Management Committee shall meet as required and at least twice per annum. A quorum for any meeting shall be a majority of its members.

(iv). The District Management Committee may determine that there shall be a District Executive. In the event of such a determination the District Executive shall include the President and Secretary and such other members of the District Management Committee as it may determine appropriate.

In the event that the District Management Committee makes such a determination the District Executive shall carry out any duties which they have been directed to perform by the Divisional Branch Management Committee and shall meet as frequently as is necessary to do so.

(v). Duties of District Officers shall be as follows:

(a) The District President shall preside at all meetings of the District Management Committee, carry out such duties as may be assigned from time to time by the District Management Committee, and shall have a deliberative vote only, shall sign the minutes of proceedings of all meetings convened by the District Management Committee.

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(b) The District Vice President/s shall attend all meetings of the District Management Committee, and assist the District President in the conduct of the duties of that office, shall officiate in the absence of the District President with all of the powers of the District President.

(c) The District Secretary shall:

1. be under the control of the District Management Committee and shall conduct correspondence in connection with all matters relating to the business of the District;

2. be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Management Committee in the District;

3. prepare the agenda for and minutes of each District Management Committee; and shall attend meetings of the District Management Committee and other meetings of members of the District;

4. be in charge of the District Office/s and subject to the directions of the Divisional Branch Management Committee and the Divisional Executive shall direct those activities carried out on behalf of the District by any officials or employees including organisers through the District office/s;

5. when vacating office, deliver to the successor in office, in the presence of the District Management Committee, all books, documents and other property of the Divisional Branch including the District in the District Secretary's possession;

6. forward to the Divisional Secretary when requested a true copy of the minutes of each meeting of the District Management Committee or any special meeting thereof;

7. summon all meetings of the District Management Committee, issue all necessary notices to members of the District Management Committee in connection with such meetings. In consultation with the District President the District Secretary shall be authorised to convene any extraordinary meeting as deemed necessary;

8. attend and participate in any meeting of members of the District;

9. be a member of Divisional Conference pursuant to Rule 8;

10. be responsible for the implementation and compliance with of the decisions, rules and policies determined by the Divisional Conference or Divisional Executive by the District of which the District Secretary was elected.

(d). The District Assistant Secretary/ies (if any) shall:

1. be under the control of the District Management Committee and shall under the direction and authority of the District Secretary, carry out all responsibilities allocated to the position;

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2. the Assistant Secretary/ies (if any) shall in the absence of the District Secretary fulfil the office and perform the duties of the District Secretary;

3. the Assistant Secretary/ies shall attend meetings of the District Management Committee and other meetings of members of the District.

(e). The Officers of the PPW District and of the PPW Sub Branches shall have the duties and carry out the functions as provided for in Rule 57 of these Rules.

(f) District Management Committee members shall have the powers of a Shop Steward.

43 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any position in a full-time capacity shall be employed full time in the service of the No. 2 Divisional Branch and be paid such weekly wages and conditions as shall be determined at a properly constituted meeting of the No. 2 Divisional Branch Management Committee/ Executive Committee.

(b) Full-time officers of the No. 1 Branch including any full time paid District or PPW sub branch officers shall be paid from the Divisional Fund.

(c) Full-time paid officers shall be under the control of the Divisional Branch Executive between Divisional Branch Management Committee meetings and shall carry out all instructions of the Divisional Branch Management Committee or Divisional Branch Executive in accordance with the Rules.

(d) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of the intention so to do to the Divisional Branch Management Committee.

(e) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Management Committee first being obtained.

(f) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Executive within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Executive a medical certificate setting out that the officer has recovered and is capable to carry out the duties in accordance with the Rules.

44 - ELECTIONS

(a) (i) Any member of the Division who is financial as provided for in Rule 6, at the time of nominations and has three years financial membership, may nominate for the following positions:

Divisional Secretary
Divisional President
Divisional Assistant Secretary

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(ii) Provided further that no member shall be entitled to nominate for more than one Divisional full time office.

(iii) Where a member nominates for more than one Divisional full time office the Divisional Returning Officer shall seek from the member a decision as to which position the member wishes to contest.

(iv) Where no decision is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:

Divisional Secretary, Divisional President, Divisional Assistant Secretary.

(v) The Office of the Divisional Senior Vice President shall be held by the District Secretary of the PPW District of the No. 1 Branch.

(vi) The term of office for the above positions shall be four (4) years such term shall commence from 2 January following the election.

(b) (i) Any member of the Divisional Branch who is financial as provided for in Rule 6, at the time of nominations and has financial membership of the Divisional Branch in accordance with the scale set out in this rule, may nominate for such positions according to this scale.

(ii) Provided further that no member shall be entitled to nominate for more than one Divisional Branch full-time office.

(iii) Where a member nominates for more than one Divisional Branch full-time position the Divisional Branch Returning Officer shall seek from the member a decision as to which position the member wishes to contest.

(iv) Where no decision is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-

Secretary, Assistant Secretary, President, Organiser (if any).

(v) The scale of financial membership of the Divisional Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary - 3 years financial membership
Divisional Branch Assistant Secretary/ies - 3 years financial membership
Divisional Branch President(s) - 3 years financial membership
Divisional Branch Delegate to
Divisional Conference - 3 years financial membership
Divisional Branch Senior Vice President - 1 year financial membership
Divisional Branch Vice Presidents - 1 year financial membership
Divisional Branch Trustees - 1 year financial membership
Divisional Branch Management Committee - 1 year financial membership
and
Organiser (if any)- 1 year financial membership

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Provided that for the purposes of this sub-rule financial membership of the State Registered Union being the United Timber Yards, Sawmills and Woodworkers Employees' Union of Western Australia or its successor shall be for all purposes continuous with and counted as financial membership of this Division.

(vi) The term of office for the above positions shall be four years and such term shall commence from the 2nd January, following the election.

(c)(i) Any member of the No. 1 Branch who is financial as provided for in Rule 6 at the time of nominations and has financial membership in accordance with the scale set out in this Sub Rule, may nominate for such positions according to this scale.

(ii) The No.1 Branch Divisional Management Committee shall determine prior to the calling of nominations whether a position of District Secretary in any District is to be a full time paid Office.

(iii) No member shall be entitled to nominate for both the position of District Secretary and District Assistant Secretary (if any)

(iv) The scale of financial membership of the Divisional Branch necessary for members to nominate for the following positions is a follows:

District Secretary – 3 years financial membership
District President – 1 year financial membership
District Vice President - 1 year financial membership
District Assistant Secretary/ies (if any) - 1 year financial membership
District Management Committee Members – 1 year financial membership
PPW Sub Branch Secretary-1 year financial membership
PPW Sub Branch Senior Vice President - 1 year financial membership
PPW Sub Branch Junior Vice President -1 year financial membership
PPW Sub Branch Committee of Management Members -1 year financial membership

(v) The term of office for the above positions shall be four years and such term shall commence from the 2nd of January following the election.

(d)(i) Nominations for the above positions, shall be called by the Divisional Returning Officer by notification in the union journal if one is due to be published and in one daily newspaper circulating in all of the areas in which members of the Division are Resident on or before the last day of August of every fourth year commencing on and from the last day of August, 1996.

(ii) Nominations shall open on the second Monday in September. Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Returning Officer or handed personally at the Divisional Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(iii) Nominations shall be closed at 4 pm on the last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Returning Officer by that time on the date to be eligible.

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(iv) A member having nominated for any office in accordance with these Rules may withdraw the nomination by notifying the returning officer in writing of an intention to do so at any time up to 14 days after the closing of nominations. The returning officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the members name from the ballot papers prior to their distribution.

(v) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Branch Management Committee member 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(vi) The Divisional Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(vii) If at the closing date for nominations only sufficient nominations have been received by the Divisional Returning Officer to fill any vacancy or vacancies the Divisional Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Branch Management Committee and candidates by submitting a Divisional Returning Officers report to the Divisional Secretary.

(viii) If all nominations are received and there are more nominations than there are vacancies the Divisional Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or a nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(ix) The Divisional Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable the supply of a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(x) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(xi) Where a ballot is required, the Divisional Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Returning Officer.

(xii) The Divisional Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by prepaid post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Returning Officer by the Divisional Secretary and that envelope shall contain only the following documents -

(a) a ballot paper initialled by the Divisional Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

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(b) a declaration envelope and an empty unsealed pre-paid post envelope addressed to the Divisional Returning Officer, c/- the numbered mail box referred to in this rule;

(c) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Returning Officer may consider necessary;

(d) the candidates statement provided for in accordance with sub-rule (d)(v) of this rule.

(e) provided that the Divisional Returning Officer shall post to each member eligible to vote by mail each relevant ballot paper.

(xiii) For the purpose of the election the books of the Divisional Branches shall be deemed to have closed as at 1st September in the year of the election. Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines prior to the 1st September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Returning Officer that they have paid all contributions, levies and fines prior to the 1st September in the year of the election shall be entitled to receive a ballot paper and the Divisional Returning Officer shall send by post, a ballot paper in accordance with sub-rule (d)(xii) a of this rule.

(xiv) The opening date of the ballot shall be the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed
.

(xv) The Divisional Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box until the commencement of the count of the ballot which will take place no later than the first working day following the closing of the ballot and shall be completed as soon as is practicable.

(xvi) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present.

(xvii) The Divisional Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 4, Definitions, and the candidate or candidates receiving the necessary votes shall be deemed elected.

(xviii) In the case of equality of votes for any 2 or more candidates the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

(xix) The Divisional Returning Officer shall declare the successful candidates elected and notify the Divisional Secretary of the result of the ballot and the Divisional Management Committee or Divisional Executive shall issue instructions for the publication of same in

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their minutes. The Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional area.

(xx) The Divisional Returning Officer's report to the Divisional Secretary shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(xxi) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(xxii) In any election the Divisional Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Returning Officer may proceed nonetheless.

(xxiii) Where a casual vacancy occurs in any office under these Rules such vacancy shall be filled in accordance with the provisions of Rule 46. As a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

(1) 12 months or

(2) three quarters of the term of the office, whichever is the greater.

Where the unexpired part of the term of office exceeds that specified in this sub-clause, the Divisional Returning Officer shall conduct an election in accordance with this rule with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

e. The elections for each of the offices provided for in Sub Rules (b) and (c) of this Rule shall be conducted with the necessary changes in accordance with the provisions of Sub Rule (d) shall be a reference to a Divisional Office or body shall be references to the corresponding Divisional Branch, District or PPW Sub Branch Office or body for the purposes of this Rule.

45 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The Divisional Branch Management Committee shall determine the place and time of any meetings of that Committee or the Divisional Branch.

46 – CASUAL VACANCIES

(i) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -

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(1) 12 months or

(2) three quarters of the term of the office whichever is the greater.

(ii) Where the unexpired part of the term of office exceeds that specified in (i) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where this sub-rule (ii) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 44 of these Rules of the Union as modified to suit the requirements of the election.

(iii) Any extraordinary vacancy which occurs in the office of any Divisional Branch or District or PPW Sub Branch including any member of a Divisional Branch Management Committee, District Management Committee or PPW Sub Branch Management Committee shall be filled in the manner provided in (i) and (ii) of this sub rule with necessary changes and for that purpose by the Divisional Branch Management Committee, District Management Committee or PPW sub Branch Management Committee respectively.

47 - REMOVAL OF OFFICERS AND MANAGEMENT COMMITTEE MEMBERS

(a) Any officer/member of a Divisional Branch or District may be removed from office by a two-thirds majority of that Divisional Branch Management Committee or District Management Committee at a special meeting of the Divisional Branch Management Committee or District Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Division of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Division or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(b) Any officer/member of the Divisional Branch Management Committee or District Management Committee charged may be suspended immediately by decision of the Divisional Branch Management Committee or District Management Committee respectively pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of the rules. The officer or Divisional Branch Management Committee or District Management Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in their defence, or if the officer prefers, may answer the charges in writing.

In the case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to the Divisional Conference or Executive whichever is appropriate as soon as it is conveniently possible from the date of the decision. Rule 58 - Appeals of Members shall apply.

48 - DUTIES OF MEMBERS AND OFFENCES

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A. DUTIES

(a) To adhere strictly to the Rules of the Union and Division including any Rules relating to its Divisional Branches or Districts.

(b) To promote the industrial welfare of every other member.

(c) To attend the meetings of the Divisional Branch or District as often as possible and to assist the Officers to the best of the members' ability.

(d) To supply the Divisional Branch Secretary or District Secretary with information as to where work is procurable for members.

(e) Not to knowingly divulge any portion of the Union's business to any non-member or to discuss it with members in the presence or within the hearing of non-members.

(f) When joining the Union to furnish the Divisional Branch Secretary or District Secretary with an address and notify any change of address within fourteen (14) days of such change.

(g) Not to defraud other members.

(h) To render every assistance to Shop Stewards/Job Delegates in their respective work places in the carrying out of their duties.

(i) To answer or cause to answer any correspondence received from the Divisional Branch Secretary or District Secretary and to supply any information that may be required.

(j) To report to the Divisional Branch Secretary or District Branch Secretary or the Divisional Secretary any member believed to be guilty of a breach of the Rules.

B. OFFENCES

(1) Any member may charge any other member with;

(a) Committing any breach of the Rules.

(b) Failing to comply with any lawful resolution or direction passed or given under any Rule of the Union after having been given notice thereof.

(c) Committing any fraudulent act or unlawful act in relation to funds or property of the Union or in relation to any election held under its Rules.

(d) Wrongfully holding themselves out as occupying any office or position in the Union or any Divisional Branch or District thereof, as being entitled to represent the Union or any Divisional Branch or District in any capacity.

(e) Behaving in a drunken, disorderly or offensive manner towards an officer of the union or at any meeting held under the Rules of the Union or in the office of the Union Divisional Branch or District.

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(f) Knowingly giving false information to any officer, representative or employee of the Union or any person acting as or on behalf of a Returning Officer conducting any election under its Rules relating to any Union business or election or any matter affecting the interest of the Union or its members, or refusing to give information to such persons when reasonably requested to do so.

(g) Aiding or encouraging any other member in any offence under these Rules.

(h) Doing any act calculated to injure or destroy the Union or making any wilful false statement concerning the administration of its affairs.

(i) Failing to report to the Divisional Branch Management Committee or the Divisional Conference a member believed to be guilty of a breach of the Rules.

(j) any of the following, the member so charged being the holder of any office within the Union:

(i) misappropriation of the funds of the Union;

(ii) a substantial breach of the Rules of the Union; or

(iii) gross misbehaviour or gross neglect of duty.

(2) Any charge must be made in writing and shall be made to the Divisional Secretary or the Divisional Branch Secretary. Such Officer shall, if directed by the Divisional Branch Management or Executive Committee or the Divisional Conference or the Divisional Executive, summon the member charged. Such summons shall be in writing and shall state the time and place of the hearing and the substance of the charge. The member's fares to and from the place of the meeting shall be paid. The member shall on written request, be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is charged.

(3) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be investigated, whether or not the person charged is present, unless a satisfactory explanation of the absence has been received.

(4) At the hearing the member charged must be given a reasonable opportunity to present a defence to the charges including a reasonable opportunity to call any witness upon whose evidence the member wishes to rely, and if necessary to tender a written submission.

(5) If the Divisional Conference or the Divisional Executive or Divisional Branch Management Committee or Divisional Branch Executive finds the member concerned so charged guilty it may:

(a) Impose a fine of a sum not exceeding $100.00, and/or

(b) Suspend the member from membership; and/or

(c) Remove the member from any office or position; and/or

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(d) Expel the member from membership of the Union.

(6) Suspension from membership shall deprive a member of the rights and benefits of membership, but shall not relieve the member of the obligations of membership and shall not exceed six months for any one offence.

(7) An appeal under this Rule shall lie in respect of any decision from a Divisional Branch to the Divisional Conference, or the Divisional Executive, provided that Notice of Appeal shall be given in writing to the Divisional Secretary within twenty-one days from the date of the member being notified of the Divisional Branch decision and shall set forth in full all matters which the appellant desires to be considered.

(8) The Divisional Conference or the Divisional Executive shall decide the appeal at its next meeting after the appeal is made and the appellant shall have the right to attend the meeting and state a case on the appeal.

(9) Notwithstanding anything to the contrary in these Rules a person elected to any office within the Union shall not be dismissed from office unless found guilty of misappropriation of the funds of the Union a substantial breach of the Rules of the Union or of gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold the office.

49 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's union subscriptions.

50 - SHOP STEWARDS/JOB DELEGATES

(1) A majority of members in each workplace or where appropriate department of the workplace present may select from amongst their number a person or persons to act as Steward or Stewards, Job Delegate or Job Delegates who shall as far as possible perform the following duties:-

(a) To see that these Rules are strictly adhered to.

(b) To investigate and if possible rectify any complaints or disputes and if unsuccessful to refer any such matters to the Divisional Branch Secretary for resolution.

(c) To report any infringement of any award or agreement affecting the Union to the Divisional Branch Secretary at once.

(d) To attend all meetings as regularly as possible.

(e) To notify the Divisional Branch Secretary when possible within twenty-four hours, of all accidents to members of the Union. All such information shall be supplied where possible on a form furnished by the Divisional Branch Secretary.

(g) It shall be the duty of all Shop Stewards/Job Delegates to endeavour to enrol appropriate workers in their respective workplace or jobs into the Union.

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(h) On the start of every job where two or more workers are working there shall be a show of cards and also at any time the Shop Steward/Job Delegate may determine.

(i) Any member refusing to show their card when required by a Shop Steward/Job Delegate shall be liable to be fined up to $100 by the Divisional Branch Management Committee.

(j) It shall be the duty of Shop Stewards/Job Delegates to interest themselves in the welfare of the worker probationers, indentured apprentices and trainees.

(k) On direction of the Divisional Branch Management Committee or at the request of one third of the members on the job, they shall be required to call a meeting as soon as convenient.

(2) The Divisional Branch Secretary shall be advised of the appointment of Shop Stewards/Job Delegates in accordance with paragraph (1) and approved by the Divisional Branch Management Committee or Executive. In the event of failure of the members to appoint a Steward/Job Delegate in accordance with paragraph (1) the Divisional Branch Secretary or an officer authorised by the Divisional Branch Secretary shall have the power to appoint a Steward/Job Delegate or Stewards/Job Delegates.

(3) Where no alternative arrangements for the payment of Union contributions have been determined by the Union, the Steward/Job Delegate shall collect all contributions, fines and levies due to the Union by members in the work place where the Steward/Job Delegate is employed, the same to be paid to the Secretary within 14 days. The Steward/Job Delegate may be paid a Commission to be fixed by the Divisional Branch Management Committee on all monies (except levies) collected, and shall be paid quarterly.

(4) If the Divisional Branch Secretary is advised by members in any work place of their dissatisfaction with the performance of a Shop Steward/Job Delegate then a meeting of members will be convened to consider the complaints.

(5) In relation to the No. 1 Branch a reference to the Divisional Branch Secretary shall include for all purposes of this Rule a reference to the relevant District Branch Secretary.

51 - VICTIMISATION

Should any Shop Steward or Job Delegate be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee/Executive Committee shall take all necessary steps to see that the Shop Steward/Job Delegate interests are protected.

52 - ALLOWANCES

The Divisional Branch Management Committee/Executive may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or District for attending meetings at the request of the Divisional Branch or for its purposes.

53 - LOANS, GRANTS AND DONATIONS

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A loan, grant or donation of an amount exceeding $1,000.00 shall not be made by any Divisional Branch, unless the Divisional Branch Management Committee or the Divisional Branch Executive, as the case may be:

(a) has satisfied itself -

(i) that the making of the loan, grant or donation would be in accordance with the other Rules of the Union; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory, and

(b) has approved the making of the loan, grant or donation.

54 - CHANGE OF RESIDENCE

Any member changing residence shall report the same to the Divisional Branch Secretary within fourteen (14) days and in default shall be liable to a fine of up to $100.

55 - INSPECTION OF BOOKS

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary.

56 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Divisional Branch including any District may make a written appeal to the Divisional Branch Executive for redress, who shall in the case of appeals on any matter that does not relate to the Divisional Branch Executive forward the appeal to the Divisional Branch Executive within one (1) month.

(b) Any members dissatisfied with the decision of the Divisional Branch Executive may appeal to the Divisional Branch Management Committee within one (1) month of the decision being given.

(c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Executive within one (1) month after the hearing of the case by the Divisional Branch Management Committee.

(d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Executive or Divisional Executive may confirm, annul or modify the penalty or finding. Should the appellant desire to appear in person the appellant member shall be afforded the opportunity to do so.

57 - SPECIAL RULE – THE PULP AND PAPER WORKERS DISTRICT

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The following provisions shall apply in respect of the Pulp and Paper Workers' District of the No.1 Branch of the Division (in this Rule called "the PPW District")

(1) Nothing in this Rule shall affect the application of the Rules to the PPW District and to the holders of offices within and to the members of that District except insofar as this Rule may be inconsistent with another rule in which event the provisions of this Rule shall prevail to the extent of such inconsistency.

PPW DISTRICT PROVISIONS

(2) The business of the PPW District shall be conducted by the District Management Committee which shall consist of the District Secretary and Sub-Branch Delegates.

(3) The powers of the District Management Committee shall include the following powers:-

(a) To establish new Sub-Branches and amalgamate existing Sub-Branches, to close or disband Sub-Branches in accordance with the Rules, and generally to control Sub-Branches and the members thereof including the power to disallow By-Laws made by any Sub-Branch in conflict with the Rules.

(b) When establishing a new Sub-Branch to make Rules providing for the admission of members to that new Sub-Branch, the establishment of a Management Committee of that new Sub-Branch, the election of officers of that new Sub-Branch and all such matters as may be necessary.

(c) To fix the amount of per capita payments by the Sub-Branches to the Divisional Executive - such payments not to exceed 75% of the members' contributions unless agreed by a majority of the Sub-Branches.

(d) To establish and or operate a Superannuation Fund for the benefit of the members of the District and others.

(4A) The District shall hold an Annual General Meeting and such other meetings as may be necessary. Such meetings shall consist of a series of meetings of the members of each Sub-Branch held at times, places and dates to be decided by the District Management Committee. Members entitled to attend the meetings shall be notified thereof by circular or advertisement, or by printed notices or by such other similar means as the District Management Committee may deem reasonable. Any proposed resolution put to the series of meetings shall have been passed if it receives on the aggregate of all meetings held in the series, the majority of votes.

(5) The Divisional Conference or District Management Committee shall have the power to suspend any Sub-Branch Management Committee and/or all or any officers, committee members and delegates of a Sub-Branch if it is satisfied after due enquiry and after giving it or them the opportunity of being heard:-

(a) That the Rules of the District or Sub-Branch have not been bona fide observed or enforced by the Sub-Branch.

(b) That any lawful decision of the District Management Committee has not, after notification, been bona fide observed and enforced by the Sub-Branch.

(c) That the Sub-Branch is wilfully neglecting to provide for the collection of fees, levies, fines or contributions.

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(d) That the accounts of the Sub-Branch have not been duly audited or that the accounts of the Sub-Branch or the Auditor do not disclose the true financial position of the Sub-Branch.

(e) That for any reason the Sub-Branch cannot or fails to meet in accordance with the Rules.

(f) That the officers of the Management Committee of the Sub-Branch refuse to disclose to the District Management Committee information concerning the Sub-Branch or the Management Committee.

(6) If a Sub-Branch or a Sub-Branch Management Committee fails to comply with any lawful direction of the District Branch and incurs legal costs or has imposed upon it a fine and/or legal costs arising from the conduct of the Sub-Branch, the Sub-Branch Management Committee or members of the Sub-Branch, which conduct is in contravention of the lawful direction of the District Management Committee then the District Conference or District Management Committee shall have the power to direct that the amount of legal costs, fine and/or legal costs so incurred by and/or imposed upon the District shall be paid to the District Management Committee from the funds of the Sub-Branch.

(7) The District Management Committee shall call a meeting upon the requisition of three (3) Sub-Branches.

(8) The Sub-Branch Delegates to the District Management Committee shall be the Sub-Branch Secretary together with the additional Delegates who shall be elected quadrennially by the membership of each Sub-Branch in accordance with Rule 44. The additional Delegates shall be elected on the following basis:-

(a) Each Sub-Branch with a membership of less than 100 members - the Sub-Branch Secretary only.

(b) Each Sub-Branch with a membership of 100 members or more but less than 400 members - the Sub-Branch Secretary together with one (1) additional Delegate.

(c) Each Sub-Branch with a membership of 400 members or more but less than 1,000 members - the Sub-Branch Secretary together with two (2) additional Delegates.

(d) Each Sub-Branch with a membership of 1,000 members or more but less than 2,000 - the Sub-Branch Secretary together with three (3) additional Delegates.

(e) Each Sub-Branch with a membership of 2,000 members or more but less than 3,000 members - the Sub-Branch Secretary together with four (4) additional delegates.

(f) Each Sub-Branch with a membership of 3,000 members or more - the Sub-Branch Secretary together with five (5) additional Delegates.

(9) The Sub-Branch Management Committee may appoint a proxy delegate to any meeting of the District Management Committee when the delegate or delegates of the Sub-Branch to the District Management Committee (being either the Sub-Branch Secretary or additional Delegate or Delegates) is or are unable to attend that meeting: Provided that such proxy delegate shall be entitled to speak and vote on any matter except that such proxy delegate

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shall not participate in any step in any election for an office conducted amongst members of the District Management Committee.

(10) The District Secretary and Divisional Conference Delegates shall be elected quadrennially by the members of the District in accordance with the provisions of Rule 44.

(11) The District President, Senior District Vice President, Junior District Vice President and three (3) Trustees shall be elected by secret ballot after nominations have been called for by the Returning Officer at the meeting of the District Management Committee held next after the declaration of the quadrennial elections by and from the members of the District Management Committee in accordance with the provisions of Rule 44 with the necessary changes.

(12) In the event of a member being elected to the office of District Secretary and as an Additional Delegate of a Sub-Branch to the District Management Committee such position of Additional Delegate shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 44 with the necessary changes.

(13) In the event of a member being elected to the offices of District Secretary and Sub-Branch Secretary the office of Sub-Branch Secretary shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 44.

(14) (a) In the event of an industrial dispute taking place in any Sub-Branch the officers of such Sub-Branch shall try, by conciliation, to settle the dispute. In the event of the Sub-Branch officers concerned being unable to secure a satisfactory settlement the matter shall be referred to the District Secretary who shall, on behalf of the District Management Committee take charge of such dispute and shall consult with the District President and shall, if necessary, convene a meeting of the District Management Committee to deal with the matter.

(b) (i) A majority of the Sub-Branches shall, at special meetings of the Sub-Branch Management Committees called for that purpose, decide whether an industrial dispute affecting members of the Divisional Branch is to be submitted by the District to the appropriate tribunal established under the Workplace Relations Act 1996.

(ii) The District President and District Secretary or such other person or persons as the District Management Committee may decide shall be empowered to make submissions on behalf of and represent the District before a Federal or State Industrial Tribunal and to sign or issue any document including any agreement for the District which is necessary in respect of any such submission or presentation.

(15) Any delegates representing the District or a Sub-Branch on the Australian Labor Party shall be a member of that party.

(15A) The District Secretary shall be ex-officio a member of all committees of the Sub-Branches but shall not be entitled to exercise a vote on matters appertaining exclusively to only one Sub-Branch.

PPW SUB-BRANCH PROVISIONS

(16) (a) The following Sub-Branches are and shall be deemed to have been established as from the several dates on which they began to function:-

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Melbourne, Maryvale, Millicent, Sydney, Nowra, Tasmania, Tumut and, Petrie.

(b) The Sub-Branches shall consist of members of the District as follows:-

(i) The Melbourne Sub-Branch shall consist of members who are employed within a radius of forty (40) kilometres of the General Post Office.

(ii) The Maryvale Sub-Branch shall consist of members employed within a radius of forty (40) kilometres from either the Traralgon or the Morwell Post Office.

(iii) the Millicent Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Millicent Post Office.

(iv) The Sydney Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Sydney Post Office.

(v) The Nowra Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Nowra Post Office.

(vi) The Tumut Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Tumut Post Office.

(vii) The Petrie Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Petrie Post Office.

(viii) The Tasmanian Sub-Branch shall consist of members employed in the State of Tasmania.

(17) (a) Additional Sub-Branches may be established by resolution of the District of Management.

(b) Any member not employed within a Sub-Branch area shall be attached to the Sub-Branch nearest to where he is employed.

(18) (a) Officers of the Sub-Branches shall be the President, two (2) Vice-Presidents (a Senior and Junior Vice President) and a Secretary such officers shall also be officers of the Union. These officers together with such number of other members which shall not be less than three (3) or exceed ten (10) as the Sub-Branch shall determine shall form the Sub-Branch Committee of Management. The Sub-Branch Secretary shall also mean the Sub-Branch Secretary-Treasurer.

(b) Delegates to the District Committee of Management shall be ex-officio members of all Committees and Sub-Committees of the Sub-Branch to which they belong.

(c) The Officers of the Sub-Branch together with the other members of the Sub-Branch Committee of Management shall be elected quadrennially by the members of the Sub-Branch in accordance with the provisions of Rule 44.

(19) (a) No member shall hold more than one of the offices of Sub-Branch President, Sub-Branch Senior Vice-President, Sub-Branch Junior Vice-President, Sub-Branch Committeeman, or Sub-Branch Secretary. If a member is elected to any two or more of the said offices, such person shall not later than 5 days after the declaration

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of the result of the election by notice in writing delivered to the Sub-Branch Secretary signify which one of the said offices such member elects to hold. The member shall thereupon be deemed to have resigned from the other office or offices and the vacancy shall be filled in accordance with the provisions of Rule 44 mutatis mutandis.

(b) No member shall hold the office of Sub-Branch Secretary and Sub-Branch Additional Delegate from the Sub-Branch to the District Committee of Management. If a member is elected to each of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch President signify which one of the said offices such member elects to hold and shall thereupon be deemed to have resigned from the other office. The vacancy so occurring in the other office shall be filled in accordance with the provisions of Rule 44 mutatis mutandis.

(20) Each Sub-Branch shall elect delegates to represent it on any body with which the Sub-Branch is affiliated. The election shall be conducted amongst members of the Sub-Branch Management Committee and be held at the next Sub-Branch Management Committee meeting following Sub-Branch elections. Nominees are required to be a member of the Sub-Branch Management Committee.

(21) Times and places of meetings of a Sub-Branch shall be fixed by the Sub-Branch Management Committee and shall be notified to members by being posted on work place notice boards at least three (3) days prior to the date of such meetings. At least one meeting shall be carried quarterly.

(22) Each Sub-Branch shall decide the starting and finishing times of its meetings and no extension shall exceed thirty (30) minutes beyond the time of normal finishing.

(23) The Sub-Branch President and Sub-Branch Secretary may call a meeting of the Sub-Branch Management Committee at any time by giving the membership of such Committee three (3) days notice in writing of the date, time and place of such meeting. The Sub-Branch President and Sub-Branch Secretary shall call a meeting of the Sub-Branch Management Committee. The Sub-Branch Management Committee if required to do so, by a written request of a majority of members of the Sub-Branch Management Committee may, at any meeting held of such Management Committee, decide the date, time and place of future meetings.

(24) A quorum for a Sub-Branch meeting shall consist of five (5) members (not including officers or members of the Management Committee) where the Sub-Branch has a membership of 100 or less members; a quorum for a Sub-Branch meeting shall consist of ten (10) members (not including officers or members of the Sub-Branch Management Committee) where the Sub-Branch has a membership of over 100 members. If no such quorum is present at a meeting of a Sub-Branch thirty (30) minutes after the normal starting time of such meeting that meeting shall lapse.

(25) If due to the absence of a quorum at a meeting, a Sub-Branch is unable to conduct its business, the Sub-Branch Management Committee shall conduct such business with the full authority of a properly constituted Sub-Branch meeting.

58 – TRANSITIONAL PROVISIONS

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(i) The purpose of this Rule is to provide for the commencement of the operation of amendments made to the Rules of the Division in 2008 which provide for the substantial restructure of the Division including the creation of new Divisional Branches and Districts, and of new Offices (the new Offices) and for various other additions, amendments, rescissions and other alterations (the 2008 Rule changes).

(ii) The provisions of this Rule and of all the Rules referred to in sub rule (i) (the new Rules or new sub rules) shall take effect on and from the day the Industrial Registrar certifies them (the Rule 58 commencement date). The Division and its members shall comply with them severally as provided for in this Rule.

(iii) Subject to the provisions of this Rule and after the Rule 58 commencement date, the Division and its members shall continue to comply with the Rules in operation immediately prior to that date (the unamended Rules).

(iv) As soon as practicably possible after the Rule 58 commencement date, after receiving advice from the Divisional Secretary, the Divisional Executive in office in accordance with the unamended Rules, shall in accordance with the relevant provisions of the new Rules determine to which Divisional Branch of the Division each member of the Division is to be attached and to which District (if applicable) or PPW sub branch to which each member is to be attached.

(v) On or before the last day of August 2008 or as soon as practicable thereafter the Divisional Returning Officer shall conduct an election for each of the following new offices in accordance with the new Rule 44:

Divisional Offices:

Divisional Secretary
Divisional President
Divisional Assistant Secretary

No 1 Branch Offices:

Divisional Branch President
Divisional Branch Secretary
Divisional Branch Assistant Secretary (if any)
District Secretaries of each District
District President
District Vice President
District Committee of Management Members

(the Divisional Senior Vice President is the PPW District Secretary and a National Officer by virtue of that office.)

No 2 Branch Offices:

Divisional Branch President
Divisional Branch Senior Vice President
Divisional Branch Two Vice President – one of whom will be designated in an affirmative action position to be filled by a female member
Secretary
Divisional Branch Assistant Secretary (if any)

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Four Divisional Branch Trustees – one of whom will be designated in an affirmative action position to be filled by a female member
Ten other members of the Divisional Branch Management Committee two of whom will be designated in an affirmative action position to be filled by female members

(vi) The persons elected to the new Offices as set out in sub rule (v) hereof shall assume office on 2 January 2009. Until the declaration of the ballot in the election to be conducted by the members of the Divisional Conference as provided for in this Rule the Divisional Executive shall consist of the Principal Officers of the Division and the Divisional Secretary of the No. 2 Branch.

(vii) As soon as is practicable after the declaration of the ballot as provided for in (v) the Divisional Secretary shall summon a meeting of the Divisional Executive as constituted pursuant to sub rule (vi) hereof at which meeting the Divisional Executive shall determine a time and place for meeting of the Divisional Conference to be held.

(viii) The Divisional Secretary shall give members of the Divisional Conference at least 7 days notice of the date of the Conference meeting.

(ix) The Divisional Conference called in accordance with (viii) shall elect the Divisional Executive Officers and the Divisional Executive members in the manner provided for in new Rule 9.

(x) The meeting of Divisional Conference shall be conducted in accordance with the provisions of the new Rules.

(xi) Upon the declaration of the ballot in the election conducted at the Divisional Conference as provided for in (x) the Divisional Executive shall be constituted in accordance with the new Rules. As soon as is practicable thereafter the Divisional Secretary shall call a meeting of the Divisional Executive.

(xii) The terms of office of each of the offices elected in accordance with sub rules (v) and (ix) shall be 4 years commencing on 2 January 2009, thereafter elections shall be conducted for all offices in accordance with the new Rules.

(xiii) For all of the purposes of this Rule and of these new Rules the financial membership of those persons who are financial members of the Reporting Units known as Victorian FFTS Divisional Branch or the Queensland FFTS Union Divisional Branch, Reporting Units pursuant to the RAO shall be financial membership for the purposes of all elections relating to the Division or any part of the Division.

(xiv) For the avoidance of doubt all persons elected to full time office in the elections conducted in 2004 in the Victorian FFTS Divisional Branch and any successors thereto shall be eligible for election in the elections to be conducted in accordance with this Rule.

(xv) For the avoidance of doubt at the election to be conducted in accordance with this Rule 58 the following offices of District Secretary as provided for in Sub Rule 58 (v) shall be full time paid offices:

NSW District Secretary, Victorian District Secretary, SA District Secretary, Tasmanian District Secretary and PPW District Secretary.

(xiv) Upon the declaration of the ballot in the election for the new offices as set out in Sub Rule (v) hereof the unamended Rules shall cease to have any further operation.

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SCHEDULE 1 –SPECIAL FUNDS

The following are special funds as provided for in sub rule 14D and such funds will be managed and maintained by the Divisional Executive on behalf of and in the interest of and for the benefit of those groups of members for whom the funds were collected, as set out hereunder:

No 1 Branch Districts

Victorian District

The John Curtin Fund – for members of the Victorian District.

South Australian District:

South Australian Glaziers Fund – Flat Glass and Glazing members in the South Australian District.

Metro and Country Fund – for members of specific Worksites in the South Australian District.

South East Welfare Fund – for members in the South East Region of the South Australian District

PPW District:

PPW Support Fund - for members of the PPW District

PPW Maryvale Sub Branch Fund – for members of the PPW Maryvale Sub Branch

PPW Millicent Sub Branch Fund - for members of the PPW Millicent Sub Branch

PPW Melbourne Sub Branch Fund – for members of the PPW Melbourne Branch

NSW District

Member Support Fund – members of NSW District

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SCHEDULE 2 - RULES OF DEBATE

MOTIONS, HOW DEALT WITH:

(a) All motions shall be of an affirmative character and must be moved and seconded by members. Such motions become the property of the Union, and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless two-thirds of the members present agree to an extension of time.

(b) Unless a member opposes the motion or proposes an amendment thereto, the motion shall be immediately put to the meeting for decision.

(c) A motion may be superseded at any time by another motion "that it be discharged from the notice paper" or "that the next business be proceeded with" being resolved in the affirmative.

(d) A motion may be amended at any time during the debate thereon by -

(i) striking out certain words
(ii) adding certain words, or
(iii) striking out certain words and inserting others in their place.

Always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(e) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(f) (i) At meetings other than meetings of the membership of a Branch or of a sub-branch all motions shall be put to the meeting by the chairperson in a clear manner. Any member present may demand that the vote be by ballot and the Chairperson shall thereupon conduct a ballot. In the absence of such a demand all motions shall be put to the meeting by the Chairperson by asking for the "ayes" to vote first and then the "noes". The Chairperson's decision as to which has the majority will be final unless any member present demands a show of hands. Upon such a demand being made the chairperson shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(ii) At meetings of the membership of a Branch or of a Sub-Branch all motions shall be put to the meeting by the Chairperson in a clear manner by asking "ayes" to vote first and then the "noes".

The Chairperson's decision as to which has the majority will be final unless a member supported by one quarter of the number of members present demands a show of hands.

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Upon such a demand being made the Chairperson shall appoint tellers to count the votes and shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(iii) If the votes are equal the question is resolved in the negative.

(g) No member shall be allowed to vote who was not present when the question was first put.

(h) A mover of a motion to be allowed 10 minutes to introduce and 5 minutes to reply. Other speakers 5 minutes unless two-thirds of the members present agree to an extension of time.

(i) Any member desiring to move to change a decision of the Union or of a Branch must submit notice in writing of such intention to the Divisional Secretary or the Divisional Branch Secretary of the Union as the case may be fourteen (14) days prior to the date of the meeting at which they will move for such change.

(j) During the course of a meeting any resolution which has been the business of that meeting may be recommitted at the hearing.

RIGHT TO SPEAK

(a) Any member desiring to speak shall rise and address the chairperson. If two (2) or more delegates begin to address the chairperson at the same time, the Chairperson shall call upon the one who, in the Chairpersons opinion, began to speak first. Provided that no member can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(i) In reply as the mover of the original motion.

(ii) In explanation or correction of some matter during the debate.

(iii) Upon a point of order raised during the debate.

(iv) Upon a resolution being carried "that a member be now heard".

(b) A member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by the member.

(c) Not more than two members shall be allowed to speak in succession for or against any question. If at the conclusion of the second speaker's remarks no member speaks on the other side, the motion or amendment shall be put to the vote.

(d) Any member speaking shall at once stop:-

(i) If the chairperson begins to speak; or

(b) If a point of order is raised;

and shall not resume speaking until the point of order is decided.

(e) No member may speak to any question after it has been put by the chairperson, or during a division.

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REPORTS

(a) A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of the Conference/Executive thereon.

(b) If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

SITTING AS A COMMITTEE

Divisional Conference or Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Conference or Executive shall be observed when in Committee.

DEFINITION

In this rule "member" shall include any person attending a meeting.

CHAIRPERSON'S RULING

(a) The chairperson's rulings on all points of order shall be final, unless at the time a motion is carried that such ruling be disagreed with.

(b) When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

[105N-ATAI: Incorporates alterations in matters R2012/115 and R2012/116 certified on 15/8/2012

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 45 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, The Forestry, Furnishing, Building Products and Manufacturing Division.

DELEGATE OF THE GENERAL MANAGER
FAIR WORK AUSTRALIA

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of Fair Work Australia.]

Rules of the CFMEU, Forestry, Furnishing, Building Products and Manufacturing Division

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THE FORESTRY, FURNISHING, BUILDING PRODUCTS AND MANUFACTURING DIVISION RULES

1 - NAME

The name of the Division shall be "The Forestry, Furnishing, Building Products and Manufacturing Division". (FFPD)

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-Rule (C) and (F) of the National Rules shall belong to this Division.

3 – SIGNING OF DOCUMENTATION

Any document required or permitted by the FWA or the RAO or any document required to be executed on behalf of the Division shall be signed by the Divisional Secretary, or, in the absence of the Divisional Secretary, either the Divisional President or Divisional Senior Assistant Secretary or such other Divisional Officer as authorised by the Divisional Executive.

4 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

“DISTRICT” shall mean a District of the Division set up in accordance with the Rules of the Union.

“DIVISIONAL OFFICERS” shall mean the Divisional Secretary, the Divisional President, the Divisional Senior Assistant Secretary and two other Divisional Assistant Secretaries one of whom shall be the District Secretary of the PPW District.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to FFPD Division is a member of this Division.

“FWA” shall mean the Fair Work Act 2009.

"MEMBER" shall mean a member of FFPD Division and membership shall have a corresponding meaning.

“PPW SUB BRANCH” shall mean a sub branch of the PPW District.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

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If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then the candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“RAO” shall mean the Fair Work (Registered Organisations) Act 2009.

“THE 2008 RULE CHANGES” shall mean the amendments made to the Rules of the Division in 2008 providing for the substantial restructure of the Division.

“THE 2012 RULE CHANGES” shall mean the amendments made to the Rules of the Division in 2012 providing for the substantial restructure of the Division.

5 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Secretary or the District Secretary covering the area in which the candidate resides or is employed and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the Rules of the Division.

(ii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Executive may require, and shall, when requested, fill in and sign such application form as may be provided.

(iii) An application for membership of the Division may be referred by the Secretary of the relevant District to the Divisional Branch Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Conference the decision of which shall be final.

The Divisional Conference shall decide the appeal at a meeting specially conducted for that purpose and the appellant shall have the right to attend the meeting and state a case on the appeal.

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(iv) All members shall be deemed to be attached to the District covering the locality in which the member resides or where the member is eligible for membership of the Division pursuant to Sub Rule 2 (C) of National Rule 2 Constitution to the PPW District.

6 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Applicants for membership of the FFPD Division shall pay on application an entrance fee in accordance with these rules. Such entrance fee if applicable shall not exceed $300.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

(ii) The contribution payable by each member shall be fixed by the Divisional Executive subject to the processes provided for in Rule 14

(iii) The Divisional Executive may if, in its opinion it is desirable or necessary for financial or any other reason that the aforesaid entrance fees or contributions should be altered, waived or suspended, make such decision as it deems desirable or necessary, and the altered, waived or suspended entrance fee and/or contribution payable shall be applicable to the member(s), group or class of members concerned.

(iv) Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these rules, shall be deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

(v) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(vi) Contributions shall be paid to and collected by the Divisional Secretary, or an authorised agent of the Division.

7 - SPECIAL MEMBERS

The Divisional Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rule 6 be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY OF THE DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference which shall meet at least every two (2) years.

(ii) The Divisional Conference shall consist of the following:

(a) the Divisional Officers of the Division; and

(b) delegations from each District calculated in accordance with (iii) hereof.

(iii) Each District shall be entitled to two (2) representatives up to 500 members, one (1) additional representative between 500 members and 1,000 members and one representative

for each additional 1,000 members, based, on the aggregate income received by the Division in relation to members of that District (Union contributions only) divided by the amount of the yearly contribution fixed by the Rules from time to time, for the financial year ending on the 31st December in the year preceding the quadrennial election of representatives to act as its representatives at the Divisional Conference.

The number of representatives to which each District is entitled shall remain unaltered throughout the period between the quadrennial elections provided that prior to each Divisional Conference meeting the Divisional Executive may review the delegations to Divisional Conference in the event that as a result of growth or decline in membership the formula set out in this sub rule should be adjusted.

Provided further that the delegation from each District will include ex officio: the District Secretaries of each District and the District Secretaries will be counted as representatives in calculating the entitlement of each District in accordance with this sub clause.

(iv) Representatives of the District other than those ex officio representatives as provided for in sub-rule (iii) hereof shall be elected by secret postal ballot of all members of the District eligible to vote every four (4) years in accordance with the provisions of Rule 32 of these Rules.

(v) In the event of a circumstance leading to a casual vacancy in a position of a Divisional Conference Delegate that vacancy shall be filled in accordance with the provisions of Rule 33.

(vi) Districts, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialed and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

(vii) Where one or more representatives of a District is or are unable to attend a meeting of the Divisional Conference the District Management Committee of that District may itself select a proxy representative or representatives to act on its behalf at that meeting. Such representative or representatives shall vote in accordance with the instructions of the District Management Committee of the District.

(viii) The method of calling nominations and the election of District delegates to Divisional Conference shall be under the provisions of Rule 32 of these Rules.

(ix) A majority of delegates eligible to attend the Divisional Conference shall form a quorum.

(x) All duly approved expenses of representatives to Divisional Conference shall be borne by the Division.

(xi) No alteration of the personnel of the representatives at a meeting of the Divisional Conference shall be permitted after the credentials of the representatives have been received and accepted by the Divisional Conference, unless such alteration is rendered necessary by death or serious illness.

(xii) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of $100, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members, organisers or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive, District Management Committee or the PPW District sub-branch Management Committee relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or of the District Management Committee to which a member is attached are available to members at each District Office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate concerned has been afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

A period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal on an issue concerned solely with a matter affecting this Division, from a District or Sub-Branch or member. Any appeal from a member must be forwarded through the District. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

Provided that in the case of an appeal from a District of the Union, the District shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between District. Any District concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any District of the Division or Divisional Executive.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive, Districts or PPW Sub Branches of this Division.

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(h) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(i) To establish new Districts and amalgamate existing Districts, to close or disband Districts in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the PPW District without its consent), and generally to control Districts and the members thereof.

(j) When establishing a new District the Divisional Conference shall have power to make rules providing for the admission of members of that new District, the establishment of a Management Committee of that new District, the election of officers of that new District and all such matters as may be necessary.

(k) To make, alter and rescind rules of this Division.

(l) To deal with any District not working in conformity with the Rules and policy of the Union.

(m) To appoint and remove organisers.

(n) To vote moneys and pass accounts.

(o) To fix salaries and allowances for all Officers and employees of the Division and of all Conference delegates and representatives.

(p) To appoint a Returning Officer, who shall conduct any plebiscite upon any question submitted to the whole of the membership for determination, and who shall have power to appoint Deputy Returning Officers.

(q) To elect, appoint and remove officers and members of the Divisional Executive of the Union.

(r) To establish any special fund to achieve any of the objects of the Union.

(s) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each District Secretary at least one (1) week before the date of such meeting but no failure to notify will of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each and District Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the District

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Secretary, inspect a copy of the minutes of each Divisional Conference at the District Office during the ordinary hours in which the District Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Districts or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, email, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit by the Divisional Secretary conduct a postal, telephonic, telegraphic, facsimile, email and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter.

(xvii) All meetings of the Divisional Conference shall be held at such time and place as the Conference shall from time to time determine, and in case of default, or of special meetings, as the Divisional Executive shall determine.

(xviii) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Conference -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

9 - DIVISIONAL EXECUTIVE

i). The Divisional Executive shall consist of the following:

- The Divisional Secretary
- The Divisional President
- The Divisional Senior Assistant Secretary
- Two other Divisional Assistant Secretaries one of whom will be the Secretary of the PPW District
- The Divisional Senior Vice-President
- Two other Divisional Vice Presidents; and
- No less than seven and no more than nine Divisional Executive members two of whom shall be women.

The number of Divisional Executive members shall be determined by the Divisional Conference prior to the calling of nominations and they shall be elected by the conference from the conference delegates other than the Divisional Officers.

ii). Except for the filling of extraordinary vacancies the Divisional Senior Vice-President, Divisional Vice-Presidents and the Divisional Executive members shall be elected by and

from the Divisional Conference held in 2009 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

iii). Preceding such conferences the Divisional Executive shall appoint a Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and the Divisional Senior Vice-President and the Divisional Vice-Presidents in accordance with these Rules.

iv). Nominations unless otherwise determined by the Divisional Executive shall be called for on the second day of the Divisional Conference. Where practicable the ballot shall be conducted on that day. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

v). The ballot for the Divisional Senior Vice President and the two other Divisional Vice-Presidents shall be dealt with and completed. The ballot for the Divisional Executive members shall be dealt with and completed.

vi). If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Executive that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive.

vii). If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

viii). The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Returning Officer may proceed nonetheless.

ix). Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where the delegate can receive communications and, if any delegate has done so, the Divisional

Returning Officer shall not declare the result of the ballot until the Returning Officer has given such delegates a reasonable opportunity to vote.

x). The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

xi). Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly holding such office.

xii). A Divisional Executive member shall hold office until a successor is elected.

xiii). The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, powers, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any District or member. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Districts. Any District concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with any District not working in conformity with the Rules**,** Decisions and policy of the Division.

(g) To deal with and decide any matter submitted to it by any District of the Division.

(h) To confirm, over-rule or otherwise deal with decisions of the Districts of this Division.

(i) To make, alter and rescind any of the rules of this Division including any rules relating to Districts subject to Rule 16 of these Rules.

(j) To appoint and remove organisers or specialist officers.

(k) To select persons as delegates to represent the Division at meetings, committees or to affiliated organisations.

(l) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(m) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(n) Submit any matter to the members for decision by ballot.

(o) Ensure that officers, committee members, organisers, delegates or members of the Division and Districts and PPW Sub Branches comply with the rules, policies and decisions of the union and subject to Rule 11 impose penalties [i.e., fines not exceeding the sum of $100, suspension, expulsion or dismissal from office,] on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules, policies or the decisions of the Divisional Executive. Provided that the rules, policies or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each District Office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(p) Take such action as may be necessary to secure the satisfactory working of any Districts of this Division, take such action as may be necessary to ensure the adherence to the rules of the Union and decisions and policies of the Divisional Conference and/or Divisional Executive by any District and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a District and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such District. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the District and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(q) Control and supervise the work of the Divisional Officers.

(r) To establish new Districts and amalgamate existing Districts, to close or disband Districts in accordance with these Rules (provided that the Divisional Executive shall not exercise any such power affecting the PPW District without its consent), and generally to control Districts and the members thereof.

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(s) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these Rules.

xiv). The Divisional Executive shall meet at least six (6) times in each calendar year. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, telegram, telex, facsimile, email or otherwise in writing, telephone or verbally, provided that in the latter two instances such is confirmed by letter, telegram, facsimile, email or other writing.

10 - REFERENDA

(a) On receipt of a petition signed by not less than 10 per cent of the financial members of the Division, the Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Districts or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference, Divisional Executive and the members of the Division.

(b) Divisional Conference or Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

(i) The petition shall have set out the member's full name, address, signature and the date the said petition was signed by the member. In determining the 10% requirement of financial members for a referendum to be conducted, the petition shall be presented to the District Secretary within 30 days of the first financial member signing the aforesaid petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 10% financial members.

(ii) The Referendum shall take place within two months of the receipt of the petition.

(iii) The Divisional Executive shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Returning Officer and Divisional Scrutineer to conduct the ballot.

The ballot for the referendum shall be held with any necessary changes in the same manner as provided for in Rule 32 for a ballot for the election of Divisional

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Officers. Provided that any material enclosed in the envelope in which the ballot paper is posted to the member must be authorised by the Divisional Executive.

11 - REMOVAL OF OFFICERS

(a) Any Divisional or District Officer may be removed from office by majority decision of the Divisional Executive, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union**,** or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(b) Should any officer be removed from office by the Divisional Executive, a casual vacancy shall occur and the vacancy shall be filled in accordance with the provisions of Rule 33.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive. In the event of the appeal being upheld the Divisional Conference or National Executive may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-instatement of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

12 - DELETED

13 - DUTIES OF DIVISIONAL OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of the Divisional Conference, Executive and meetings convened by the Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where the Divisional President is a full time officer the Divisional President shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be the principal officer of the Division for all purposes of these rules, the RAO and regulations made pursuant to the RAO and any successor legislation or regulations thereto.

The Divisional Secretary shall summon all meetings of the Divisional Conference and Divisional Executive, issue all necessary notices to members of the Divisional Conference or Divisional Executive in connection with such meetings.

The Divisional Secretary shall sign all cheques or any other type of instrument for the withdrawal of any funds of the Division from any financial institution or other account together with one other person authorised for this purpose by the Divisional Executive. In the event that the Divisional Secretary is absent the Divisional Senior Assistant Secretary or the Divisional President and one person authorised for this purpose by the Divisional Executive shall sign cheques or any other type of instrument for the withdrawal of any funds of the Division from any financial institution or other account.

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the implementation and compliance by the Division, Districts and PPW Sub Branches of the decisions, rules and policies made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive or Divisional Conference, to appoint, control and dismiss the staff of the Divisional Office and Districts and PPW District Sub Branches.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.

Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Districts and PPW Sub Branches of this Division.

The Divisional Secretary shall have the authority to initiate any proceedings and/or actions to advance or defend the interests or objectives of the Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive or Divisional Conference and allocate the duties of Officers.

The Divisional Secretary shall be an ex officio member of all Divisional Committees, including Districts and PPW Sub Branches, but shall not be entitled to vote in respect of the decisions of those committees.

(iii) There shall be a Divisional Senior Assistant Secretary and two Divisional Assistant Secretaries.

The Divisional Senior Assistant Secretary shall perform all duties assigned by the Divisional Executive, shall be under the control of the Divisional Secretary and shall attend all meetings of Divisional Executive, Divisional Conference and National Executive and shall be ex officio a member of the Victorian District Management Committee and FFTS Special Fund Sub-Committee as provided for in Sub-Rule 14E.

The Divisional Senior Assistant Secretary may exercise any and all of the powers and duties of the Divisional Secretary in the absence of the Divisional Secretary.

In the absence of both the Divisional Secretary and the Divisional Senior Assistant Secretary the Divisional Executive shall determine whether and the manner in which one

of the other Divisional Officers may exercise any or all of the powers and duties of the Divisional Secretary.

(iv) The other Divisional Assistant Secretaries shall perform all duties assigned by the Divisional Executive, shall be under the control of the Divisional Secretary and shall attend all meetings of Divisional Executive and Divisional Conference and in the case of the PPW District Secretary who is also a Divisional Assistant Secretary, shall attend all meetings of the National Executive.

(v) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Vice-President(s):

The Divisional Vice-President(s) shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President(s) shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vii) Members of Divisional Executive:

Other members of the Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

A (i) The Divisional Office shall collect all entrance fees, contributions, levies and fines and all other monies relating to the membership.

(ii) All monies received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. Cheques or other types of instruments for the withdrawal of any funds of the Division shall be signed by the Divisional Secretary and one of the Divisional Senior Assistant Secretary or the Divisional President and one person authorised for that purpose by the Divisional Executive. In the event of the absence of the Divisional Secretary all cheques and other instruments for the withdrawal of any funds of the Division shall be signed by the Divisional Senior Assistant Secretary or the Divisional President, and one person authorised for that purpose by the Divisional Executive.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the Divisional Office, may be disbursed by decision of the Divisional Secretary.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive or Divisional Conference.

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(iv) The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The Divisional Executive shall have the authority to hold, purchase, lease, sell, mortgage or otherwise deal in property on behalf of the Division which shall be executed on the Divisional Executive's behalf by the Divisional Secretary.

(vi) The property of the Division shall be under the control of the Divisional Executive.

B. Divisional Budget and Administrative Committee

i) There shall be a National Administrative and Budget Committee of the Divisional Executive composed of the Divisional Officers and full time District Secretaries together with such other persons if any as the Divisional Secretary may determine.

ii) Meetings of the Divisional Administrative and Budget Committee shall be conducted at a time and place and in a manner determined by the Divisional Secretary or the Divisional Executive.

iii) The Divisional Administrative and Budget Committee shall subject to the directions of the Divisional Executive have the following duties and responsibilities:

a) to oversee financial, membership and other relevant data and the administrative affairs of the Division;

b) to conduct income and expenditure reviews to advise the Divisional Executive on the most effective use of the Divisional funds;

c) in consultation with the Divisional Officers and where relevant with each constituent part of the Division including its Districts and the PPW Sub Branches assist in the development of draft budgets for consideration by the Divisional Executive;

d) to monitor, administer and report on the implementation of budgets adopted by the Divisional Executive:

Provided that the Divisional Budget and Administrative Committee shall not have any policy making powers but shall act in an advisory capacity only.

C. Budget/s

i) At the first meeting of the Divisional Executive at the commencement of each financial year the Divisional Executive shall, upon considering advice and recommendations from the Divisional Budget and Administrative Committee approve a budget/s for the Division.

ii) To ensure the equitable distribution of resources amongst members throughout the Division budgets will take into account clear and consistent criteria including the following:

a) the percentage of membership income contributed;

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b) appropriate financial support and underpinning for Divisional operations;

c) any cross subsidies between funds as may be necessary to provide and maintain effective operations throughout the Division for appropriate coverage and representation for all members of the Division.

d) the provision of ongoing funding for core union activities including growth recruitment, face to face organising, and campaigns in support of Divisional activities, industrial disputes, legal representation and advice, development of delegate and member involvement and activities, publications including newsletters and similar communications with members, member benefits and associated matters.

e) nationally consistent levels of contributions and costs structures including wage levels and employment standards for employees of the Division and each part of the Division.

f) as far as possible provide adequate funds for the purpose of continuing to build an appropriate asset base to both for the financial survival growth of the Division and where possible to house the operations of the Division and its various constituent parts.

g) where appropriate to support and continue to build specific member support funds and provident funds.

D. Special Funds

The Divisional Branches of the Division as constituted prior to the 2008 Rules Changes and the PPW Sub Branches have administered specific funds on behalf of the members of those Divisional Branches or Sub Branches. Schedule 1 to these Rules refers to these specific funds. These funds from the commencement of the 2008 Rule changes shall be managed and maintained by the Divisional Executive on behalf of, in the interests of and for the benefit of those groups of members for whom without the 2008 Rule changes those funds would otherwise be applied. Those funds will be expended to members of those groups of members in a manner consistent with the purposes for which the funds were established and that manner shall not be changed without consultation and agreement with the relevant District Committee of Management.

E. FFTS Special Fund

The FFTS Special Fund is a fund of the No. 2 FFTS Branch of the Division as constituted prior to the 2012 changes.

This fund has been created on behalf of and for the benefit of the members of that Branch.

From the Constitution of the Divisional Executive pursuant to Sub-Rule 43(xi) - Transitional Provisions this fund shall be managed and maintained by the Divisional Executive on behalf of, in the interests of, and for the benefit of members of the Union in the Division.

FFTS Special Fund Committee

At the first meeting of the Victorian District Management Committee following the assumption of office of its members pursuant to Rule 43 that Committee shall appoint a

sub-committee to be known as the FFTS Special Fund Committee consisting of the following members:

The District Secretary, one of the Joint Presidents, one of the joint Vice-Presidents, and as far as is practicable, up to three other members of the Victorian District Management Committee who are eligible for membership of the Victorian District pursuant to sub-rule 2(F) Constitution of the Rules of the Union. The Divisional Senior Assistant Secretary shall also be a member of the Sub-Committee ex officio.

In the event of a vacancy occurring on the FFTS Special Fund Committee the FFTS Special Fund Committee shall fill the vacancy by appointing from the members of the Victorian District Management Committee as far as practicable a person who is eligible for membership of the Victorian District pursuant to sub-rule 2(F) Constitution of the Rules of the Union.

No funds shall be expended from the FFTS Special Fund unless agreed by the FFTS Special Fund Committee.

Notwithstanding the provisions of Sub-Rule 14A(ii) the Divisional Senior Assistant Secretary will be one of the Signatories of any instrument for the withdrawal of any funds from the FFTS Special Fund.

15 - AUDITOR AND AUDITOR'S REPORT

(i) The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

(ii) The auditor shall, in the auditor's report, draw attention of the Divisional Executive, Divisional Conference to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

15A REPORTING UNIT

(i) The whole of the Division shall constitute the reporting unit on an alternative basis as by the RAO.

(ii) The Divisional Secretary shall be the designated officer for the purposes of the RAO for the Division.

(iii) On receipt of a petition signed by not less than 5% of the members of the Division the Divisional Secretary shall convene a general meeting of members to present the auditor's report, the general purpose financial report and the operating report.

(iv) The petition shall have set out the member's full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of members for a general meeting to be held, the petition shall be presented to the Divisional Secretary within 30 days of the first member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% members.

(v) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

(vi) The General Meeting shall be conducted as a series of meetings in localities of each of the Districts and each of the PPW Sub Branches.

16 - ALTERATION OF RULES

These Divisional Rules including any Rules relating to Districts of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Districts and shall be forwarded with the notice to the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

Provided that any such rescission, alteration or amendment which affects in any way the existence, structure or position under these rules of the PPW District, shall be of no effect unless endorsed by a resolution of the District Management Committee of the PPW District.

17 - RULES BINDING ON MEMBERS AND DISTRICTS

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Districts of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 – DISTRICTS

i. For the purposes of organisation of the members of the Division and for provision of services to members each member of the Division shall be allocated to a District as follows:

(a) the NSW District which shall consist of all members resident in that State of NSW and the Australian Capital Territory other than those persons who are eligible for membership of the PPW District as provided for in (f) of this Sub Rule;

(b) the Victorian District consisting of all members resident in the State of Victoria other than those persons who are eligible for membership of the PPW District pursuant to (f) of this Sub Rule and those persons who are eligible for membership of the Greater Green Triangle District pursuant to (g) of this Sub-Rule;

(c) the South Australian District consisting of all members resident in the State of South Australia other than those persons who are eligible for membership of the PPW District pursuant to (f) of this Sub Rule and other than those persons who are eligible for membership of the Greater Green Triangle District pursuant to (g) of this Sub-Rule;

(d) the Tasmanian District consisting of all members resident in the State of Tasmania other than those persons who are eligible for membership of the PPW Branch pursuant to (f) of this Sub Rule.

(e) the Queensland Northern Territory Western Australian District consisting of all members resident in the States of Queensland, Western Australia and the Territory of the Northern Territory other than those persons who are eligible for membership of the PPW Branch pursuant to (f) of this Sub Rule;

(f) the PPW District consisting of all members eligible for membership of the Union pursuant to Sub Rule 2 (C) (ii) of Rule 2 Constitution of the Rules of the Union.

(g) the Greater Green Triangle District consisting of all members in the State of South Australia whose place of employment is located in any of the following municipalities: Mt Gambier, Grant, Robe, Kingston, Naracoorte-Lucindale, Southern Mallee, Tatiara, Coorong or Wattle Range: and in the State of Victoria all members whose place of employment is located in one of the following municipalities: Ararat, Colac Otway, Corangamite, Glenelg, Horsham, Moyne, Northern Grampians, Southern Grampians, Warnambool or West Wimmera: other than those persons who are eligible for membership of the PPW Branch pursuant to (f) of this Sub Rule.

ii. The Divisional Conference or Divisional Executive shall have power to constitute such other Districts and allocate members thereto as it may determine appropriate from time to time.

iii. The Divisional Executive shall determine the location of each District Office.

19 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute may be submitted to the appropriate industrial Tribunal, Court or Commission, upon a resolution in favour of so submitting such dispute carried by a majority of the members of the Divisional Executive.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such submission.

In the case of an emergency or necessity however, such proceedings may be initiated and matters may be submitted by the authority of the Divisional Secretary, who may also authorise a District Secretary to initiate such proceedings and submit such matters on behalf of the Division.

The aforesaid power shall extend to cases of defending and/or responding to any proceedings or matters instituted or submitted by any other person, corporation, association or organisation. The Divisional Secretary or District Secretary shall be subject to the control of the Divisional Executive on all matters connected with such legal proceedings and matters.

20 - INDUSTRIAL AGREEMENTS

Industrial agreements and other related instruments required to be signed or executed on behalf of the Division shall be signed or executed by the Divisional Secretary provided that the Divisional Secretary may delegate this power to a Divisional Officer or relevant District Secretary.

21 - INDUSTRIAL DISPUTES

(i) In the event of an Industrial dispute taking place in any District the officers of such District shall try, by conciliation to settle the dispute. In the event of the District officers concerned being unable to secure a satisfactory settlement the matter may be referred to the Divisional Branch Executive who shall seek to resolve the dispute.

(ii) In the event of no satisfactory settlement of such dispute being secured the District Secretary shall immediately report the matter to the Divisional Secretary who shall on behalf of the Division take charge of such dispute and shall if necessary convene a meeting of the Divisional Executive to deal with the matter.

(iii) (a) The Divisional Secretary or a person authorised to act on behalf of the Divisional Secretary shall make any submission to a tribunal.

The Divisional Secretary or a person authorised to act on behalf of the Divisional Secretary shall be the person to sign or issue any document necessary for such submission.

(b) The Division may be represented in any proceedings before any Commonwealth or State Industrial Tribunal by the Divisional Secretary or by such other officers or persons authorised by the Divisional Secretary and subject to any authorisation vested by State Legislation.

(iv) Notwithstanding anything contained elsewhere in this Rule, PPW District shall have autonomy in industrial matters affecting its members only and no action will be taken in relation to such matters by the Divisional Conference or Divisional Executive unless authorised and requested by the PPW District Management Committee.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 148 – 152 Miller Street West Melbourne, or such other place as the Divisional Executive shall decide.

23 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by any person or body authorised by these rules.

24 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Division or body having objects similar in whole or in part to those of this Division.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $10.00 per week and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

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All levies shall be added to contributions and shall be a first charge against all payments made by a member of the Division.

(v) In no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

25 - LIFE MEMBERSHIP

The Divisional Conference or Divisional Executive may, at their entire discretion, constitute a member a Life Member, provided that the member has been a member for a period of at least 20 years, has retired from the industry, and was financial at the time of retirement. Life members shall not be liable to pay dues of any kind to the Division, and shall not be entitled to nominate for or to hold any office, but shall be entitled to vote at the Division elections. The Divisional Conference or Divisional Executive may reduce the qualifying period of membership in special circumstances.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time the Divisional Secretary may submit a resolution dealing with such matter to the members by letter, facsimile, email, telephone, telegram, verbally and/or any other means of communications or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each member of the Divisional Executive and each District Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negative any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in the Divisional Secretary's absolute discretion.

27 - BRANCH INFORMATION

It shall be the duty of the District Secretary to transmit to the Divisional Secretary, on written request from the Divisional Secretary, a true copy of the minutes of each meeting of the District Management Committee or Executive of such District or of any special meeting thereof.

28 - UNEMPLOYED MEMBERS

(i) When, in the opinion of the Divisional Executive, a condition of unemployment in the industry exists the following conditions may be applied:

(ii) Members becoming unemployed, ie, being employed under the terms of the Award or Agreement covered by this Division for less than one month in any quarter, may apply to be placed on an unemployed members list if any.

(iii) This list shall be kept at the Divisional office under the control and supervision of the Divisional Executive.

(iv) Members wishing to be placed on the unemployed list may apply in writing to the Divisional Secretary.

(v) All applications for inclusion on the unemployed members' list shall be dealt with by the Divisional Executive or other authorised committee who shall, if satisfied that the application is genuine, include them on the list.

(vi) Members placed on the list shall be exempt from the payment of contributions for the period specified in this Rule. They shall be entitled to all rights under these rules, but shall only qualify for funeral benefit applicable at the discretion, or upon conditions determined by the Divisional Executive.

(vii) Exemption from payment of contributions shall operate for a period of twelve months from the date of inclusion on the unemployed members' list, or until again employed, whichever is the lesser.

(viii) On expiration of the 12 months' period, unemployed members may make further application to be again placed on the unemployed list. Each further application may be approved by the Divisional Executive who may require payment of such amount of contributions as may be considered reasonable.

(ix) Any member commencing employment without notifying the Divisional Secretary and continuing to receive the benefits of this unemployed clause while in employment shall be deemed to have committed a breach of the Rules. Such member(s) shall be required to pay full contributions for the period of employment and in addition, may be dealt with under the provisions relating to misconduct.

(x) Continuous membership for the purpose of this Rule, and wherever encountered in these Rules, means continuous membership without any break in the continuity of membership from the last date of acceptance into the Division.

29 - DUTIES OF ORGANISERS

The Divisional Executive may determine the number (if any) of Organisers of a District and the number (if any) to be appointed by it or elected pursuant to Rule 32 and shall determine the duties to be performed by any such Organisers.

30 – DISTRICT GOVERNANCE

A. District Management Committee:

(i) Each District shall have a Management Committee that shall consist of a President, Secretary, a Vice President, elected Organisers (if any) and no less than three Management Committee members. Provided that the President of the Queensland Northern Territory Western Australian District will be a member assigned to that District and who resides in Queensland and further provided that for the term of four (4) years commencing on 2

January 2013, the Victorian District shall have two (2) joint Presidents who will each carry out the functions of District President in the manner as directed by the Divisional Executive.

Prior to the calling of nominations the Divisional Executive may determine after considering any recommendations from a District Management Committee that that District Management Committee shall also consist of any of the following further members:

a. up to two (2) further Vice-Presidents, one of which will be a designated affirmative action position;

b. Assistant Secretary/s; and

c. no more than fourteen (14) further Committee members, one of which will be a designated affirmative action position.

Nominations for the designated affirmative action positions will be called from female members only, although this does not preclude female members from holding any other District Management Committee positions.

The failure to fill a designated affirmative action position shall not prevent a District carrying out or conducting the business of the District.

(ii). The District Management Committee shall, subject to these Rules, be the highest deliberative body of the District and shall subject to the Rules, policies and decisions of the Divisional Conference and/or Divisional Executive, manage and superintend the affairs of the District and perform all the duties allotted to them by the Rules. The District Management Committee shall, subject to these Rules, have the following responsibilities, functions, powers and duties:

(a) to take such steps as it shall consider necessary to carry out all or any of the objects of the Union in a manner consistent with the decisions of Divisional Conference and the Divisional Executive;

(b) to maintain close liaison with the Divisional Executive;

(c) to ascertain and identify the concerns, ideas and interests of members allocated to that District;

(d) to actively contribute to the development, implementation of the strategies and plans of the Division;

(e) to ensure that the Divisional Conference, and Divisional Executive, are fully informed of the concerns, ideas and interests of the members in its District;

(f) to establish such Committees or sub committees as it may from time to time determine;

(iii). The District Management Committee shall meet as required and at least twice per annum. A quorum for any meeting shall be a majority of its members.

B. District Executive:

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There shall be a District Executive. The District Executive shall include the President/s, Vice-President/s and Secretary and such other members of the District Management Committee as it may determine appropriate.

The District Executive shall carry out any duties which they have been directed to perform by the District Management Committee and shall meet as frequently as is necessary to do so.

C. District Officers:

(v). Duties of District Officers shall be as follows:

(a) The District President shall preside at all meetings of the District Management Committee, carry out such duties as may be assigned from time to time by the District Management Committee, and shall have a deliberative vote only, shall sign the minutes of proceedings of all meetings convened by the District Management Committee.

(b) The District Vice President/s shall attend all meetings of the District Management Committee, and assist the District President in the conduct of the duties of that office, shall officiate in the absence of the District President with all of the powers of the District President.

(c) The District Secretary shall:

1. be under the control of the District Management Committee and shall conduct correspondence in connection with all matters relating to the business of the District;

2. be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Management Committee in the District;

3. prepare the agenda for and minutes of each District Management Committee; and shall attend meetings of the District Management Committee and other meetings of members of the District;

4. be in charge of the District Office/s and subject to the directions of the District Management Committee and the Divisional Executive shall direct those activities carried out on behalf of the District by any officials or employees including organisers through the District office/s;

5. when vacating office, deliver to the successor in office, in the presence of the District Management Committee, all books, documents and other property of the District in the District Secretary's possession;

6. forward to the Divisional Secretary when requested a true copy of the minutes of each meeting of the District Management Committee or any special meeting thereof;

7. summon all meetings of the District Management Committee, issue all necessary notices to members of the District Management Committee in connection with such meetings. In consultation with the District President

the District Secretary shall be authorised to convene any extraordinary meeting as deemed necessary;

8. attend and participate in any meeting of members of the District;

9. be a member of Divisional Conference pursuant to Rule 8;

10. be responsible for the implementation of and compliance with ~~of~~ the decisions, rules and policies determined by the Divisional Conference or Divisional Executive by the District of which the District Secretary was elected**.**

(d). The District Assistant Secretary/ies (if any) shall:

1. be under the control of the District Management Committee. The District Assistant Secretary shall be under the direction and authority of the District Secretary~~;~~

2. the District Assistant Secretary/ies (if any) shall in the absence of the District Secretary fulfil the office and perform the duties of the District Secretary;

3. the District Assistant Secretary/ies shall attend meetings of the District Management Committee and other meetings of members of the District.

(e). The Officers of the PPW District and of the PPW Sub Branches shall have the duties and carry out the functions as provided for in Rule 42 of these Rules.

(f) District Management Committee members shall have the powers of a Shop Steward.

31 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any position in a full-time capacity shall be employed full time in the service of the Division and be paid such weekly wages and conditions as shall be determined by the Divisional Executive.

(b) Full-time officers including any full time paid District or PPW sub branch officers shall be paid from the Divisional Fund.

(c) Full-time paid officers shall be under the control of the Divisional Secretary, subject to the directions and powers of the Divisional Executive.

(d) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of the intention so to do to the Divisional Executive.

(e) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Executive first being obtained.

(f) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Executive within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far

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as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Executive a medical certificate setting out that the officer has recovered and is capable to carry out the duties in accordance with the Rules.

32 - ELECTIONS

(a) (i) Any member of the Division who is financial as provided for in Rule 6, at the time of nominations and has three years financial membership, may nominate for the following positions:

Divisional Secretary
Divisional President
Divisional Senior Assistant Secretary
Divisional Assistant Secretary (other than the Divisional Assistant Secretary who is the Secretary of the PPW District

(ii) Provided further that no member shall be entitled to nominate for more than one Divisional full time office.

(iii) Where a member nominates for more than one Divisional full time office the Divisional Returning Officer shall seek from the member a decision as to which position the member wishes to contest.

(iv) Where no decision is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:

Divisional Secretary, Divisional President, Divisional Senior Assistant Secretary and Divisional Assistant Secretaries.

(v) The Office of one of the Assistant Secretaries shall be held by the District Secretary of the PPW District.

(vi) The term of office for the above positions shall be four (4) years such term shall commence from 2 January following the election.

(b) (i)The Divisional Executive shall determine prior to the calling of nominations whether a position of District Secretary in any District is to be a full time paid Office.

(ii) No member shall be entitled to nominate for both the position of District Secretary and District Assistant Secretary (if any)

(iii) The scale of financial membership of the District necessary for members to nominate for the following positions is as follows:

District Secretary – 3 years financial membership
District President – 1 year financial membership
District Vice President - 1 year financial membership
District Assistant Secretary/ies (if any) - 1 year financial membership
District Management Committee Members – 1 year financial membership
PPW Sub Branch Secretary-1 year financial membership
PPW Sub Branch Senior Vice President - 1 year financial membership

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PPW Sub Branch Junior Vice President -1 year financial membership
PPW Sub Branch Committee of Management Members -1 year financial membership
District Organiser - 1 year financial membership

(v) The term of office for the above positions shall be four years and such term shall commence from the 2nd of January following the election.

(c) (i)Nominations for the above positions, shall be called by the Divisional Returning Officer by notification in the union journal if one is due to be published and in one daily newspaper circulating in all of the areas in which members of the Division are resident on or before the last day of August of every fourth year commencing on and from the last day of August, 1996.

(ii)Nominations shall open on the second Monday in September. Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Returning Officer or handed personally at the Divisional Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(iii)Nominations shall be closed at 4 pm on the last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Returning Officer by that time on the date to be eligible.

(iv)A member having nominated for any office in accordance with these Rules may withdraw the nomination by notifying the returning officer in writing of an intention to do so at any time up to 14 days after the closing of nominations. The returning officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the members name from the ballot papers prior to their distribution.

(v)Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of District Management Committee member 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(vi)The Divisional Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(vii)If at the closing date for nominations only sufficient nominations have been received by the Divisional Returning Officer to fill any vacancy or vacancies the Divisional Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the candidates by submitting a Divisional Returning Officers report to the Divisional Secretary.

(viii)If all nominations are received and there are more nominations than there are vacancies the Divisional Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or a nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(ix)The Divisional Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable the supply of a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(x)Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(xi)Where a ballot is required, the Divisional Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Returning Officer.

(xii)The Divisional Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by prepaid post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Returning Officer by the Divisional Secretary and that envelope shall contain only the following documents -

(a) a ballot paper initialled by the Divisional Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(b) a declaration envelope and an empty unsealed pre-paid post envelope addressed to the Divisional Returning Officer, c/- the numbered mail box referred to in this rule;

(c) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Returning Officer may consider necessary;

(d) the candidates statement provided for in accordance with sub-rule (c)(v) of this rule.

(e) provided that the Divisional Returning Officer shall post to each member eligible to vote by mail each relevant ballot paper.

(xiii)For the purpose of the election the books of the Division shall be deemed to have closed as at 1st September in the year of the election. Only members who are shown in the records at the office of the Division as having paid all contributions, levies and fines prior to the 1st September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Returning Officer that they have paid all contributions, levies and fines prior to the 1st September in the year of the election shall be entitled to receive a ballot paper and the Divisional Returning Officer shall send by post, a ballot paper in accordance with sub-rule (c)(xii)(a) of this rule.

(xiv)The opening date of the ballot shall be the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

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(xv)The Divisional Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box until the commencement of the count of the ballot which will take place no later than the first working day following the closing of the ballot and shall be completed as soon as is practicable.

(xvi)Any candidate at their own expense may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present.

(xvii)The Divisional Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 4, Definitions, and the candidate or candidates receiving the necessary votes shall be deemed elected.

(xviii) In the case of equality of votes for any 2 or more candidates the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

(xix)The Divisional Returning Officer shall declare the successful candidates elected and notify the Divisional Secretary of the result of the ballot and the result shall be notified to the members. The Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional area.

(xx)The Divisional Returning Officer's report to the Divisional Secretary shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(xxi)Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(xxii)In any election the Divisional Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Returning Officer may proceed nonetheless.

33 – CASUAL VACANCIES

(i) A casual vacancy shall occur in any office of the Division when the holder of the office dies, resigns, is removed from office or otherwise ceases to hold office in accordance with the rules.

(ii) Where a casual vacancy occurs and the unexpired portion of the term of office is more than 12 months or three quarters of the term of office whichever is the greater, the vacancy shall be filled by election in accordance with Rule 32.

(iii) Where a casual vacancy occurs in the office of a Divisional Officer and the unexpired term of the office is less than 12 months or three quarters of the term of office, such vacancy may be filled by appointment by the Divisional Executive of an eligible member of the Division for the balance of the term of that office.

(iv) Where a casual vacancy occurs in the office of a District Officer or a member of a District Management Committee or an officer of a PPW sub-branch of the PPW District, such vacancy may be filled by appointment by the District Management Committee of the relevant District of an eligible member of the District for the balance of the term of that office.

34 - REMOVAL OF DISTRICT OFFICERS AND DISTRICT MANAGEMENT COMMITTEE MEMBERS

(a) Any officer/member of a District Management Committee may be removed from office by a two-thirds majority of the Divisional Executive at a special meeting of the Divisional Executive called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Division of misappropriation of the funds of the Division or a substantial breach of the rules of the Division or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(b) Any officer/member of the District Management Committee charged may be suspended immediately by decision of the Divisional Executive pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of the rules. The officer or District Management Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in their defence, or if the officer prefers, may answer the charges in writing.

In the case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to the Divisional Conference whichever is appropriate as soon as it is conveniently possible from the date of the decision. Rule 41 - Appeals of Members shall apply.

35 - DUTIES OF MEMBERS AND OFFENCES

A. DUTIES

(a) To adhere strictly to the Rules of the Union and Division including any Rules relating to its Districts.

(b) To promote the industrial welfare of every other member.

(c) To attend the meetings of the District as often as possible and to assist the Officers to the best of the members' ability.

(d) To supply the District Secretary with information as to where work is procurable for members.

(e) Not to knowingly divulge any portion of the Union's business to any non-member or to discuss it with members in the presence or within the hearing of non-members.

(f) When joining the Union to furnish the District Secretary with an address and notify any change of address within fourteen (14) days of such change.

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(g) Not to defraud other members.

(h) To render every assistance to Shop Stewards/Job Delegates in their respective work places in the carrying out of their duties.

(i) To answer or cause to answer any correspondence received from the District Secretary and to supply any information that may be required.

(j) To report to the Divisional Secretary or the District Secretary any member believed to be guilty of a breach of the Rules.

B. OFFENCES

(1) Any member may charge any other member with;

(a) Committing any breach of the Rules.

(b) Failing to comply with any lawful resolution or direction passed or given under any Rule of the Union after having been given notice thereof.

(c) Committing any fraudulent act or unlawful act in relation to funds or property of the Union or in relation to any election held under its Rules.

(d) Wrongfully holding themselves out as occupying any office or position in the Union or any District thereof, as being entitled to represent the Union or any District in any capacity.

(e) Behaving in a drunken, disorderly or offensive manner towards an officer of the union or at any meeting held under the Rules of the Union or in any of the offices of the Union.

(f) Knowingly giving false information to any officer, representative or employee of the Union or any person acting as or on behalf of a Returning Officer conducting any election under its Rules relating to any Union business or election or any matter affecting the interest of the Union or its members, or refusing to give information to such persons when reasonably requested to do so.

(g) Aiding or encouraging any other member in any offence under these Rules.

(h) Doing any act calculated to injure or destroy the Union or making any wilful false statement concerning the administration of its affairs.

(i) Failing to report to the Divisional Secretary or the District Secretary a member believed to be guilty of a breach of the Rules.

(j) any of the following, the member so charged being the holder of any office within the Union:

(i) misappropriation of the funds of the Union;

(ii) a substantial breach of the Rules of the Union; or

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(iii) gross misbehaviour or gross neglect of duty.

(2) Any charge must be made in writing and shall be made to the Divisional Secretary or the District Secretary. Such Officer shall, if directed by the Divisional Executive, summon the member charged. Such summons shall be in writing and shall state the time and place of the hearing and the substance of the charge. The member's fares to and from the place of the meeting shall be paid. The member shall on written request, be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is charged.

(3) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be investigated, whether or not the person charged is present, unless a satisfactory explanation of the absence has been received.

(4) At the hearing the member charged must be given a reasonable opportunity to present a defence to the charges including a reasonable opportunity to call any witness upon whose evidence the member wishes to rely, and if necessary to tender a written submission.

(5) If the Divisional Executive finds the member concerned so charged guilty it may:

(a) Impose a fine of a sum not exceeding $100.00, and/or

(b) Suspend the member from membership; and/or

(c) Remove the member from any office or position; and/or

(d) Expel the member from membership of the Union.

(6) Suspension from membership shall deprive a member of the rights and benefits of membership, but shall not relieve the member of the obligations of membership and shall not exceed six months for any one offence.

(7) An appeal under this Rule shall lie in respect of any decision from the Divisional Executive to the Divisional Conference, provided that Notice of Appeal shall be given in writing to the Divisional Secretary within twenty-one days from the date of the member being notified of the Divisional Executive decision and shall set forth in full all matters which the appellant desires to be considered.

(8) The Divisional Conference shall decide the appeal at a meeting specially conducted for that purpose and the appellant shall have the right to attend the meeting and state a case on the appeal.

(9) Notwithstanding anything to the contrary in these Rules a person elected to any office within the Union shall not be dismissed from office unless found guilty of misappropriation of the funds of the Union a substantial breach of the Rules of the Union or of gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold the office.

36 - PAYMENT OF FINES

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A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's union subscriptions.

37 - SHOP STEWARDS/JOB DELEGATES

(1) A majority of members in each workplace or where appropriate department of the workplace present may select from amongst their number a person or persons to act as Steward or Stewards, Job Delegate or Job Delegates who shall as far as possible perform the following duties:-

(a) To see that these Rules are strictly adhered to.

(b) To investigate and if possible rectify any complaints or disputes and if unsuccessful to refer any such matters to the District Secretary for resolution.

(c) To report any infringement of any award or agreement affecting the Union to the District Secretary at once.

(d) To attend all meetings as regularly as possible.

(e) To notify the District Secretary when possible within twenty-four hours, of all accidents to members of the Union.

(g) It shall be the duty of all Shop Stewards/Job Delegates to endeavour to enrol appropriate workers in their respective workplace or jobs into the Union.

(h) On the start of every job where two or more workers are working there shall be a show of cards and also at any time the Shop Steward/Job Delegate may determine.

(i) Any member refusing to show their card when required by a Shop Steward/Job Delegate shall be liable to be fined up to $100 by the Divisional Executive.

(j) It shall be the duty of Shop Stewards/Job Delegates to interest themselves in the welfare of the worker probationers, indentured apprentices and trainees.

(k) On direction of the District Management Committee or at the request of one third of the members on the job, they shall be required to call a meeting as soon as convenient..

(l) to attend Union training

(2) The Divisional Secretary shall be advised by the District Secretary of the appointment of Shop Stewards/Job Delegates in accordance with paragraph (1). In the event of failure of the members to appoint a Steward/Job Delegate in accordance with paragraph (1) the Divisional Secretary or an officer authorised by the Divisional Secretary shall have the power to appoint a Steward/Job Delegate or Stewards/Job Delegates.

(3) Where no alternative arrangements for the payment of Union contributions have been determined by the Union, the Steward/Job Delegate shall collect all contributions, fines and levies due to the Union by members in the work place where the Steward/Job Delegate is employed, the same to be paid to the Secretary within 14 days. The Steward/Job Delegate may be paid a Commission to be fixed by the Divisional Executive on all monies (except levies) collected.

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(4) If the Divisional Secretary or District Secretary is advised by members in any work place of their dissatisfaction with the performance of a Shop Steward/Job Delegate then a meeting of members will be convened to consider the complaints.

38 - VICTIMISATION

Should any Shop Steward or Job Delegate be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the District Management Committee/Executive Committee shall take all necessary steps to see that the Shop Steward/Job Delegate interests are protected.

39 - ALLOWANCES

The Divisional Executive may determine in any year the allowances, if any, to be paid to persons representing the District for attending meetings at the request of the District or for its purposes.

40 - CHANGE OF RESIDENCE

Members are required to advise the Divisional Secretary or the District Secretary within fourteen days of any change of residence.

41 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Division including any District may make a written appeal to the Divisional Branch Executive for redress.

(b) Any member dissatisfied with the decision of the Divisional Executive may appeal to the Divisional Conference within one month of the decision being given.

(c) An appeal shall be in writing and shall be lodged with the Divisional Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Conference may confirm, annul or modify the penalty or finding. The appellant member may appear in person.

42 - SPECIAL RULE – THE PULP AND PAPER WORKERS DISTRICT

The following provisions shall apply in respect of the Pulp and Paper Workers' District of the Division (in this Rule called "the PPW District")

(1) Nothing in this Rule shall affect the application of the Rules to the PPW District and to the holders of offices within and to the members of that District except insofar as this Rule may be inconsistent with another rule in which event the provisions of this Rule shall prevail to the extent of such inconsistency.

PPW DISTRICT PROVISIONS

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(2) The business of the PPW District shall be conducted by the District Management Committee which shall consist of the District Secretary and Sub-Branch Delegates.

(3) The powers of the District Management Committee shall include the following powers:-

(a) To establish new Sub-Branches and amalgamate existing Sub-Branches, to close or disband Sub-Branches in accordance with the Rules, and generally to control Sub-Branches and the members thereof including the power to disallow By-Laws made by any Sub-Branch in conflict with the Rules.

(b) When establishing a new Sub-Branch to make Rules providing for the admission of members to that new Sub-Branch, the establishment of a Management Committee of that new Sub-Branch, the election of officers of that new Sub-Branch and all such matters as may be necessary.

(c) To fix the amount of per capita payments by the Sub-Branches to the Divisional Executive - such payments not to exceed 75% of the members' contributions unless agreed by a majority of the Sub-Branches.

(d) To establish and or operate a Superannuation Fund for the benefit of the members of the District and others.

(4A) The District shall hold an Annual General Meeting and such other meetings as may be necessary. Such meetings shall consist of a series of meetings of the members of each Sub-Branch held at times, places and dates to be decided by the District Management Committee. Members entitled to attend the meetings shall be notified thereof by circular or advertisement, or by printed notices or by such other similar means as the District Management Committee may deem reasonable. Any proposed resolution put to the series of meetings shall have been passed if it receives on the aggregate of all meetings held in the series, the majority of votes.

(5) The Divisional Conference or District Management Committee shall have the power to suspend any Sub-Branch Management Committee and/or all or any officers, committee members and delegates of a Sub-Branch if it is satisfied after due enquiry and after giving it or them the opportunity of being heard:-

(a) That the Rules of the District or Sub-Branch have not been bona fide observed or enforced by the Sub-Branch.

(b) That any lawful decision of the District Management Committee has not, after notification, been bona fide observed and enforced by the Sub-Branch.

(c) That the Sub-Branch is wilfully neglecting to provide for the collection of fees, levies, fines or contributions.

(d) That for any reason the Sub-Branch cannot or fails to meet in accordance with the Rules.

(e) That the officers of the Management Committee of the Sub-Branch refuse to disclose to the District Management Committee information concerning the Sub-Branch or the Management Committee.

(6) If a Sub-Branch or a Sub-Branch Management Committee fails to comply with any lawful direction of the District Management Committee and incurs legal costs or has imposed

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upon it a fine and/or legal costs arising from the conduct of the Sub-Branch, the Sub-Branch Management Committee or members of the Sub-Branch, which conduct is in contravention of the lawful direction of the District Management Committee then the District Management Committee shall have the power to direct that the amount of legal costs, fine and/or legal costs so incurred by and/or imposed upon the Sub Branch or Sub-Branch Management Committee shall be paid to the Division from the funds of the Sub-Branch.

(7) The District Management Committee shall call a meeting upon the requisition of three (3) Sub-Branches.

(8) The Sub-Branch Delegates to the District Management Committee shall be the Sub-Branch Secretary together with the additional Delegates who shall be elected quadrennially by the membership of each Sub-Branch in accordance with Rule 32. The additional Delegates shall be elected on the following basis:-

(a) Each Sub-Branch with a membership of less than 100 members - the Sub-Branch Secretary only.

(b) Each Sub-Branch with a membership of 100 members or more but less than 400 members - the Sub-Branch Secretary together with one (1) additional Delegate.

(c) Each Sub-Branch with a membership of 400 members or more but less than 1,000 members - the Sub-Branch Secretary together with two (2) additional Delegates.

(d) Each Sub-Branch with a membership of 1,000 members or more but less than 2,000 - the Sub-Branch Secretary together with three (3) additional Delegates.

(e) Each Sub-Branch with a membership of 2,000 members or more but less than 3,000 members - the Sub-Branch Secretary together with four (4) additional delegates.

(f) Each Sub-Branch with a membership of 3,000 members or more - the Sub-Branch Secretary together with five (5) additional Delegates.

(9) The Sub-Branch Management Committee may appoint a proxy delegate to any meeting of the District Management Committee when the delegate or delegates of the Sub-Branch to the District Management Committee (being either the Sub-Branch Secretary or additional Delegate or Delegates) is or are unable to attend that meeting: Provided that such proxy delegate shall be entitled to speak and vote on any matter except that such proxy delegate shall not participate in any step in any election for an office conducted amongst members of the District Management Committee.

(10) The District Secretary and Divisional Conference Delegates shall be elected quadrennially by the members of the District in accordance with the provisions of Rule 32.

(11) The District President, Senior District Vice President, Junior District Vice President and three (3) Trustees shall be elected by secret ballot after nominations have been called for by the Returning Officer at the meeting of the District Management Committee held next after the declaration of the quadrennial elections by and from the members of the District Management Committee in accordance with the provisions of Rule 32 with the necessary changes.

(12) In the event of a member being elected to the office of District Secretary and as an Additional Delegate of a Sub-Branch to the District Management Committee such position of Additional Delegate shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 32 with the necessary changes.

(13) In the event of a member being elected to the offices of District Secretary and Sub-Branch Secretary the office of Sub-Branch Secretary shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 32.

(14) (a) In the event of an industrial dispute taking place in any Sub-Branch the officers of such Sub-Branch shall try, by conciliation, to settle the dispute. In the event of the Sub-Branch officers concerned being unable to secure a satisfactory settlement the matter shall be referred to the District Secretary who shall, on behalf of the District Management Committee take charge of such dispute and shall consult with the District President and shall, if necessary, convene a meeting of the District Management Committee to deal with the matter.

(b) (i) A majority of the Sub-Branches shall, at special meetings of the Sub-Branch Management Committees called for that purpose, decide whether an industrial dispute affecting members of the District is to be submitted by the District to the appropriate tribunal established under the Fair Work Act 2009.

(ii) The District President and District Secretary or such other person or persons as the District Management Committee may decide shall be empowered to make submissions on behalf of and represent the District before a Federal or State Industrial Tribunal and to sign or issue any document including any agreement for the District which is necessary in respect of any such submission or presentation.

(15) Any delegates representing the District or a Sub-Branch on the Australian Labor Party shall be a member of that party.

(15A) The District Secretary shall be ex-officio a member of all committees of the Sub-Branches but shall not be entitled to exercise a vote on matters appertaining exclusively to only one Sub-Branch.

PPW SUB-BRANCH PROVISIONS

(16) (a) The following Sub-Branches are and shall be deemed to have been established as from the several dates on which they began to function:-

Melbourne, Maryvale, Millicent, Sydney, Nowra, Tasmania, Tumut and, Petrie.

(b) The Sub-Branches shall consist of members of the District as follows:-

(i) The Melbourne Sub-Branch shall consist of members who are employed within a radius of forty (40) kilometres of the General Post Office.

(ii) The Maryvale Sub-Branch shall consist of members employed within a radius of forty (40) kilometres from either the Traralgon or the Morwell Post Office.

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(iii) the Millicent Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Millicent Post Office.

(iv) The Sydney Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Sydney Post Office.

(v) The Nowra Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Nowra Post Office.

(vi) The Tumut Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Tumut Post Office.

(vii) The Petrie Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Petrie Post Office.

(viii) The Tasmanian Sub-Branch shall consist of members employed in the State of Tasmania.

(17) (a) Additional Sub-Branches may be established by resolution of the District of Management.

(b) Any member not employed within a Sub-Branch area shall be attached to the Sub-Branch nearest to where ~~he~~ they is employed.

(18) (a) Officers of the Sub-Branches shall be the President, two (2) Vice-Presidents (a Senior and Junior Vice President) and a Secretary such officers shall also be officers of the Union. These officers together with such number of other members which shall not be less than three (3) or exceed ten (10) as the Sub-Branch shall determine shall form the Sub-Branch Committee of Management. The Sub-Branch Secretary shall also mean the Sub-Branch Secretary-Treasurer.

(b) Delegates to the District Committee of Management shall be ex-officio members of all Committees and Sub-Committees of the Sub-Branch to which they belong.

(c) The Officers of the Sub-Branch together with the other members of the Sub-Branch Management Committee shall be elected quadrennially by the members of the Sub-Branch in accordance with the provisions of Rule 32.

(19) (a) No member shall hold more than one of the offices of Sub-Branch President, Sub-Branch Senior Vice-President, Sub-Branch Junior Vice-President, Sub-Branch Committee member, or Sub-Branch Secretary. If a member is elected to any two or more of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch Secretary signify which one of the said offices such member elects to hold. The member shall thereupon be deemed to have resigned from the other office or offices and the vacancy shall be filled in accordance with the provisions of Rule 32 mutatis mutandis.

(b) No member shall hold the office of Sub-Branch Secretary and Sub-Branch Additional Delegate from the Sub-Branch to the District Management Committee. If a member is elected to each of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch President signify which one of the said offices such member elects to hold and shall thereupon be deemed to have resigned from the other office.

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The vacancy so occurring in the other office shall be filled in accordance with the provisions of Rule 32 mutatis mutandis.

(20) Each Sub-Branch shall elect delegates to represent it on any body with which the Sub-Branch is affiliated. The election shall be conducted amongst members of the Sub-Branch Management Committee and be held at the next Sub-Branch Management Committee meeting following Sub-Branch elections. Nominees are required to be a member of the Sub-Branch Management Committee.

(21) Times and places of meetings of a Sub-Branch shall be fixed by the Sub-Branch Management Committee and shall be notified to members by being posted on work place notice boards at least three (3) days prior to the date of such meetings. At least one meeting shall be carried quarterly.

(22) Each Sub-Branch shall decide the starting and finishing times of its meetings and no extension shall exceed thirty (30) minutes beyond the time of normal finishing.

(23) The Sub-Branch President and Sub-Branch Secretary may call a meeting of the Sub-Branch Management Committee at any time by giving the membership of such Committee three (3) days notice in writing of the date, time and place of such meeting. The Sub-Branch President and Sub-Branch Secretary shall call a meeting of the Sub-Branch Management Committee. The Sub-Branch Management Committee if required to do so, by a written request of a majority of members of the Sub-Branch Management Committee may, at any meeting held of such Management Committee, decide the date, time and place of future meetings.

(24) A quorum for a Sub-Branch meeting shall consist of five (5) members (not including officers or members of the Management Committee) where the Sub-Branch has a membership of 100 or less members; a quorum for a Sub-Branch meeting shall consist of ten (10) members (not including officers or members of the Sub-Branch Management Committee) where the Sub-Branch has a membership of over 100 members. If no such quorum is present at a meeting of a Sub-Branch thirty (30) minutes after the normal starting time of such meeting that meeting shall lapse.

(25) If due to the absence of a quorum at a meeting, a Sub-Branch is unable to conduct its business, the Sub-Branch Management Committee shall conduct such business with the full authority of a properly constituted Sub-Branch meeting.

43 – TRANSITIONAL PROVISIONS

(i) The purpose of this Rule is to provide for the commencement of the operation of amendments made to the Rules of the Division in 2012 which provide for the substantial restructure of the Division including the abolition of Divisional Branches and the restructure of Districts, and of new Offices (the new Offices) and for various other additions, amendments, rescissions and other alterations (the 2012 Rule changes).

(ii) The provisions of this Rule and of all the Rules referred to in sub rule (i) (the new Rules or new sub rules) shall take effect on and from the day the General Manager certifies them (the Rule 43 commencement date). The Division and its members shall comply with them severally as provided for in this Rule.

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(iii) Subject to the provisions of this Rule and after the Rule 43 commencement date, the Division and its members shall continue to comply with the Rules in operation immediately prior to that date (the unamended Rules).

(iv) As soon as practicably possible after the Rule 43 commencement date, after receiving advice from the Divisional Secretary, the Divisional Executive in office in accordance with the unamended Rules, shall in accordance with the relevant provisions of the new Rules determine to which District of the Division each member of the Division is to be attached and to which PPW sub branch to which each member is to be attached.

(v) On or before the last day of August 2012 or as soon as practicable thereafter the Divisional Returning Officer shall conduct an election for each of the following new offices in accordance with the new Rule 32:

District Offices:

District Secretary
District Assistant Secretary (if any)
District President/s
District Vice-President/s
District Organisers (if any)
District Management Committee Members

(vi) The persons elected to the new Offices as set out in sub rule (v) hereof shall assume office on 2 January 2013. Until the declaration of the ballot in the election to be conducted by the members of the Divisional Conference as provided for in this Rule the Divisional Executive shall consist of the following officers:

Divisional Offices
The District Secretaries of each District

(vii) As soon as is practicable after the declaration of the ballot as provided for in (v) the Divisional Secretary shall summon a meeting of the Divisional Executive as constituted pursuant to sub rule (vi) hereof at which meeting the Divisional Executive shall determine a time and place for meeting of the Divisional Conference to be held.

(viii) The Divisional Secretary shall give members of the Divisional Conference at least 7 days notice of the date of the Conference meeting.

(ix) The Divisional Conference called in accordance with (viii) shall elect the Divisional Executive Officers and the Divisional Executive members in the manner provided for in new Rule 9.

(x) The meeting of Divisional Conference shall be conducted in accordance with the provisions of the new Rules.

(xi) Upon the declaration of the ballot in the election conducted at the Divisional Conference as provided for in (x) the Divisional Executive shall be constituted in accordance with the new Rules. As soon as is practicable thereafter the Divisional Secretary shall call a meeting of the Divisional Executive.

(xii) The terms of office of each of the offices elected in accordance with sub rules (v) and (ix) shall be 4 years commencing on 2 January 2013, thereafter elections shall be conducted for all offices in accordance with the new Rules.

(xiii) At the election to be conducted in accordance with this Rule 43 the following offices as provided for in Sub Rule 43(v) shall be full time paid offices:

NSW District Secretary, Victorian District Secretary, Greater Green Triangle District Secretary, South Australian District Secretary, PPW District Secretary and Victorian District Assistant Secretary.

(xiv) Upon the declaration of the ballot in the election for the new offices as set out in Sub Rule (v) hereof the unamended Rules shall cease to have any further operation.

SCHEDULE 1 –SPECIAL FUNDS

The following are special funds as provided for in sub rule 14D and such funds will be managed and maintained by the Divisional Executive on behalf of and in the interest of and for the benefit of those groups of members for whom the funds were collected, as set out hereunder:

Victorian District

The John Curtin Fund – for members of the Victorian District.

South Australian District:

South Australian Glaziers Fund – Flat Glass and Glazing members in the South Australian District.

Metro and Country Fund – for members of specific Worksites in the South Australian District.

South East Welfare Fund – for members in the South East Region of the South Australian District

PPW District:

PPW Support Fund - for members of the PPW District

PPW Maryvale Sub Branch Fund – for members of the PPW Maryvale Sub Branch

PPW Millicent Sub Branch Fund - for members of the PPW Millicent Sub Branch

PPW Melbourne Sub Branch Fund – for members of the PPW Melbourne Branch

NSW District

Member Support Fund – members of NSW District

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SCHEDULE 2 - RULES OF DEBATE

MOTIONS, HOW DEALT WITH:

(a) All motions shall be of an affirmative character and must be moved and seconded by members. Such motions become the property of the Union, and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless two-thirds of the members present agree to an extension of time.

(b) Unless a member opposes the motion or proposes an amendment thereto, the motion shall be immediately put to the meeting for decision.

(c) A motion may be superseded at any time by another motion "that it be discharged from the notice paper" or "that the next business be proceeded with" being resolved in the affirmative.

(d) A motion may be amended at any time during the debate thereon by -

(i) striking out certain words
(ii) adding certain words, or
(iii) striking out certain words and inserting others in their place.

Always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(e) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(f) (i) At meetings other than meetings of the membership of a District or of a sub-branch all motions shall be put to the meeting by the chairperson in a clear manner. Any member present may demand that the vote be by ballot and the Chairperson shall thereupon conduct a ballot. In the absence of such a demand all motions shall be put to the meeting by the Chairperson by asking for the "ayes" to vote first and then the "noes". The Chairperson's decision as to which has the majority will be final unless any member present demands a show of hands. Upon such a demand being made the chairperson shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(ii) At meetings of the membership of a District or of a Sub-Branch all motions shall be put to the meeting by the Chairperson in a clear manner by asking "ayes" to vote first and then the "noes".

The Chairperson's decision as to which has the majority will be final unless a member supported by one quarter of the number of members present demands a show of hands.

Upon such a demand being made the Chairperson shall appoint tellers to count the votes and shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(iii) If the votes are equal the question is resolved in the negative.

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(g) No member shall be allowed to vote who was not present when the question was first put.

(h) A mover of a motion to be allowed 10 minutes to introduce and 5 minutes to reply. Other speakers 5 minutes unless two-thirds of the members present agree to an extension of time.

(i) Any member desiring to move to change a decision of the Union or of a District must submit notice in writing of such intention to the Divisional Secretary or the District Secretary of the Union as the case may be fourteen (14) days prior to the date of the meeting at which they will move for such change.

(j) During the course of a meeting any resolution which has been the business of that meeting may be recommitted at the hearing.

RIGHT TO SPEAK

(a) Any member desiring to speak shall rise and address the chairperson. If two (2) or more delegates begin to address the chairperson at the same time, the Chairperson shall call upon the one who, in the Chairpersons opinion, began to speak first. Provided that no member can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(i) In reply as the mover of the original motion.

(ii) In explanation or correction of some matter during the debate.

(iii) Upon a point of order raised during the debate.

(iv) Upon a resolution being carried "that a member be now heard".

(b) A member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by the member.

(c) Not more than two members shall be allowed to speak in succession for or against any question. If at the conclusion of the second speaker's remarks no member speaks on the other side, the motion or amendment shall be put to the vote.

(d) Any member speaking shall at once stop:-

(i) If the chairperson begins to speak; or

(b) If a point of order is raised;

and shall not resume speaking until the point of order is decided.

(e) No member may speak to any question after it has been put by the chairperson, or during a division.

REPORTS

(a) A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of the Conference/Executive thereon.

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(b) If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

SITTING AS A COMMITTEE

Divisional Conference or Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Conference or Executive shall be observed when in Committee.

DEFINITION

In this rule "member" shall include any person attending a meeting.

CHAIRPERSON'S RULING

(a) The chairperson's rulings on all points of order shall be final, unless at the time a motion is carried that such ruling be disagreed with.

(b) When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

[105N-ATAI: Incorporates alterations 07/01/2014 in matter R2013/490]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 49 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, The Forestry, Furnishing, Building Products and Manufacturing Division.

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU, Forestry, Furnishing, Building Products and Manufacturing Division

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DEFINITION.....49
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THE FORESTRY, FURNISHING, BUILDING PRODUCTS AND MANUFACTURING DIVISION RULES

1 - NAME

The name of the Division shall be "The Forestry, Furnishing, Building Products and Manufacturing Division". (FFPD)

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-Rule (C) and (F) of the National Rules shall belong to this Division.

3 – SIGNING OF DOCUMENTATION

Any document required or permitted by the FWA or the RAO or any document required to be executed on behalf of the Division shall be signed by the Divisional Secretary, or, in the absence of the Divisional Secretary, either the Divisional President or Divisional Senior Assistant Secretary or such other Divisional Officer as authorised by the Divisional Executive.

4 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

“BOARD” means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors.

“DECLARED PERSON OR BODY” A person is a declared person or body if:

(i) an officer of the Division or its Districts has disclosed a material personal interest under sub-rule 14F(i) and

(ii) the interest relates to, or is in, the person or body; and

(iii) the officer has not notified the Division that the officer no longer has the interest.

“DISCLOSURE PERIOD” For the purpose of these rules means the financial year unless a shorter period is specified.

“DISTRICT” shall mean a District of the Division set up in accordance with the Rules of the Union.

“DIVISIONAL OFFICERS” shall mean the Divisional Secretary, the Divisional President, the Divisional Senior Assistant Secretary and two other Divisional Assistant Secretaries one of whom shall be the District Secretary of the PPW District.

“FINANCIAL DUTIES” includes duties that relate to the financial management of the Division or its Districts.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to FFPD Division is a member of this Division.

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“FWA” shall mean the Fair Work Act 2009.

“GENERAL MANAGER” means the General Manager of Fair Work Commission.

"MEMBER" shall mean a member of FFPD Division and membership shall have a corresponding meaning.

“NON-CASH BENEFIT” means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.

“OFFICE” has the same meaning as defined by section 9 of the *Fair Work (Registered Organisations) Act 2009*.

“OFFICER” has the same meaning as defined by section 6 of the *Fair Work (Registered Organisations) Act 2009*.

“PEAK COUNCIL” has the same meaning as defined by section 12 of the *Fair Work Act 2009*.

“PPW SUB BRANCH” shall mean a sub branch of the PPW District.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then the candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“RAO” shall mean the Fair Work (Registered Organisations) Act 2009.

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"RELATED PARTY" has the same meaning as defined by section 9B of the *Fair Work (Registered Organisations) Act 2009.*

"RELATIVE" in relation to a person, means:

(i) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or

(ii) the spouse of the first mentioned person.

"RELEVANT NON-CASH BENEFITS" in relation to an officer of the Division or its Districts for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer's duties as an officer, by the Division or a District by a related party of the Division or a District.

"RELEVANT REMUNERATION" in relation to an officer of the Division or its Districts for a disclosure period is the sum of the following:

(i) any remuneration disclosed to the Division by the officer under sub-rule 14F(i) during the disclosure period;

(ii) any remuneration paid during the disclosure period, to the officer by the Division or District.

"REMUNERATION"

(i) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but

(ii) does not include a non-cash benefit; and

(iii) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the office carrying out his or her duties.

"THE 2008 RULE CHANGES" shall mean the amendments made to the Rules of the Division in 2008 providing for the substantial restructure of the Division.

"THE 2012 RULE CHANGES" shall mean the amendments made to the Rules of the Division in 2012 providing for the substantial restructure of the Division.

5 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Secretary or the District Secretary covering the area in which the candidate resides or is employed and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the Rules of the Division.

(ii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Executive may require, and shall, when requested, fill in and sign such application form as may be provided.

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(iii) An application for membership of the Division may be referred by the Secretary of the relevant District to the Divisional Branch Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Conference the decision of which shall be final.

The Divisional Conference shall decide the appeal at a meeting specially conducted for that purpose and the appellant shall have the right to attend the meeting and state a case on the appeal.

(iv) All members shall be deemed to be attached to the District covering the locality in which the member resides or where the member is eligible for membership of the Division pursuant to Sub Rule 2 (C) of National Rule 2 Constitution to the PPW District.

6 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Applicants for membership of the FFPD Division shall pay on application an entrance fee in accordance with these rules. Such entrance fee if applicable shall not exceed $300.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

(ii) The contribution payable by each member shall be fixed by the Divisional Executive subject to the processes provided for in Rule 14

(iii) The Divisional Executive may if, in its opinion it is desirable or necessary for financial or any other reason that the aforesaid entrance fees or contributions should be altered, waived or suspended, make such decision as it deems desirable or necessary, and the altered, waived or suspended entrance fee and/or contribution payable shall be applicable to the member(s), group or class of members concerned.

(iv) Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these rules, shall be deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

(v) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(vi) Contributions shall be paid to and collected by the Divisional Secretary, or an authorised agent of the Division.

7 - SPECIAL MEMBERS

The Divisional Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rule 6 be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY OF THE DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference which shall meet at least every two (2) years.

(ii) The Divisional Conference shall consist of the following:

(a) the Divisional Officers of the Division; and

(b) delegations from each District calculated in accordance with (iii) hereof.

(iii) Each District shall be entitled to two (2) representatives up to 500 members, one (1) additional representative between 500 members and 1,000 members and one representative for each additional 1,000 members, based, on the aggregate income received by the Division in relation to members of that District (Union contributions only) divided by the amount of the yearly contribution fixed by the Rules from time to time, for the financial year ending on the 31st December in the year preceding the quadrennial election of representatives to act as its representatives at the Divisional Conference.

The number of representatives to which each District is entitled shall remain unaltered throughout the period between the quadrennial elections provided that prior to each Divisional Conference meeting the Divisional Executive may review the delegations to Divisional Conference in the event that as a result of growth or decline in membership the formula set out in this sub rule should be adjusted.

Provided further that the delegation from each District will include ex officio: the District Secretaries of each District and the District Secretaries will be counted as representatives in calculating the entitlement of each District in accordance with this sub clause.

(iv) Representatives of the District other than those ex officio representatives as provided for in sub-rule (iii) hereof shall be elected by secret postal ballot of all members of the District eligible to vote every four (4) years in accordance with the provisions of Rule 32 of these Rules.

(v) In the event of a circumstance leading to a casual vacancy in a position of a Divisional Conference Delegate that vacancy shall be filled in accordance with the provisions of Rule 33.

(vi) Districts, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialed and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

(vii) Where one or more representatives of a District is or are unable to attend a meeting of the Divisional Conference the District Management Committee of that District may itself select a proxy representative or representatives to act on its behalf at that meeting. Such representative or representatives shall vote in accordance with the instructions of the District Management Committee of the District.

(viii) The method of calling nominations and the election of District delegates to Divisional Conference shall be under the provisions of Rule 32 of these Rules.

(ix) A majority of delegates eligible to attend the Divisional Conference shall form a quorum.

(x) All duly approved expenses of representatives to Divisional Conference shall be borne by the Division.

(xi) No alteration of the personnel of the representatives at a meeting of the Divisional Conference shall be permitted after the credentials of the representatives have been received and accepted by the Divisional Conference, unless such alteration is rendered necessary by death or serious illness.

(xii) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of $100, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members, organisers or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive, District Management Committee or the PPW District sub-branch Management Committee relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or of the District Management Committee to which a member is attached are available to members at each District Office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate concerned has been afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

A period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal on an issue concerned solely with a matter affecting this Division, from a District or Sub-Branch or member. Any appeal from a member must be forwarded through the District. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

Provided that in the case of an appeal from a District of the Union, the District shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between District. Any District concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any District of the Division or Divisional Executive.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive, Districts or PPW Sub Branches of this Division.

(h) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(i) To establish new Districts and amalgamate existing Districts, to close or disband Districts in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the PPW District without its consent), and generally to control Districts and the members thereof.

(j) When establishing a new District the Divisional Conference shall have power to make rules providing for the admission of members of that new District, the establishment of a Management Committee of that new District, the election of officers of that new District and all such matters as may be necessary.

(k) To make, alter and rescind rules of this Division.

(l) To deal with any District not working in conformity with the Rules and policy of the Union.

(m) To appoint and remove organisers.

(n) To vote moneys and pass accounts.

(o) To fix salaries and allowances for all Officers and employees of the Division and of all Conference delegates and representatives.

(p) To appoint a Returning Officer, who shall conduct any plebiscite upon any question submitted to the whole of the membership for determination, and who shall have power to appoint Deputy Returning Officers.

(q) To elect, appoint and remove officers and members of the Divisional Executive of the Union.

(r) To establish any special fund to achieve any of the objects of the Union.

(s) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each District Secretary at least one (1) week before the date of such meeting but no failure to notify will of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each and District Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the District Secretary, inspect a copy of the minutes of each Divisional Conference at the District Office during the ordinary hours in which the District Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Districts or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, email, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit by the Divisional Secretary conduct a postal, telephonic, telegraphic, facsimile, email and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter.

(xvii) All meetings of the Divisional Conference shall be held at such time and place as the Conference shall from time to time determine, and in case of default, or of special meetings, as the Divisional Executive shall determine.

(xviii) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Conference -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

9 - DIVISIONAL EXECUTIVE

i). The Divisional Executive shall consist of the following:

- The Divisional Secretary
- The Divisional President
- The Divisional Senior Assistant Secretary
- Two other Divisional Assistant Secretaries one of whom will be the Secretary of the PPW District
- The Divisional Senior Vice-President
- Two other Divisional Vice Presidents; and

- No less than seven and no more than nine Divisional Executive members two of whom shall be women.

The number of Divisional Executive members shall be determined by the Divisional Conference prior to the calling of nominations and they shall be elected by the conference from the conference delegates other than the Divisional Officers.

ii). Except for the filling of extraordinary vacancies the Divisional Senior Vice-President, Divisional Vice-Presidents and the Divisional Executive members shall be elected by and from the Divisional Conference held in 2009 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

iii). Preceding such conferences the Divisional Executive shall appoint a Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and the Divisional Senior Vice-President and the Divisional Vice-Presidents in accordance with these Rules.

iv). Nominations unless otherwise determined by the Divisional Executive shall be called for on the second day of the Divisional Conference. Where practicable the ballot shall be conducted on that day. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

v). The ballot for the Divisional Senior Vice President and the two other Divisional Vice-Presidents shall be dealt with and completed. The ballot for the Divisional Executive members shall be dealt with and completed.

vi). If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Executive that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive.

vii). If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

viii). The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober,

proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Returning Officer may proceed nonetheless.

ix). Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where the delegate can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until the Returning Officer has given such delegates a reasonable opportunity to vote.

x). The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

xi). Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly holding such office.

xii). A Divisional Executive member shall hold office until a successor is elected.

xiii). The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, powers, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any District or member. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Districts. Any District concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with any District not working in conformity with the Rules**,** Decisions and policy of the Division.

(g) To deal with and decide any matter submitted to it by any District of the Division.

(h) To confirm, over-rule or otherwise deal with decisions of the Districts of this Division.

(i) To make, alter and rescind any of the rules of this Division including any rules relating to Districts subject to Rule 16 of these Rules.

(j) To appoint and remove organisers or specialist officers.

(k) To select persons as delegates to represent the Division at meetings, committees or to affiliated organisations.

(l) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(m) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(n) Submit any matter to the members for decision by ballot.

(o) Ensure that officers, committee members, organisers, delegates or members of the Division and Districts and PPW Sub Branches comply with the rules, policies and decisions of the union and subject to Rule 11 impose penalties [i.e., fines not exceeding the sum of $100, suspension, expulsion or dismissal from office,] on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules, policies or the decisions of the Divisional Executive. Provided that the rules, policies or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each District Office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(p) Take such action as may be necessary to secure the satisfactory working of any Districts of this Division, take such action as may be necessary to ensure the adherence to the rules of the Union and decisions and policies of the Divisional Conference and/or Divisional Executive by any District and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a District and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such District. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the District and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(q) Control and supervise the work of the Divisional Officers.

(r) To establish new Districts and amalgamate existing Districts, to close or disband Districts in accordance with these Rules (provided that the Divisional Executive shall not exercise any such power affecting the PPW District without its consent), and generally to control Districts and the members thereof.

(s) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these Rules.

xiv). The Divisional Executive shall meet at least six (6) times in each calendar year. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, telegram, telex, facsimile, email or otherwise in writing, telephone or verbally, provided that in the latter two instances such is confirmed by letter, telegram, facsimile, email or other writing.

10 - REFERENDA

(a) On receipt of a petition signed by not less than 10 per cent of the financial members of the Division, the Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Districts or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference, Divisional Executive and the members of the Division.

(b) Divisional Conference or Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

(i) The petition shall have set out the member's full name, address, signature and the date the said petition was signed by the member. In determining the 10% requirement of financial members for a referendum to be conducted, the petition shall be presented to the District Secretary within 30 days of the first financial member signing the aforesaid petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 10% financial members.

(ii) The Referendum shall take place within two months of the receipt of the petition.

(iii) The Divisional Executive shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Returning Officer and Divisional Scrutineer to conduct the ballot.

The ballot for the referendum shall be held with any necessary changes in the same manner as provided for in Rule 32 for a ballot for the election of Divisional Officers. Provided that any material enclosed in the envelope in which the ballot paper is posted to the member must be authorised by the Divisional Executive.

11 - REMOVAL OF OFFICERS

(a) Any Divisional or District Officer may be removed from office by majority decision of the Divisional Executive, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union**,** or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(b) Should any officer be removed from office by the Divisional Executive, a casual vacancy shall occur and the vacancy shall be filled in accordance with the provisions of Rule 33.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive. In the event of the appeal being upheld the Divisional Conference or National Executive may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-instatement of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

12 - DELETED

13 - DUTIES OF DIVISIONAL OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of the Divisional Conference, Executive and meetings convened by the Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where the Divisional President is a full time officer the Divisional President shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be the principal officer of the Division for all purposes of these rules, the RAO and regulations made pursuant to the RAO and any successor legislation or regulations thereto.

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The Divisional Secretary shall summon all meetings of the Divisional Conference and Divisional Executive, issue all necessary notices to members of the Divisional Conference or Divisional Executive in connection with such meetings.

The Divisional Secretary shall sign all cheques or any other type of instrument for the withdrawal of any funds of the Division from any financial institution or other account together with one other person authorised for this purpose by the Divisional Executive. In the event that the Divisional Secretary is absent the Divisional Senior Assistant Secretary or the Divisional President and one person authorised for this purpose by the Divisional Executive shall sign cheques or any other type of instrument for the withdrawal of any funds of the Division from any financial institution or other account.

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the implementation and compliance by the Division, Districts and PPW Sub Branches of the decisions, rules and policies made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive or Divisional Conference, to appoint, control and dismiss the staff of the Divisional Office and Districts and PPW District Sub Branches.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.

Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Districts and PPW Sub Branches of this Division.

The Divisional Secretary shall have the authority to initiate any proceedings and/or actions to advance or defend the interests or objectives of the Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive or Divisional Conference and allocate the duties of Officers.

The Divisional Secretary shall be an ex officio member of all Divisional Committees, including Districts and PPW Sub Branches, but shall not be entitled to vote in respect of the decisions of those committees.

(iii) There shall be a Divisional Senior Assistant Secretary and two Divisional Assistant Secretaries.

The Divisional Senior Assistant Secretary shall perform all duties assigned by the Divisional Executive, shall be under the control of the Divisional Secretary and shall attend all meetings of Divisional Executive, Divisional Conference and National Executive and shall be ex officio a member of the Victorian District Management Committee and FFTS Special Fund Sub-Committee as provided for in Sub-Rule 14E.

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The Divisional Senior Assistant Secretary may exercise any and all of the powers and duties of the Divisional Secretary in the absence of the Divisional Secretary.

In the absence of both the Divisional Secretary and the Divisional Senior Assistant Secretary the Divisional Executive shall determine whether and the manner in which one of the other Divisional Officers may exercise any or all of the powers and duties of the Divisional Secretary.

(iv) The other Divisional Assistant Secretaries shall perform all duties assigned by the Divisional Executive, shall be under the control of the Divisional Secretary and shall attend all meetings of Divisional Executive and Divisional Conference and in the case of the PPW District Secretary who is also a Divisional Assistant Secretary, shall attend all meetings of the National Executive.

(v) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Vice-President(s):

The Divisional Vice-President(s) shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President(s) shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vii) Members of Divisional Executive:

Other members of the Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

A (i) The Divisional Office shall collect all entrance fees, contributions, levies and fines and all other monies relating to the membership.

(ii) All monies received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. Cheques or other types of instruments for the withdrawal of any funds of the Division shall be signed by the Divisional Secretary and one of the Divisional Senior Assistant Secretary or the Divisional President and one person authorised for that purpose by the Divisional Executive. In the event of the absence of the Divisional Secretary all cheques and other instruments for the withdrawal of any funds of the Division shall be signed by the Divisional Senior Assistant Secretary or the Divisional President, and one person authorised for that purpose by the Divisional Executive.

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(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the Divisional Office, may be disbursed by decision of the Divisional Secretary.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive or Divisional Conference.

(iv) The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The Divisional Executive shall have the authority to hold, purchase, lease, sell, mortgage or otherwise deal in property on behalf of the Division which shall be executed on the Divisional Executive's behalf by the Divisional Secretary.

(vi) The property of the Division shall be under the control of the Divisional Executive.

(vii) The Division shall develop and implement internal policies and procedures relating to the expenditure of the Division and its Districts, to ensure that the Division and its Districts are conducted in accordance with the principles of good governance and to ensure accountability to members of the Division.

(viii) Such policies and procedures shall be adopted by the Divisional Executive and, once adopted, shall be binding on all officers and members of the Division and its Districts. Such policies and procedures must be identified in the resolutions of the Divisional Executive as Rule 14A policies and procedures.

(ix) Rule 14A policies and procedures must be published on the website of the Division with fourteen (14) days of their adoption.

B. Divisional Budget and Administrative Committee

i) There shall be a National Administrative and Budget Committee of the Divisional Executive composed of the Divisional Officers and full time District Secretaries together with such other persons if any as the Divisional Secretary may determine.

ii) Meetings of the Divisional Administrative and Budget Committee shall be conducted at a time and place and in a manner determined by the Divisional Secretary or the Divisional Executive.

iii) The Divisional Administrative and Budget Committee shall subject to the directions of the Divisional Executive have the following duties and responsibilities:

a) to oversee financial, membership and other relevant data and the administrative affairs of the Division;

b) to conduct income and expenditure reviews to advise the Divisional Executive on the most effective use of the Divisional funds;

c) in consultation with the Divisional Officers and where relevant with each constituent part of the Division including its Districts and the PPW Sub

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Branches assist in the development of draft budgets for consideration by the Divisional Executive;

d) to monitor, administer and report on the implementation of budgets adopted by the Divisional Executive:

Provided that the Divisional Budget and Administrative Committee shall not have any policy making powers but shall act in an advisory capacity only.

C. Budget/s

i) At the first meeting of the Divisional Executive at the commencement of each financial year the Divisional Executive shall, upon considering advice and recommendations from the Divisional Budget and Administrative Committee approve a budget/s for the Division.

ii) To ensure the equitable distribution of resources amongst members throughout the Division budgets will take into account clear and consistent criteria including the following:

a) the percentage of membership income contributed;

b) appropriate financial support and underpinning for Divisional operations;

c) any cross subsidies between funds as may be necessary to provide and maintain effective operations throughout the Division for appropriate coverage and representation for all members of the Division.

d) the provision of ongoing funding for core union activities including growth recruitment, face to face organising, and campaigns in support of Divisional activities, industrial disputes, legal representation and advice, development of delegate and member involvement and activities, publications including newsletters and similar communications with members, member benefits and associated matters.

e) nationally consistent levels of contributions and costs structures including wage levels and employment standards for employees of the Division and each part of the Division.

f) as far as possible provide adequate funds for the purpose of continuing to build an appropriate asset base to both for the financial survival growth of the Division and where possible to house the operations of the Division and its various constituent parts.

g) where appropriate to support and continue to build specific member support funds and provident funds.

D. Special Funds

The Divisional Branches of the Division as constituted prior to the 2008 Rules Changes and the PPW Sub Branches have administered specific funds on behalf of the members of those Divisional Branches or Sub Branches. Schedule 1 to these Rules refers to these specific funds. These funds from the commencement of the 2008 Rule changes shall be

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managed and maintained by the Divisional Executive on behalf of, in the interests of and for the benefit of those groups of members for whom without the 2008 Rule changes those funds would otherwise be applied. Those funds will be expended to members of those groups of members in a manner consistent with the purposes for which the funds were established and that manner shall not be changed without consultation and agreement with the relevant District Committee of Management.

E. FFTS Special Fund

The FFTS Special Fund is a fund of the No. 2 FFTS Branch of the Division as constituted prior to the 2012 changes.

This fund has been created on behalf of and for the benefit of the members of that Branch.

From the Constitution of the Divisional Executive pursuant to Sub-Rule 43(xi) - Transitional Provisions this fund shall be managed and maintained by the Divisional Executive on behalf of, in the interests of, and for the benefit of members of the Union in the Division.

FFTS Special Fund Committee

At the first meeting of the Victorian District Management Committee following the assumption of office of its members pursuant to Rule 43 that Committee shall appoint a sub-committee to be known as the FFTS Special Fund Committee consisting of the following members:

> The District Secretary, one of the Joint Presidents, one of the joint Vice-Presidents, and as far as is practicable, up to three other members of the Victorian District Management Committee who are eligible for membership of the Victorian District pursuant to sub-rule 2(F) Constitution of the Rules of the Union. The Divisional Senior Assistant Secretary shall also be a member of the Sub-Committee ex officio.

In the event of a vacancy occurring on the FFTS Special Fund Committee the FFTS Special Fund Committee shall fill the vacancy by appointing from the members of the Victorian District Management Committee as far as practicable a person who is eligible for membership of the Victorian District pursuant to sub-rule 2(F) Constitution of the Rules of the Union.

No funds shall be expended from the FFTS Special Fund unless agreed by the FFTS Special Fund Committee.

Notwithstanding the provisions of Sub-Rule 14A(ii) the Divisional Senior Assistant Secretary will be one of the Signatories of any instrument for the withdrawal of any funds from the FFTS Special Fund.

F. Disclosure of Officer's relevant remuneration and non cash benefits

(i) Each officer of the Division or its Districts shall disclose to the Division any remuneration paid to the officer:

(a) because the officer is a member of a board, if:

i. the officer is a member of the board only because the officer is an officer of the Division or a District; or

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ii. the officer was nominated for the position as a member of the board by the union, the Division or a District, or a peak council; or

(b) by any related party of the union in connection with the performance of the officers' duties as an officer.

(ii) The disclosure required by sub-rule F(i) shall be made to the Divisional Executive:

(a) as soon as practicable after the remuneration is paid to the officer; and

(b) in writing.

(iii) The Division shall disclose to the members of the Division and its districts:

(a) the identity of the officers of the Division who are the five highest paid in terms of relevant remuneration for the disclosure period, and

(b) the identity of the officers of each District who are the two highest paid officers of the District in terms of relevant remuneration for the disclosure period, and

(c) for those officers:

i. the actual amount of the officers' relevant remuneration for the disclosure period; and

ii. the form of the officers' relevant non-cash benefits, for the disclosure period.

(iv) For the purposes of sub-rule F(iii) the disclosure shall be made:

(a) in relation to each financial year;

(b) within six months after the end of the financial year; and

(c) in writing and published in the Division's annual financial returns.

G. Disclosure of Material Personal Interests

(i) Each officer of the Division or a District shall disclose to the Division any material personal interest in a matter that:

(a) the officer has or acquires; or

(b) a relative of the officer has or acquires;

that relates to the affairs of the Division or its Districts.

(ii) The disclosure required by sub-rule G(i) shall be made to the Divisional Executive:

(a) as soon as practicable after the interest is acquired; and

(b) in writing.

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(iii) The Division shall disclose to the members of the Division and its districts any interests disclosed to the Division pursuant to sub-rule G(i).

(iv) For the purposes of sub-rule (iii), the disclosures shall be made:

(a) in relation to each financial year;

(b) within six months after the end of the financial year; and

(c) in writing and published in the Division's annual financial return.

H. Disclosure By Division of Payments

(i) The Division shall disclose to the members of the Division and its Districts either:

(a) each payment made by the Division or a District, during the disclosure period:

i. to a related party of the union, or of the Division, or its Districts; or

ii. to a declared person or body of the union, or of the Division, or its Districts; or

(b) the total of the payments made by the Division or its Districts, during the disclosure period:

i. to each related party of the union, or of the Division, or its Districts; or

ii. to each declared person or body of the union, or of the Division, or its Districts.

(ii) Sub-rule H(i) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Division or a District from remuneration payable to officers or employees of the Division or District.

(iii) Sub-rule H(i) does not apply to a payment made to a related party if:

(a) The related party is an officer of the Division or a District; and

(b) The payment:

i. Consists of remuneration paid to the officer by the Division or a District; or

ii. Is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(iv) For the purposes of sub-rule H(i), the disclosures shall be made:

(a) in relation to each financial year;

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(b) within six months after the end of the financial year; and

(c) in writing and published in the Division's annual financial return.

I. Training of Officers

(i) Each person holding an officer in the Division including its Districts whose duties include duties that relate to the financial management of the Division or a District shall undertake training:

(a) Approved by the General Manager under the provisions of the *Fair Work (Registered Organisations) Act 2009*, and

(b) That covers each of the officer's financial duties.

(ii) Each officer shall complete the training required by sub rule (i) within:

(a) Six months after the person begins to hold office; or

(b) If the officer holds office at the date of commencement of Schedule 1, Part 2 of the *Fair Work Registered Organisations Act 2012*, within six months of that date.

15 - AUDITOR AND AUDITOR'S REPORT

(i) The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

(ii) The auditor shall, in the auditor's report, draw attention of the Divisional Executive, Divisional Conference to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

15A REPORTING UNIT

(i) The whole of the Division shall constitute the reporting unit on an alternative basis as by the RAO.

(ii) The Divisional Secretary shall be the designated officer for the purposes of the RAO for the Division.

(iii) On receipt of a petition signed by not less than 5% of the members of the Division the Divisional Secretary shall convene a general meeting of members to present the auditor's report, the general purpose financial report and the operating report.

(iv) The petition shall have set out the member's full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of members for a general meeting to be held, the petition shall be presented to the Divisional Secretary within 30 days of the first member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% members.

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(v) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

(vi) The General Meeting shall be conducted as a series of meetings in localities of each of the Districts and each of the PPW Sub Branches.

16 - ALTERATION OF RULES

These Divisional Rules including any Rules relating to Districts of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Districts and shall be forwarded with the notice to the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

Provided that any such rescission, alteration or amendment which affects in any way the existence, structure or position under these rules of the PPW District, shall be of no effect unless endorsed by a resolution of the District Management Committee of the PPW District.

17 - RULES BINDING ON MEMBERS AND DISTRICTS

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Districts of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 – DISTRICTS

i. For the purposes of organisation of the members of the Division and for provision of services to members each member of the Division shall be allocated to a District as follows:

(a) the NSW District which shall consist of all members resident in that State of NSW and the Australian Capital Territory other than those persons who are eligible for membership of the PPW District as provided for in (f) of this Sub Rule;

(b) the Victorian District consisting of all members resident in the State of Victoria other than those persons who are eligible for membership of the PPW District pursuant to (f) of this Sub Rule and those persons who are eligible for membership of the Greater Green Triangle District pursuant to (g) of this Sub-Rule;

(c) the South Australian District consisting of all members resident in the State of South Australia other than those persons who are eligible for membership of the PPW District pursuant to (f) of this Sub Rule and other than those persons who are eligible for membership of the Greater Green Triangle District pursuant to (g) of this Sub-Rule;

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(d) the Tasmanian District consisting of all members resident in the State of Tasmania other than those persons who are eligible for membership of the PPW Branch pursuant to (f) of this Sub Rule.

(e) the Queensland Northern Territory Western Australian District consisting of all members resident in the States of Queensland, Western Australia and the Territory of the Northern Territory other than those persons who are eligible for membership of the PPW Branch pursuant to (f) of this Sub Rule;

(f) the PPW District consisting of all members eligible for membership of the Union pursuant to Sub Rule 2 (C) (ii) of Rule 2 Constitution of the Rules of the Union.

(g) the Greater Green Triangle District consisting of all members in the State of South Australia whose place of employment is located in any of the following municipalities: Mt Gambier, Grant, Robe, Kingston, Naracoorte-Lucindale, Southern Mallee, Tatiara, Coorong or Wattle Range: and in the State of Victoria all members whose place of employment is located in one of the following municipalities: Ararat, Colac Otway, Corangamite, Glenelg, Horsham, Moyne, Northern Grampians, Southern Grampians, Warnambool or West Wimmera: other than those persons who are eligible for membership of the PPW Branch pursuant to (f) of this Sub Rule.

ii. The Divisional Conference or Divisional Executive shall have power to constitute such other Districts and allocate members thereto as it may determine appropriate from time to time.

iii. The Divisional Executive shall determine the location of each District Office.

19 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute may be submitted to the appropriate industrial Tribunal, Court or Commission, upon a resolution in favour of so submitting such dispute carried by a majority of the members of the Divisional Executive.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such submission.

In the case of an emergency or necessity however, such proceedings may be initiated and matters may be submitted by the authority of the Divisional Secretary, who may also authorise a District Secretary to initiate such proceedings and submit such matters on behalf of the Division.

The aforesaid power shall extend to cases of defending and/or responding to any proceedings or matters instituted or submitted by any other person, corporation, association or organisation. The Divisional Secretary or District Secretary shall be subject to the control of the Divisional Executive on all matters connected with such legal proceedings and matters.

20 - INDUSTRIAL AGREEMENTS

Industrial agreements and other related instruments required to be signed or executed on behalf of the Division shall be signed or executed by the Divisional Secretary provided that the Divisional Secretary may delegate this power to a Divisional Officer or relevant District Secretary.

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21 - INDUSTRIAL DISPUTES

(i) In the event of an Industrial dispute taking place in any District the officers of such District shall try, by conciliation to settle the dispute. In the event of the District officers concerned being unable to secure a satisfactory settlement the matter may be referred to the Divisional Branch Executive who shall seek to resolve the dispute.

(ii) In the event of no satisfactory settlement of such dispute being secured the District Secretary shall immediately report the matter to the Divisional Secretary who shall on behalf of the Division take charge of such dispute and shall if necessary convene a meeting of the Divisional Executive to deal with the matter.

(iii) (a) The Divisional Secretary or a person authorised to act on behalf of the Divisional Secretary shall make any submission to a tribunal.

The Divisional Secretary or a person authorised to act on behalf of the Divisional Secretary shall be the person to sign or issue any document necessary for such submission.

(b) The Division may be represented in any proceedings before any Commonwealth or State Industrial Tribunal by the Divisional Secretary or by such other officers or persons authorised by the Divisional Secretary and subject to any authorisation vested by State Legislation.

(iv) Notwithstanding anything contained elsewhere in this Rule, PPW District shall have autonomy in industrial matters affecting its members only and no action will be taken in relation to such matters by the Divisional Conference or Divisional Executive unless authorised and requested by the PPW District Management Committee.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 148 – 152 Miller Street West Melbourne, or such other place as the Divisional Executive shall decide.

23 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by any person or body authorised by these rules.

24 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Division or body having objects similar in whole or in part to those of this Division.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $10.00 per week and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by a member of the Division.

(v) In no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

25 - LIFE MEMBERSHIP

The Divisional Conference or Divisional Executive may, at their entire discretion, constitute a member a Life Member, provided that the member has been a member for a period of at least 20 years, has retired from the industry, and was financial at the time of retirement. Life members shall not be liable to pay dues of any kind to the Division, and shall not be entitled to nominate for or to hold any office, but shall be entitled to vote at the Division elections. The Divisional Conference or Divisional Executive may reduce the qualifying period of membership in special circumstances.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time the Divisional Secretary may submit a resolution dealing with such matter to the members by letter, facsimile, email, telephone, telegram, verbally and/or any other means of communications or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each member of the Divisional Executive and each District Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negative any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in the Divisional Secretary's absolute discretion.

27 - BRANCH INFORMATION

It shall be the duty of the District Secretary to transmit to the Divisional Secretary, on written request from the Divisional Secretary, a true copy of the minutes of each meeting of the District Management Committee or Executive of such District or of any special meeting thereof.

28 - UNEMPLOYED MEMBERS

(i) When, in the opinion of the Divisional Executive, a condition of unemployment in the industry exists the following conditions may be applied:

(ii) Members becoming unemployed, ie, being employed under the terms of the Award or Agreement covered by this Division for less than one month in any quarter, may apply to be placed on an unemployed members list if any.

(iii) This list shall be kept at the Divisional office under the control and supervision of the Divisional Executive.

(iv) Members wishing to be placed on the unemployed list may apply in writing to the Divisional Secretary.

(v) All applications for inclusion on the unemployed members' list shall be dealt with by the Divisional Executive or other authorised committee who shall, if satisfied that the application is genuine, include them on the list.

(vi) Members placed on the list shall be exempt from the payment of contributions for the period specified in this Rule. They shall be entitled to all rights under these rules, but shall only qualify for funeral benefit applicable at the discretion, or upon conditions determined by the Divisional Executive.

(vii) Exemption from payment of contributions shall operate for a period of twelve months from the date of inclusion on the unemployed members' list, or until again employed, whichever is the lesser.

(viii) On expiration of the 12 months' period, unemployed members may make further application to be again placed on the unemployed list. Each further application may be approved by the Divisional Executive who may require payment of such amount of contributions as may be considered reasonable.

(ix) Any member commencing employment without notifying the Divisional Secretary and continuing to receive the benefits of this unemployed clause while in employment shall be deemed to have committed a breach of the Rules. Such member(s) shall be required to pay full contributions for the period of employment and in addition, may be dealt with under the provisions relating to misconduct.

(x) Continuous membership for the purpose of this Rule, and wherever encountered in these Rules, means continuous membership without any break in the continuity of membership from the last date of acceptance into the Division.

29 - DUTIES OF ORGANISERS

The Divisional Executive may determine the number (if any) of Organisers of a District and the number (if any) to be appointed by it or elected pursuant to Rule 32 and shall determine the duties to be performed by any such Organisers.

30 – DISTRICT GOVERNANCE

A. District Management Committee:

(i) Each District shall have a Management Committee that shall consist of a President, Secretary, a Vice President, elected Organisers (if any) and no less than three Management Committee members. Provided that the President of the Queensland Northern Territory Western Australian District will be a member assigned to that District and who resides in Queensland and further provided that for the term of four (4) years commencing on 2

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January 2013, the Victorian District shall have two (2) joint Presidents who will each carry out the functions of District President in the manner as directed by the Divisional Executive.

Prior to the calling of nominations the Divisional Executive may determine after considering any recommendations from a District Management Committee that that District Management Committee shall also consist of any of the following further members:

a. up to two (2) further Vice-Presidents, one of which will be a designated affirmative action position;

b. Assistant Secretary/s; and

c. no more than fourteen (14) further Committee members, one of which will be a designated affirmative action position.

Nominations for the designated affirmative action positions will be called from female members only, although this does not preclude female members from holding any other District Management Committee positions.

The failure to fill a designated affirmative action position shall not prevent a District carrying out or conducting the business of the District.

(ii) (a) If, prior to the immediately preceding quadrennial elections, nominations were not determined to be called by the Divisional Executive for any of the positions of:

(i) 2 further Vice Presidents (one of which will be a designated affirmative action position), or

(ii) District Assistant Secretary/s, or

(iii) Committee members up to 14 (one of which will be a designated affirmative action position); and

at any time in the period between quadrennial elections the circumstances of a District change such that the creation of one or any of those positions would enhance the democratic or operational functions of a District, the District Committee of Management may recommend to the Divisional Executive that one or any of those positions should be created.

(b) The Divisional Executive may determine that the position/s recommended by the District Committee of Management be created, provided that the number of positions after the new position is created must not exceed the total numbers allowed above taking into account the need for affirmative action positions.

(c) If a position is created by the Divisional Executive pursuant to this clause it shall be subject to election as if it were a casual vacancy pursuant to clause 33 of these Rules.

(iii). The District Management Committee shall, subject to these Rules, be the highest deliberative body of the District and shall subject to the Rules, policies and decisions of the Divisional Conference and/or Divisional Executive, manage and superintend the affairs of the District and perform all the duties allotted to them by the Rules. The District

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Management Committee shall, subject to these Rules, have the following responsibilities, functions, powers and duties:

(a) to take such steps as it shall consider necessary to carry out all or any of the objects of the Union in a manner consistent with the decisions of Divisional Conference and the Divisional Executive;

(b) to maintain close liaison with the Divisional Executive;

(c) to ascertain and identify the concerns, ideas and interests of members allocated to that District;

(d) to actively contribute to the development, implementation of the strategies and plans of the Division;

(e) to ensure that the Divisional Conference, and Divisional Executive, are fully informed of the concerns, ideas and interests of the members in its District;

(f) to establish such Committees or sub committees as it may from time to time determine;

(iv) The District Management Committee shall meet as required and at least twice per annum. A quorum for any meeting shall be a majority of its members.

B. District Executive:

There shall be a District Executive. The District Executive shall include the President/s, Vice-President/s and Secretary and such other members of the District Management Committee as it may determine appropriate.

The District Executive shall carry out any duties which they have been directed to perform by the District Management Committee and shall meet as frequently as is necessary to do so.

C. District Officers:

(v). Duties of District Officers shall be as follows:

(a) The District President shall preside at all meetings of the District Management Committee, carry out such duties as may be assigned from time to time by the District Management Committee, and shall have a deliberative vote only, shall sign the minutes of proceedings of all meetings convened by the District Management Committee.

(b) The District Vice President/s shall attend all meetings of the District Management Committee, and assist the District President in the conduct of the duties of that office, shall officiate in the absence of the District President with all of the powers of the District President.

(c) The District Secretary shall:

1. be under the control of the District Management Committee and shall conduct correspondence in connection with all matters relating to the business of the District;

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2. be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Management Committee in the District;

3. prepare the agenda for and minutes of each District Management Committee; and shall attend meetings of the District Management Committee and other meetings of members of the District;

4. be in charge of the District Office/s and subject to the directions of the District Management Committee and the Divisional Executive shall direct those activities carried out on behalf of the District by any officials or employees including organisers through the District office/s;

5. when vacating office, deliver to the successor in office, in the presence of the District Management Committee, all books, documents and other property of the District in the District Secretary's possession;

6. forward to the Divisional Secretary when requested a true copy of the minutes of each meeting of the District Management Committee or any special meeting thereof;

7. summon all meetings of the District Management Committee, issue all necessary notices to members of the District Management Committee in connection with such meetings. In consultation with the District President the District Secretary shall be authorised to convene any extraordinary meeting as deemed necessary;

8. attend and participate in any meeting of members of the District;

9. be a member of Divisional Conference pursuant to Rule 8;

10. be responsible for the implementation of and compliance with ~~of~~ the decisions, rules and policies determined by the Divisional Conference or Divisional Executive by the District of which the District Secretary was elected**.**

(d). The District Assistant Secretary/ies (if any) shall:

1. be under the control of the District Management Committee. The District Assistant Secretary shall be under the direction and authority of the District Secretary~~;~~

2. the District Assistant Secretary/ies (if any) shall in the absence of the District Secretary fulfil the office and perform the duties of the District Secretary;

3. the District Assistant Secretary/ies shall attend meetings of the District Management Committee and other meetings of members of the District.

(e). The Officers of the PPW District and of the PPW Sub Branches shall have the duties and carry out the functions as provided for in Rule 42 of these Rules.

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(f) District Management Committee members shall have the powers of a Shop Steward.

31 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any position in a full-time capacity shall be employed full time in the service of the Division and be paid such weekly wages and conditions as shall be determined by the Divisional Executive.

(b) Full-time officers including any full time paid District or PPW sub branch officers shall be paid from the Divisional Fund.

(c) Full-time paid officers shall be under the control of the Divisional Secretary, subject to the directions and powers of the Divisional Executive.

(d) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of the intention so to do to the Divisional Executive.

(e) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Executive first being obtained.

(f) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Executive within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Executive a medical certificate setting out that the officer has recovered and is capable to carry out the duties in accordance with the Rules.

32 - ELECTIONS

(a) (i) Any member of the Division who is financial as provided for in Rule 6, at the time of nominations and has three years financial membership, may nominate for the following positions:

Divisional Secretary
Divisional President
Divisional Senior Assistant Secretary
Divisional Assistant Secretary (other than the Divisional Assistant Secretary who is the Secretary of the PPW District

(ii) Provided further that no member shall be entitled to nominate for more than one Divisional full time office.

(iii) Where a member nominates for more than one Divisional full time office the Divisional Returning Officer shall seek from the member a decision as to which position the member wishes to contest.

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(iv) Where no decision is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:

Divisional Secretary, Divisional President, Divisional Senior Assistant Secretary and Divisional Assistant Secretaries.

(v) The Office of one of the Assistant Secretaries shall be held by the District Secretary of the PPW District.

(vi) The term of office for the above positions shall be four (4) years such term shall commence from 2 January following the election.

(b) (i)The Divisional Executive shall determine prior to the calling of nominations whether a position of District Secretary in any District is to be a full time paid Office.

(ii) No member shall be entitled to nominate for both the position of District Secretary and District Assistant Secretary (if any)

(iii) The scale of financial membership of the District necessary for members to nominate for the following positions is as follows:

District Secretary – 3 years financial membership
District President – 1 year financial membership
District Vice President - 1 year financial membership
District Assistant Secretary/ies (if any) - 1 year financial membership
District Management Committee Members – 1 year financial membership
PPW Sub Branch Secretary-1 year financial membership
PPW Sub Branch Senior Vice President - 1 year financial membership
PPW Sub Branch Junior Vice President -1 year financial membership
PPW Sub Branch Committee of Management Members -1 year financial membership
District Organiser - 1 year financial membership

(v) The term of office for the above positions shall be four years and such term shall commence from the 2nd of January following the election.

(c) (i) Nominations for the above positions, shall be called by the Divisional Returning Officer by notification in the union journal if one is due to be published and in one daily newspaper circulating in all of the areas in which members of the Division are resident on or before the last day of August of every fourth year commencing on and from the last day of August, 1996.

(ii) Nominations shall open on the second Monday in September. Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Returning Officer or handed personally at the Divisional Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(iii) Nominations shall be closed at 4 pm on the last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Returning Officer by that time on the date to be eligible.

(iv) A member having nominated for any office in accordance with these Rules may withdraw the nomination by notifying the returning officer in writing of an intention to do so at any time up to 14 days after the closing of nominations. The returning officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the members name from the ballot papers prior to their distribution.

(v) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of District Management Committee member 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(vi) The Divisional Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(vii) If at the closing date for nominations only sufficient nominations have been received by the Divisional Returning Officer to fill any vacancy or vacancies the Divisional Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the candidates by submitting a Divisional Returning Officers report to the Divisional Secretary.

(viii) If all nominations are received and there are more nominations than there are vacancies the Divisional Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or a nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(ix) The Divisional Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable the supply of a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(x) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(xi) Where a ballot is required, the Divisional Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Returning Officer.

(xii) The Divisional Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by prepaid post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Returning Officer by the Divisional Secretary and that envelope shall contain only the following documents -

(a) a ballot paper initialled by the Divisional Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

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(b) a declaration envelope and an empty unsealed pre-paid post envelope addressed to the Divisional Returning Officer, c/- the numbered mail box referred to in this rule;

(c) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Returning Officer may consider necessary;

(d) the candidates statement provided for in accordance with sub-rule (c)(v) of this rule.

(e) provided that the Divisional Returning Officer shall post to each member eligible to vote by mail each relevant ballot paper.

(xiii) For the purpose of the election the books of the Division shall be deemed to have closed as at 1st September in the year of the election. Only members who are shown in the records at the office of the Division as having paid all contributions, levies and fines prior to the 1st September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Returning Officer that they have paid all contributions, levies and fines prior to the 1st September in the year of the election shall be entitled to receive a ballot paper and the Divisional Returning Officer shall send by post, a ballot paper in accordance with sub-rule (c)(xii)(a) of this rule.

(xiv) The opening date of the ballot shall be the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(xv) The Divisional Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box until the commencement of the count of the ballot which will take place no later than the first working day following the closing of the ballot and shall be completed as soon as is practicable.

(xvi) Any candidate at their own expense may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present.

(xvii) The Divisional Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 4, Definitions, and the candidate or candidates receiving the necessary votes shall be deemed elected.

(xviii) In the case of equality of votes for any 2 or more candidates the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

(xix) The Divisional Returning Officer shall declare the successful candidates elected and notify the Divisional Secretary of the result of the ballot and the result shall be notified to the members. The Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional area.

(xx) The Divisional Returning Officer's report to the Divisional Secretary shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(xxi) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(xxii) In any election the Divisional Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Returning Officer may proceed nonetheless.

33 – CASUAL VACANCIES

(i) A casual vacancy shall occur in any office of the Division when the holder of the office dies, resigns, is removed from office or otherwise ceases to hold office in accordance with the rules.

(ii) Where a casual vacancy occurs and the unexpired portion of the term of office is more than 12 months or three quarters of the term of office whichever is the greater, the vacancy shall be filled by election in accordance with Rule 32.

(iii) Where a casual vacancy occurs in the office of a Divisional Officer and the unexpired term of the office is less than 12 months or three quarters of the term of office, such vacancy may be filled by appointment by the Divisional Executive of an eligible member of the Division for the balance of the term of that office.

(iv) Where a casual vacancy occurs in the office of a District Officer or a member of a District Management Committee or an officer of a PPW sub-branch of the PPW District, such vacancy may be filled by appointment by the District Management Committee of the relevant District of an eligible member of the District for the balance of the term of that office.

34 - REMOVAL OF DISTRICT OFFICERS AND DISTRICT MANAGEMENT COMMITTEE MEMBERS

(a) Any officer/member of a District Management Committee may be removed from office by a two-thirds majority of the Divisional Executive at a special meeting of the Divisional Executive called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Division of misappropriation of the funds of the Division or a substantial breach of the rules of the Division or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(b) Any officer/member of the District Management Committee charged may be suspended immediately by decision of the Divisional Executive pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of the rules. The officer or District Management Committee member charged shall be given

reasonable opportunity to attend the meeting at which the charges are heard and of being heard in their defence, or if the officer prefers, may answer the charges in writing.

In the case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to the Divisional Conference whichever is appropriate as soon as it is conveniently possible from the date of the decision. Rule 41 - Appeals of Members shall apply.

35 - DUTIES OF MEMBERS AND OFFENCES

A. DUTIES

(a) To adhere strictly to the Rules of the Union and Division including any Rules relating to its Districts.

(b) To promote the industrial welfare of every other member.

(c) To attend the meetings of the District as often as possible and to assist the Officers to the best of the members' ability.

(d) To supply the District Secretary with information as to where work is procurable for members.

(e) Not to knowingly divulge any portion of the Union's business to any non-member or to discuss it with members in the presence or within the hearing of non-members.

(f) When joining the Union to furnish the District Secretary with an address and notify any change of address within fourteen (14) days of such change.

(g) Not to defraud other members.

(h) To render every assistance to Shop Stewards/Job Delegates in their respective work places in the carrying out of their duties.

(i) To answer or cause to answer any correspondence received from the District Secretary and to supply any information that may be required.

(j) To report to the Divisional Secretary or the District Secretary any member believed to be guilty of a breach of the Rules.

B. OFFENCES

(1) Any member may charge any other member with;

(a) Committing any breach of the Rules.

(b) Failing to comply with any lawful resolution or direction passed or given under any Rule of the Union after having been given notice thereof.

(c) Committing any fraudulent act or unlawful act in relation to funds or property of the Union or in relation to any election held under its Rules.

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(d) Wrongfully holding themselves out as occupying any office or position in the Union or any District thereof, as being entitled to represent the Union or any District in any capacity.

(e) Behaving in a drunken, disorderly or offensive manner towards an officer of the union or at any meeting held under the Rules of the Union or in any of the offices of the Union.

(f) Knowingly giving false information to any officer, representative or employee of the Union or any person acting as or on behalf of a Returning Officer conducting any election under its Rules relating to any Union business or election or any matter affecting the interest of the Union or its members, or refusing to give information to such persons when reasonably requested to do so.

(g) Aiding or encouraging any other member in any offence under these Rules.

(h) Doing any act calculated to injure or destroy the Union or making any wilful false statement concerning the administration of its affairs.

(i) Failing to report to the Divisional Secretary or the District Secretary a member believed to be guilty of a breach of the Rules.

(j) any of the following, the member so charged being the holder of any office within the Union:

(i) misappropriation of the funds of the Union;

(ii) a substantial breach of the Rules of the Union; or

(iii) gross misbehaviour or gross neglect of duty.

(2) Any charge must be made in writing and shall be made to the Divisional Secretary or the District Secretary. Such Officer shall, if directed by the Divisional Executive, summon the member charged. Such summons shall be in writing and shall state the time and place of the hearing and the substance of the charge. The member's fares to and from the place of the meeting shall be paid. The member shall on written request, be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is charged.

(3) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be investigated, whether or not the person charged is present, unless a satisfactory explanation of the absence has been received.

(4) At the hearing the member charged must be given a reasonable opportunity to present a defence to the charges including a reasonable opportunity to call any witness upon whose evidence the member wishes to rely, and if necessary to tender a written submission.

(5) If the Divisional Executive finds the member concerned so charged guilty it may:

(a) Impose a fine of a sum not exceeding $100.00, and/or

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(b) Suspend the member from membership; and/or

(c) Remove the member from any office or position; and/or

(d) Expel the member from membership of the Union.

(6) Suspension from membership shall deprive a member of the rights and benefits of membership, but shall not relieve the member of the obligations of membership and shall not exceed six months for any one offence.

(7) An appeal under this Rule shall lie in respect of any decision from the Divisional Executive to the Divisional Conference, provided that Notice of Appeal shall be given in writing to the Divisional Secretary within twenty-one days from the date of the member being notified of the Divisional Executive decision and shall set forth in full all matters which the appellant desires to be considered.

(8) The Divisional Conference shall decide the appeal at a meeting specially conducted for that purpose and the appellant shall have the right to attend the meeting and state a case on the appeal.

(9) Notwithstanding anything to the contrary in these Rules a person elected to any office within the Union shall not be dismissed from office unless found guilty of misappropriation of the funds of the Union a substantial breach of the Rules of the Union or of gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold the office.

36 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's union subscriptions.

37 - SHOP STEWARDS/JOB DELEGATES

(1) A majority of members in each workplace or where appropriate department of the workplace present may select from amongst their number a person or persons to act as Steward or Stewards, Job Delegate or Job Delegates who shall as far as possible perform the following duties:-

(a) To see that these Rules are strictly adhered to.

(b) To investigate and if possible rectify any complaints or disputes and if unsuccessful to refer any such matters to the District Secretary for resolution.

(c) To report any infringement of any award or agreement affecting the Union to the District Secretary at once.

(d) To attend all meetings as regularly as possible.

(e) To notify the District Secretary when possible within twenty-four hours, of all accidents to members of the Union.

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(g) It shall be the duty of all Shop Stewards/Job Delegates to endeavour to enrol appropriate workers in their respective workplace or jobs into the Union.

(h) On the start of every job where two or more workers are working there shall be a show of cards and also at any time the Shop Steward/Job Delegate may determine.

(i) Any member refusing to show their card when required by a Shop Steward/Job Delegate shall be liable to be fined up to $100 by the Divisional Executive.

(j) It shall be the duty of Shop Stewards/Job Delegates to interest themselves in the welfare of the worker probationers, indentured apprentices and trainees.

(k) On direction of the District Management Committee or at the request of one third of the members on the job, they shall be required to call a meeting as soon as convenient..

(l) to attend Union training

(2) The Divisional Secretary shall be advised by the District Secretary of the appointment of Shop Stewards/Job Delegates in accordance with paragraph (1). In the event of failure of the members to appoint a Steward/Job Delegate in accordance with paragraph (1) the Divisional Secretary or an officer authorised by the Divisional Secretary shall have the power to appoint a Steward/Job Delegate or Stewards/Job Delegates.

(3) Where no alternative arrangements for the payment of Union contributions have been determined by the Union, the Steward/Job Delegate shall collect all contributions, fines and levies due to the Union by members in the work place where the Steward/Job Delegate is employed, the same to be paid to the Secretary within 14 days. The Steward/Job Delegate may be paid a Commission to be fixed by the Divisional Executive on all monies (except levies) collected.

(4) If the Divisional Secretary or District Secretary is advised by members in any work place of their dissatisfaction with the performance of a Shop Steward/Job Delegate then a meeting of members will be convened to consider the complaints.

38 - VICTIMISATION

Should any Shop Steward or Job Delegate be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the District Management Committee/Executive Committee shall take all necessary steps to see that the Shop Steward/Job Delegate interests are protected.

39 - ALLOWANCES

The Divisional Executive may determine in any year the allowances, if any, to be paid to persons representing the District for attending meetings at the request of the District or for its purposes.

40 - CHANGE OF RESIDENCE

Members are required to advise the Divisional Secretary or the District Secretary within fourteen days of any change of residence.

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41 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Division including any District may make a written appeal to the Divisional Branch Executive for redress.

(b) Any member dissatisfied with the decision of the Divisional Executive may appeal to the Divisional Conference within one month of the decision being given.

(c) An appeal shall be in writing and shall be lodged with the Divisional Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Conference may confirm, annul or modify the penalty or finding. The appellant member may appear in person.

42 - SPECIAL RULE – THE PULP AND PAPER WORKERS DISTRICT

The following provisions shall apply in respect of the Pulp and Paper Workers' District of the Division (in this Rule called "the PPW District")

(1) Nothing in this Rule shall affect the application of the Rules to the PPW District and to the holders of offices within and to the members of that District except insofar as this Rule may be inconsistent with another rule in which event the provisions of this Rule shall prevail to the extent of such inconsistency.

PPW DISTRICT PROVISIONS

(2) The business of the PPW District shall be conducted by the District Management Committee which shall consist of the District Secretary, Sub-Branch Delegates, and any Affirmative Action delegates elected by the members of the District in accordance with Rule 42(10)A.

(3) The powers of the District Management Committee shall include the following powers:-

(a) To establish new Sub-Branches and amalgamate existing Sub-Branches, to close or disband Sub-Branches in accordance with the Rules, and generally to control Sub-Branches and the members thereof including the power to disallow By-Laws made by any Sub-Branch in conflict with the Rules.

(b) When establishing a new Sub-Branch to make Rules providing for the admission of members to that new Sub-Branch, the establishment of a Management Committee of that new Sub-Branch, the election of officers of that new Sub-Branch and all such matters as may be necessary.

(c) To fix the amount of per capita payments by the Sub-Branches to the Divisional Executive - such payments not to exceed 75% of the members' contributions unless agreed by a majority of the Sub-Branches.

(d) To establish and or operate a Superannuation Fund for the benefit of the members of the District and others.

(4A) The District shall hold an Annual General Meeting and such other meetings as may be necessary. Such meetings shall consist of a series of meetings of the members of each Sub-Branch held at times, places and dates to be decided by the District Management Committee. Members entitled to attend the meetings shall be notified thereof by circular or advertisement, or by printed notices or by such other similar means as the District Management Committee may deem reasonable. Any proposed resolution put to the series of meetings shall have been passed if it receives on the aggregate of all meetings held in the series, the majority of votes.

(5) The Divisional Conference or District Management Committee shall have the power to suspend any Sub-Branch Management Committee and/or all or any officers, committee members and delegates of a Sub-Branch if it is satisfied after due enquiry and after giving it or them the opportunity of being heard:-

(a) That the Rules of the District or Sub-Branch have not been bona fide observed or enforced by the Sub-Branch.

(b) That any lawful decision of the District Management Committee has not, after notification, been bona fide observed and enforced by the Sub-Branch.

(c) That the Sub-Branch is wilfully neglecting to provide for the collection of fees, levies, fines or contributions.

(d) That for any reason the Sub-Branch cannot or fails to meet in accordance with the Rules.

(e) That the officers of the Management Committee of the Sub-Branch refuse to disclose to the District Management Committee information concerning the Sub-Branch or the Management Committee.

(6) If a Sub-Branch or a Sub-Branch Management Committee fails to comply with any lawful direction of the District Management Committee and incurs legal costs or has imposed upon it a fine and/or legal costs arising from the conduct of the Sub-Branch, the Sub-Branch Management Committee or members of the Sub-Branch, which conduct is in contravention of the lawful direction of the District Management Committee then the District Management Committee shall have the power to direct that the amount of legal costs, fine and/or legal costs so incurred by and/or imposed upon the Sub Branch or Sub-Branch Management Committee shall be paid to the Division from the funds of the Sub-Branch.

(7) The District Management Committee shall call a meeting upon the requisition of three (3) Sub-Branches.

(8) The Sub-Branch Delegates to the District Management Committee shall be the Sub-Branch Secretary together with the additional Delegates who shall be elected quadrennially by the membership of each Sub-Branch in accordance with Rule 32. The additional Delegates shall be elected on the following basis:-

(a) Each Sub-Branch with a membership of less than 100 members - the Sub-Branch Secretary only.

(b) Each Sub-Branch with a membership of 100 members or more but less than 400 members - the Sub-Branch Secretary together with one (1) additional Delegate.

(c) Each Sub-Branch with a membership of 400 members or more but less than 1,000 members - the Sub-Branch Secretary together with two (2) additional Delegates.

(d) Each Sub-Branch with a membership of 1,000 members or more but less than 2,000 - the Sub-Branch Secretary together with three (3) additional Delegates.

(e) Each Sub-Branch with a membership of 2,000 members or more but less than 3,000 members - the Sub-Branch Secretary together with four (4) additional delegates.

(f) Each Sub-Branch with a membership of 3,000 members or more - the Sub-Branch Secretary together with five (5) additional Delegates.

(9) The Sub-Branch Management Committee may appoint a proxy delegate to any meeting of the District Management Committee when the delegate or delegates of the Sub-Branch to the District Management Committee (being either the Sub-Branch Secretary or additional Delegate or Delegates) is or are unable to attend that meeting: Provided that such proxy delegate shall be entitled to speak and vote on any matter except that such proxy delegate shall not participate in any step in any election for an office conducted amongst members of the District Management Committee.

(10A) In addition to the Sub-Branch Delegates to the District Management Committee there may be up to two further delegates to the District Management Committee who shall be designated Affirmative Action Delegates to the District Management Committee. Affirmative Action Delegates shall be elected quadrennially by the members of the District in accordance with the provisions of Rule 32. Failure to fill a designated affirmative action position shall not prevent a District carrying out or conducting the business of the District.

(10B) The District Secretary and Divisional Conference Delegates shall be elected quadrennially by the members of the District in accordance with the provisions of Rule 32.

(11) The District President, Senior District Vice President, Junior District Vice President and three (3) Trustees shall be elected by secret ballot after nominations have been called for by the Returning Officer at the meeting of the District Management Committee held next after the declaration of the quadrennial elections by and from the members of the District Management Committee in accordance with the provisions of Rule 32 with the necessary changes.

(12) In the event of a member being elected to the office of District Secretary and as an Additional Delegate of a Sub-Branch to the District Management Committee such position of Additional Delegate shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 32 with the necessary changes.

(13) In the event of a member being elected to the offices of District Secretary and Sub-Branch Secretary the office of Sub-Branch Secretary shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 32.

(14) (a) In the event of an industrial dispute taking place in any Sub-Branch the officers of such Sub-Branch shall try, by conciliation, to settle the dispute. In the event of the Sub-Branch officers concerned being unable to secure a satisfactory settlement the matter shall be referred to the District Secretary who shall, on behalf of the District Management Committee take charge of such dispute and shall consult with

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the District President and shall, if necessary, convene a meeting of the District Management Committee to deal with the matter.

(b) (i) A majority of the Sub-Branches shall, at special meetings of the Sub-Branch Management Committees called for that purpose, decide whether an industrial dispute affecting members of the District is to be submitted by the District to the appropriate tribunal established under the Fair Work Act 2009.

(ii) The District President and District Secretary or such other person or persons as the District Management Committee may decide shall be empowered to make submissions on behalf of and represent the District before a Federal or State Industrial Tribunal and to sign or issue any document including any agreement for the District which is necessary in respect of any such submission or presentation.

(15) Any delegates representing the District or a Sub-Branch on the Australian Labor Party shall be a member of that party.

(15A) The District Secretary shall be ex-officio a member of all committees of the Sub-Branches but shall not be entitled to exercise a vote on matters appertaining exclusively to only one Sub-Branch.

PPW SUB-BRANCH PROVISIONS

(16) (a) The following Sub-Branches are and shall be deemed to have been established as from the several dates on which they began to function:-

Melbourne, Maryvale, Millicent, Sydney, Nowra, Tasmania, Tumut and, Petrie.

(b) The Sub-Branches shall consist of members of the District as follows:-

(i) The Melbourne Sub-Branch shall consist of members who are employed within a radius of forty (40) kilometres of the General Post Office.

(ii) The Maryvale Sub-Branch shall consist of members employed within a radius of forty (40) kilometres from either the Traralgon or the Morwell Post Office.

(iii) the Millicent Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Millicent Post Office.

(iv) The Sydney Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Sydney Post Office.

(v) The Nowra Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Nowra Post Office.

(vi) The Tumut Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Tumut Post Office.

(vii) The Petrie Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Petrie Post Office.

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(viii) The Tasmanian Sub-Branch shall consist of members employed in the State of Tasmania.

(17) (a) Additional Sub-Branches may be established by resolution of the District of Management.

(b) Any member not employed within a Sub-Branch area shall be attached to the Sub-Branch nearest to where ~~he~~ they is employed.

(18) (a) Officers of the Sub-Branches shall be the President, two (2) Vice-Presidents (a Senior and Junior Vice President) and a Secretary such officers shall also be officers of the Union. These officers together with such number of other members which shall not be less than three (3) or exceed ten (10) as the Sub-Branch shall determine shall form the Sub-Branch Committee of Management. The Sub-Branch Secretary shall also mean the Sub-Branch Secretary-Treasurer.

(b) Delegates to the District Committee of Management shall be ex-officio members of all Committees and Sub-Committees of the Sub-Branch to which they belong.

(c) The Officers of the Sub-Branch together with the other members of the Sub-Branch Management Committee shall be elected quadrennially by the members of the Sub-Branch in accordance with the provisions of Rule 32.

(19) (a) No member shall hold more than one of the offices of Sub-Branch President, Sub-Branch Senior Vice-President, Sub-Branch Junior Vice-President, Sub-Branch Committee member, or Sub-Branch Secretary. If a member is elected to any two or more of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch Secretary signify which one of the said offices such member elects to hold. The member shall thereupon be deemed to have resigned from the other office or offices and the vacancy shall be filled in accordance with the provisions of Rule 32 mutatis mutandis.

(b) No member shall hold the office of Sub-Branch Secretary and Sub-Branch Additional Delegate from the Sub-Branch to the District Management Committee. If a member is elected to each of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch President signify which one of the said offices such member elects to hold and shall thereupon be deemed to have resigned from the other office. The vacancy so occurring in the other office shall be filled in accordance with the provisions of Rule 32 mutatis mutandis.

(20) Each Sub-Branch shall elect delegates to represent it on any body with which the Sub-Branch is affiliated. The election shall be conducted amongst members of the Sub-Branch Management Committee and be held at the next Sub-Branch Management Committee meeting following Sub-Branch elections. Nominees are required to be a member of the Sub-Branch Management Committee.

(21) Times and places of meetings of a Sub-Branch shall be fixed by the Sub-Branch Management Committee and shall be notified to members by being posted on work place notice boards at least three (3) days prior to the date of such meetings. At least one meeting shall be carried quarterly.

(22) Each Sub-Branch shall decide the starting and finishing times of its meetings and no extension shall exceed thirty (30) minutes beyond the time of normal finishing.

(23) The Sub-Branch President and Sub-Branch Secretary may call a meeting of the Sub-Branch Management Committee at any time by giving the membership of such Committee three (3) days notice in writing of the date, time and place of such meeting. The Sub-Branch President and Sub-Branch Secretary shall call a meeting of the Sub-Branch Management Committee. The Sub-Branch Management Committee if required to do so, by a written request of a majority of members of the Sub-Branch Management Committee may, at any meeting held of such Management Committee, decide the date, time and place of future meetings.

(24) A quorum for a Sub-Branch meeting shall consist of five (5) members (not including officers or members of the Management Committee) where the Sub-Branch has a membership of 100 or less members; a quorum for a Sub-Branch meeting shall consist of ten (10) members (not including officers or members of the Sub-Branch Management Committee) where the Sub-Branch has a membership of over 100 members. If no such quorum is present at a meeting of a Sub-Branch thirty (30) minutes after the normal starting time of such meeting that meeting shall lapse.

(25) If due to the absence of a quorum at a meeting, a Sub-Branch is unable to conduct its business, the Sub-Branch Management Committee shall conduct such business with the full authority of a properly constituted Sub-Branch meeting.

43 – TRANSITIONAL PROVISIONS

(i) The purpose of this Rule is to provide for the commencement of the operation of amendments made to the Rules of the Division in 2012 which provide for the substantial restructure of the Division including the abolition of Divisional Branches and the restructure of Districts, and of new Offices (the new Offices) and for various other additions, amendments, rescissions and other alterations (the 2012 Rule changes).

(ii) The provisions of this Rule and of all the Rules referred to in sub rule (i) (the new Rules or new sub rules) shall take effect on and from the day the General Manager certifies them (the Rule 43 commencement date). The Division and its members shall comply with them severally as provided for in this Rule.

(iii) Subject to the provisions of this Rule and after the Rule 43 commencement date, the Division and its members shall continue to comply with the Rules in operation immediately prior to that date (the unamended Rules).

(iv) As soon as practicably possible after the Rule 43 commencement date, after receiving advice from the Divisional Secretary, the Divisional Executive in office in accordance with the unamended Rules, shall in accordance with the relevant provisions of the new Rules determine to which District of the Division each member of the Division is to be attached and to which PPW sub branch to which each member is to be attached.

(v) On or before the last day of August 2012 or as soon as practicable thereafter the Divisional Returning Officer shall conduct an election for each of the following new offices in accordance with the new Rule 32:

District Offices:

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District Secretary
District Assistant Secretary (if any)
District President/s
District Vice-President/s
District Organisers (if any)
District Management Committee Members

(vi) The persons elected to the new Offices as set out in sub rule (v) hereof shall assume office on 2 January 2013. Until the declaration of the ballot in the election to be conducted by the members of the Divisional Conference as provided for in this Rule the Divisional Executive shall consist of the following officers:

Divisional Offices
The District Secretaries of each District

(vii) As soon as is practicable after the declaration of the ballot as provided for in (v) the Divisional Secretary shall summon a meeting of the Divisional Executive as constituted pursuant to sub rule (vi) hereof at which meeting the Divisional Executive shall determine a time and place for meeting of the Divisional Conference to be held.

(viii) The Divisional Secretary shall give members of the Divisional Conference at least 7 days notice of the date of the Conference meeting.

(ix) The Divisional Conference called in accordance with (viii) shall elect the Divisional Executive Officers and the Divisional Executive members in the manner provided for in new Rule 9.

(x) The meeting of Divisional Conference shall be conducted in accordance with the provisions of the new Rules.

(xi) Upon the declaration of the ballot in the election conducted at the Divisional Conference as provided for in (x) the Divisional Executive shall be constituted in accordance with the new Rules. As soon as is practicable thereafter the Divisional Secretary shall call a meeting of the Divisional Executive.

(xii) The terms of office of each of the offices elected in accordance with sub rules (v) and (ix) shall be 4 years commencing on 2 January 2013, thereafter elections shall be conducted for all offices in accordance with the new Rules.

(xiii) At the election to be conducted in accordance with this Rule 43 the following offices as provided for in Sub Rule 43(v) shall be full time paid offices:

NSW District Secretary, Victorian District Secretary, Greater Green Triangle District Secretary, South Australian District Secretary, PPW District Secretary and Victorian District Assistant Secretary.

(xiv) Upon the declaration of the ballot in the election for the new offices as set out in Sub Rule (v) hereof the unamended Rules shall cease to have any further operation.

(xv) On or before the last day of September 2012 or as soon as practicable thereafter the Divisional Returning Officer shall conduct an election for each of the new offices of Affirmative Action Delegate to the PPW District Management Committee in accordance with the new Rule 32. The persons elected to the new Offices as set out in this rule shall assume office on 2 January 2013.

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SCHEDULE 1 –SPECIAL FUNDS

The following are special funds as provided for in sub rule 14D and such funds will be managed and maintained by the Divisional Executive on behalf of and in the interest of and for the benefit of those groups of members for whom the funds were collected, as set out hereunder:

Victorian District

The John Curtin Fund – for members of the Victorian District.

South Australian District:

South Australian Glaziers Fund – Flat Glass and Glazing members in the South Australian District.

Metro and Country Fund – for members of specific Worksites in the South Australian District.

South East Welfare Fund – for members in the South East Region of the South Australian District

PPW District:

PPW Support Fund - for members of the PPW District

PPW Maryvale Sub Branch Fund – for members of the PPW Maryvale Sub Branch

PPW Millicent Sub Branch Fund - for members of the PPW Millicent Sub Branch

PPW Melbourne Sub Branch Fund – for members of the PPW Melbourne Branch

NSW District

Member Support Fund – members of NSW District

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SCHEDULE 2 - RULES OF DEBATE

MOTIONS, HOW DEALT WITH:

(a) All motions shall be of an affirmative character and must be moved and seconded by members. Such motions become the property of the Union, and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless two-thirds of the members present agree to an extension of time.

(b) Unless a member opposes the motion or proposes an amendment thereto, the motion shall be immediately put to the meeting for decision.

(c) A motion may be superseded at any time by another motion "that it be discharged from the notice paper" or "that the next business be proceeded with" being resolved in the affirmative.

(d) A motion may be amended at any time during the debate thereon by -

(i) striking out certain words
(ii) adding certain words, or
(iii) striking out certain words and inserting others in their place.

Always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(e) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(f) (i) At meetings other than meetings of the membership of a District or of a sub-branch all motions shall be put to the meeting by the chairperson in a clear manner. Any member present may demand that the vote be by ballot and the Chairperson shall thereupon conduct a ballot. In the absence of such a demand all motions shall be put to the meeting by the Chairperson by asking for the "ayes" to vote first and then the "noes". The Chairperson's decision as to which has the majority will be final unless any member present demands a show of hands. Upon such a demand being made the chairperson shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(ii) At meetings of the membership of a District or of a Sub-Branch all motions shall be put to the meeting by the Chairperson in a clear manner by asking "ayes" to vote first and then the "noes".

The Chairperson's decision as to which has the majority will be final unless a member supported by one quarter of the number of members present demands a show of hands.

Upon such a demand being made the Chairperson shall appoint tellers to count the votes and shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(iii) If the votes are equal the question is resolved in the negative.

(g) No member shall be allowed to vote who was not present when the question was first put.

(h) A mover of a motion to be allowed 10 minutes to introduce and 5 minutes to reply. Other speakers 5 minutes unless two-thirds of the members present agree to an extension of time.

(i) Any member desiring to move to change a decision of the Union or of a District must submit notice in writing of such intention to the Divisional Secretary or the District Secretary of the Union as the case may be fourteen (14) days prior to the date of the meeting at which they will move for such change.

(j) During the course of a meeting any resolution which has been the business of that meeting may be recommitted at the hearing.

RIGHT TO SPEAK

(a) Any member desiring to speak shall rise and address the chairperson. If two (2) or more delegates begin to address the chairperson at the same time, the Chairperson shall call upon the one who, in the Chairpersons opinion, began to speak first. Provided that no member can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(i) In reply as the mover of the original motion.

(ii) In explanation or correction of some matter during the debate.

(iii) Upon a point of order raised during the debate.

(iv) Upon a resolution being carried "that a member be now heard".

(b) A member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by the member.

(c) Not more than two members shall be allowed to speak in succession for or against any question. If at the conclusion of the second speaker's remarks no member speaks on the other side, the motion or amendment shall be put to the vote.

(d) Any member speaking shall at once stop:-

(i) If the chairperson begins to speak; or

(b) If a point of order is raised;

and shall not resume speaking until the point of order is decided.

(e) No member may speak to any question after it has been put by the chairperson, or during a division.

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REPORTS

(a) A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of the Conference/Executive thereon.

(b) If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

SITTING AS A COMMITTEE

Divisional Conference or Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Conference or Executive shall be observed when in Committee.

DEFINITION

In this rule "member" shall include any person attending a meeting.

CHAIRPERSON'S RULING

(a) The chairperson's rulings on all points of order shall be final, unless at the time a motion is carried that such ruling be disagreed with.

(b) When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

[105N-ATAI: Incorporates alterations 05/06/2014 in matter R2014/121]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 49 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Mining and Energy Union, The Forestry, Furnishing, Building Products and Manufacturing Division.

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of the CFMEU, Forestry, Furnishing, Building Products and Manufacturing Division

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THE FORESTRY, FURNISHING, BUILDING PRODUCTS AND MANUFACTURING DIVISION RULES

1 - NAME

The name of the Division shall be "The Forestry, Furnishing, Building Products and Manufacturing Division". (FFPD)

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-Rule (C) and (F) of the National Rules shall belong to this Division.

3 – SIGNING OF DOCUMENTATION

Any document required or permitted by the FWA or the RAO or any document required to be executed on behalf of the Division shall be signed by the Divisional Secretary, or, in the absence of the Divisional Secretary, either the Divisional President or Divisional Senior Assistant Secretary or such other Divisional Officer as authorised by the Divisional Executive.

4 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

“BOARD” means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors.

“DECLARED PERSON OR BODY” A person is a declared person or body if:

(i) an officer of the Division or its Districts has disclosed a material personal interest under sub-rule 14F(i) and

(ii) the interest relates to, or is in, the person or body; and

(iii) the officer has not notified the Division that the officer no longer has the interest.

“DISCLOSURE PERIOD” For the purpose of these rules means the financial year unless a shorter period is specified.

“DISTRICT” shall mean a District of the Division set up in accordance with the Rules of the Union.

“DIVISIONAL OFFICERS” shall mean the Divisional Secretary, the Divisional President, the Divisional Senior Assistant Secretary and two other Divisional Assistant Secretaries one of whom shall be the District Secretary of the PPW District.

“FINANCIAL DUTIES” includes duties that relate to the financial management of the Division or its Districts.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to FFPD Division is a member of this Division.

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“FWA” shall mean the Fair Work Act 2009.

“GENERAL MANAGER” means the General Manager of Fair Work Commission.

"MEMBER" shall mean a member of FFPD Division and membership shall have a corresponding meaning.

“NON-CASH BENEFIT” means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.

“OFFICE” has the same meaning as defined by section 9 of the *Fair Work (Registered Organisations) Act 2009*.

“OFFICER” has the same meaning as defined by section 6 of the *Fair Work (Registered Organisations) Act 2009*.

“PEAK COUNCIL” has the same meaning as defined by section 12 of the *Fair Work Act 2009*.

“PPW SUB BRANCH” shall mean a sub branch of the PPW District.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then the candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“RAO” shall mean the Fair Work (Registered Organisations) Act 2009.

"RELATED PARTY" has the same meaning as defined by section 9B of the *Fair Work (Registered Organisations) Act 2009.*

"RELATIVE" in relation to a person, means:

(i) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or

(ii) the spouse of the first mentioned person.

"RELEVANT NON-CASH BENEFITS" in relation to an officer of the Division or its Districts for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer's duties as an officer, by the Division or a District by a related party of the Division or a District.

"RELEVANT REMUNERATION" in relation to an officer of the Division or its Districts for a disclosure period is the sum of the following:

(i) any remuneration disclosed to the Division by the officer under sub-rule 14F(i) during the disclosure period;

(ii) any remuneration paid during the disclosure period, to the officer by the Division or District.

"REMUNERATION"

(i) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but

(ii) does not include a non-cash benefit; and

(iii) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the office carrying out his or her duties.

"THE 2008 RULE CHANGES" shall mean the amendments made to the Rules of the Division in 2008 providing for the substantial restructure of the Division.

"THE 2012 RULE CHANGES" shall mean the amendments made to the Rules of the Division in 2012 providing for the substantial restructure of the Division.

5 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Secretary or the District Secretary covering the area in which the candidate resides or is employed and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the Rules of the Division.

(ii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Executive may require, and shall, when requested, fill in and sign such application form as may be provided.

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(iii) An application for membership of the Division may be referred by the Secretary of the relevant District to the Divisional Branch Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Conference the decision of which shall be final.

The Divisional Conference shall decide the appeal at a meeting specially conducted for that purpose and the appellant shall have the right to attend the meeting and state a case on the appeal.

(iv) All members shall be deemed to be attached to the District covering the locality in which the member resides or where the member is eligible for membership of the Division pursuant to Sub Rule 2 (C) of National Rule 2 Constitution to the PPW District.

6 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Applicants for membership of the FFPD Division shall pay on application an entrance fee in accordance with these rules. Such entrance fee if applicable shall not exceed $300.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

(ii) The contribution payable by each member shall be fixed by the Divisional Executive subject to the processes provided for in Rule 14

(iii) The Divisional Executive may if, in its opinion it is desirable or necessary for financial or any other reason that the aforesaid entrance fees or contributions should be altered, waived or suspended, make such decision as it deems desirable or necessary, and the altered, waived or suspended entrance fee and/or contribution payable shall be applicable to the member(s), group or class of members concerned.

(iv) Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these rules, shall be deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

(v) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(vi) Contributions shall be paid to and collected by the Divisional Secretary, or an authorised agent of the Division.

7 - SPECIAL MEMBERS

The Divisional Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rule 6 be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY OF THE DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference which shall meet at least every two (2) years.

(ii) The Divisional Conference shall consist of the following:

(a) the Divisional Officers of the Division; and

(b) delegations from each District calculated in accordance with (iii) hereof.

(iii) Each District shall be entitled to two (2) representatives up to 500 members, one (1) additional representative between 500 members and 1,000 members and one representative for each additional 1,000 members, based, on the aggregate income received by the Division in relation to members of that District (Union contributions only) divided by the amount of the yearly contribution fixed by the Rules from time to time, for the financial year ending on the 31st December in the year preceding the quadrennial election of representatives to act as its representatives at the Divisional Conference.

The number of representatives to which each District is entitled shall remain unaltered throughout the period between the quadrennial elections provided that prior to each Divisional Conference meeting the Divisional Executive may review the delegations to Divisional Conference in the event that as a result of growth or decline in membership the formula set out in this sub rule should be adjusted.

Provided further that the delegation from each District will include ex officio: the District Secretaries of each District and the District Secretaries will be counted as representatives in calculating the entitlement of each District in accordance with this sub clause.

(iv) Representatives of the District other than those ex officio representatives as provided for in sub-rule (iii) hereof shall be elected by secret postal ballot of all members of the District eligible to vote every four (4) years in accordance with the provisions of Rule 32 of these Rules.

(v) In the event of a circumstance leading to a casual vacancy in a position of a Divisional Conference Delegate that vacancy shall be filled in accordance with the provisions of Rule 33.

(vi) Districts, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialed and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

(vii) Where one or more representatives of a District is or are unable to attend a meeting of the Divisional Conference the District Management Committee of that District may itself select a proxy representative or representatives to act on its behalf at that meeting. Such representative or representatives shall vote in accordance with the instructions of the District Management Committee of the District.

(viii) The method of calling nominations and the election of District delegates to Divisional Conference shall be under the provisions of Rule 32 of these Rules.

(ix) A majority of delegates eligible to attend the Divisional Conference shall form a quorum.

(x) All duly approved expenses of representatives to Divisional Conference shall be borne by the Division.

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(xi) No alteration of the personnel of the representatives at a meeting of the Divisional Conference shall be permitted after the credentials of the representatives have been received and accepted by the Divisional Conference, unless such alteration is rendered necessary by death or serious illness.

(xii) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of $100, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members, organisers or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive, District Management Committee or the PPW District sub-branch Management Committee relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or of the District Management Committee to which a member is attached are available to members at each District Office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate concerned has been afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

A period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal on an issue concerned solely with a matter affecting this Division, from a District or Sub-Branch or member. Any appeal from a member must be forwarded through the District. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

Provided that in the case of an appeal from a District of the Union, the District shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between District. Any District concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any District of the Division or Divisional Executive.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive, Districts or PPW Sub Branches of this Division.

(h) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(i) To establish new Districts and amalgamate existing Districts, to close or disband Districts in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the PPW District without its consent), and generally to control Districts and the members thereof.

(j) When establishing a new District the Divisional Conference shall have power to make rules providing for the admission of members of that new District, the establishment of a Management Committee of that new District, the election of officers of that new District and all such matters as may be necessary.

(k) To make, alter and rescind rules of this Division.

(l) To deal with any District not working in conformity with the Rules and policy of the Union.

(m) To appoint and remove organisers.

(n) To vote moneys and pass accounts.

(o) To fix salaries and allowances for all Officers and employees of the Division and of all Conference delegates and representatives.

(p) To appoint a Returning Officer, who shall conduct any plebiscite upon any question submitted to the whole of the membership for determination, and who shall have power to appoint Deputy Returning Officers.

(q) To elect, appoint and remove officers and members of the Divisional Executive of the Union.

(r) To establish any special fund to achieve any of the objects of the Union.

(s) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each District Secretary at least one (1) week before the date of such meeting but no failure to notify will of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each and District Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the District Secretary, inspect a copy of the minutes of each Divisional Conference at the District Office during the ordinary hours in which the District Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Districts or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, email, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit by the Divisional Secretary conduct a postal, telephonic, telegraphic, facsimile, email and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter.

(xvii) All meetings of the Divisional Conference shall be held at such time and place as the Conference shall from time to time determine, and in case of default, or of special meetings, as the Divisional Executive shall determine.

(xviii) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Conference -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

9 - DIVISIONAL EXECUTIVE

i). The Divisional Executive shall consist of the following:

- The Divisional Secretary
- The Divisional President
- The Divisional Senior Assistant Secretary
- Two other Divisional Assistant Secretaries one of whom will be the Secretary of the PPW District
- The Divisional Senior Vice-President
- Two other Divisional Vice Presidents; and

- No less than seven and no more than nine Divisional Executive members two of whom shall be women.

The number of Divisional Executive members shall be determined by the Divisional Conference prior to the calling of nominations and they shall be elected by the conference from the conference delegates other than the Divisional Officers.

ii). Except for the filling of extraordinary vacancies the Divisional Senior Vice-President, Divisional Vice-Presidents and the Divisional Executive members shall be elected by and from the Divisional Conference held in 2009 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.

iii). Preceding such conferences the Divisional Executive shall appoint a Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and the Divisional Senior Vice-President and the Divisional Vice-Presidents in accordance with these Rules.

iv). Nominations unless otherwise determined by the Divisional Executive shall be called for on the second day of the Divisional Conference. Where practicable the ballot shall be conducted on that day. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

v). The ballot for the Divisional Senior Vice President and the two other Divisional Vice-Presidents shall be dealt with and completed. The ballot for the Divisional Executive members shall be dealt with and completed.

vi). If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Executive that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive.

vii). If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

viii). The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober,

proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Returning Officer may proceed nonetheless.

ix). Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where the delegate can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until the Returning Officer has given such delegates a reasonable opportunity to vote.

x). The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

xi). Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly holding such office.

xii). A Divisional Executive member shall hold office until a successor is elected.

xiii). The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, powers, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any District or member. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Districts. Any District concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with any District not working in conformity with the Rules**,** Decisions and policy of the Division.

(g) To deal with and decide any matter submitted to it by any District of the Division.

(h) To confirm, over-rule or otherwise deal with decisions of the Districts of this Division.

(i) To make, alter and rescind any of the rules of this Division including any rules relating to Districts subject to Rule 16 of these Rules.

(j) To appoint and remove organisers or specialist officers.

(k) To select persons as delegates to represent the Division at meetings, committees or to affiliated organisations.

(l) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(m) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(n) Submit any matter to the members for decision by ballot.

(o) Ensure that officers, committee members, organisers, delegates or members of the Division and Districts and PPW Sub Branches comply with the rules, policies and decisions of the union and subject to Rule 11 impose penalties [i.e., fines not exceeding the sum of $100, suspension, expulsion or dismissal from office,] on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules, policies or the decisions of the Divisional Executive. Provided that the rules, policies or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each District Office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(p) Take such action as may be necessary to secure the satisfactory working of any Districts of this Division, take such action as may be necessary to ensure the adherence to the rules of the Union and decisions and policies of the Divisional Conference and/or Divisional Executive by any District and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a District and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such District. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the District and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(q) Control and supervise the work of the Divisional Officers.

(r) To establish new Districts and amalgamate existing Districts, to close or disband Districts in accordance with these Rules (provided that the Divisional Executive shall not exercise any such power affecting the PPW District without its consent), and generally to control Districts and the members thereof.

(s) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these Rules.

xiv). The Divisional Executive shall meet at least six (6) times in each calendar year. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, telegram, telex, facsimile, email or otherwise in writing, telephone or verbally, provided that in the latter two instances such is confirmed by letter, telegram, facsimile, email or other writing.

10 - REFERENDA

(a) On receipt of a petition signed by not less than 10 per cent of the financial members of the Division, the Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Districts or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference, Divisional Executive and the members of the Division.

(b) Divisional Conference or Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

(i) The petition shall have set out the member's full name, address, signature and the date the said petition was signed by the member. In determining the 10% requirement of financial members for a referendum to be conducted, the petition shall be presented to the District Secretary within 30 days of the first financial member signing the aforesaid petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 10% financial members.

(ii) The Referendum shall take place within two months of the receipt of the petition.

(iii) The Divisional Executive shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Returning Officer and Divisional Scrutineer to conduct the ballot.

The ballot for the referendum shall be held with any necessary changes in the same manner as provided for in Rule 32 for a ballot for the election of Divisional Officers. Provided that any material enclosed in the envelope in which the ballot paper is posted to the member must be authorised by the Divisional Executive.

11 - REMOVAL OF OFFICERS

(a) Any Divisional or District Officer may be removed from office by majority decision of the Divisional Executive, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union**,** or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(b) Should any officer be removed from office by the Divisional Executive, a casual vacancy shall occur and the vacancy shall be filled in accordance with the provisions of Rule 33.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive. In the event of the appeal being upheld the Divisional Conference or National Executive may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-instatement of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

12 - DELETED

13 - DUTIES OF DIVISIONAL OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of the Divisional Conference, Executive and meetings convened by the Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where the Divisional President is a full time officer the Divisional President shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be the principal officer of the Division for all purposes of these rules, the RAO and regulations made pursuant to the RAO and any successor legislation or regulations thereto.

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The Divisional Secretary shall summon all meetings of the Divisional Conference and Divisional Executive, issue all necessary notices to members of the Divisional Conference or Divisional Executive in connection with such meetings.

The Divisional Secretary shall sign all cheques or any other type of instrument for the withdrawal of any funds of the Division from any financial institution or other account together with one other person authorised for this purpose by the Divisional Executive. In the event that the Divisional Secretary is absent the Divisional Senior Assistant Secretary or the Divisional President and one person authorised for this purpose by the Divisional Executive shall sign cheques or any other type of instrument for the withdrawal of any funds of the Division from any financial institution or other account.

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the implementation and compliance by the Division, Districts and PPW Sub Branches of the decisions, rules and policies made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive or Divisional Conference, to appoint, control and dismiss the staff of the Divisional Office and Districts and PPW District Sub Branches.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.

Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Districts and PPW Sub Branches of this Division.

The Divisional Secretary shall have the authority to initiate any proceedings and/or actions to advance or defend the interests or objectives of the Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive or Divisional Conference and allocate the duties of Officers.

The Divisional Secretary shall be an ex officio member of all Divisional Committees, including Districts and PPW Sub Branches, but shall not be entitled to vote in respect of the decisions of those committees.

(iii) There shall be a Divisional Senior Assistant Secretary and two Divisional Assistant Secretaries.

The Divisional Senior Assistant Secretary shall perform all duties assigned by the Divisional Executive, shall be under the control of the Divisional Secretary and shall attend all meetings of Divisional Executive, Divisional Conference and National Executive and shall be ex officio a member of the Victorian District Management Committee and FFTS Special Fund Sub-Committee as provided for in Sub-Rule 14E.

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The Divisional Senior Assistant Secretary may exercise any and all of the powers and duties of the Divisional Secretary in the absence of the Divisional Secretary.

In the absence of both the Divisional Secretary and the Divisional Senior Assistant Secretary the Divisional Executive shall determine whether and the manner in which one of the other Divisional Officers may exercise any or all of the powers and duties of the Divisional Secretary.

(iv) The other Divisional Assistant Secretaries shall perform all duties assigned by the Divisional Executive, shall be under the control of the Divisional Secretary and shall attend all meetings of Divisional Executive and Divisional Conference and in the case of the PPW District Secretary who is also a Divisional Assistant Secretary, shall attend all meetings of the National Executive.

(v) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Vice-President(s):

The Divisional Vice-President(s) shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President(s) shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vii) Members of Divisional Executive:

Other members of the Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

A (i) The Divisional Office shall collect all entrance fees, contributions, levies and fines and all other monies relating to the membership.

(ii) All monies received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. Cheques or other types of instruments for the withdrawal of any funds of the Division shall be signed by the Divisional Secretary and one of the Divisional Senior Assistant Secretary or the Divisional President and one person authorised for that purpose by the Divisional Executive. In the event of the absence of the Divisional Secretary all cheques and other instruments for the withdrawal of any funds of the Division shall be signed by the Divisional Senior Assistant Secretary or the Divisional President, and one person authorised for that purpose by the Divisional Executive.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the Divisional Office, may be disbursed by decision of the Divisional Secretary.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive or Divisional Conference.

(iv) The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The Divisional Executive shall have the authority to hold, purchase, lease, sell, mortgage or otherwise deal in property on behalf of the Division which shall be executed on the Divisional Executive's behalf by the Divisional Secretary.

(vi) The property of the Division shall be under the control of the Divisional Executive.

(vii) The Division shall develop and implement internal policies and procedures relating to the expenditure of the Division and its Districts, to ensure that the Division and its Districts are conducted in accordance with the principles of good governance and to ensure accountability to members of the Division.

(viii) Such policies and procedures shall be adopted by the Divisional Executive and, once adopted, shall be binding on all officers and members of the Division and its Districts. Such policies and procedures must be identified in the resolutions of the Divisional Executive as Rule 14A policies and procedures.

(ix) Rule 14A policies and procedures must be published on the website of the Division with fourteen (14) days of their adoption.

B. Divisional Budget and Administrative Committee

i) There shall be a National Administrative and Budget Committee of the Divisional Executive composed of the Divisional Officers and full time District Secretaries together with such other persons if any as the Divisional Secretary may determine.

ii) Meetings of the Divisional Administrative and Budget Committee shall be conducted at a time and place and in a manner determined by the Divisional Secretary or the Divisional Executive.

iii) The Divisional Administrative and Budget Committee shall subject to the directions of the Divisional Executive have the following duties and responsibilities:

a) to oversee financial, membership and other relevant data and the administrative affairs of the Division;

b) to conduct income and expenditure reviews to advise the Divisional Executive on the most effective use of the Divisional funds;

c) in consultation with the Divisional Officers and where relevant with each constituent part of the Division including its Districts and the PPW Sub

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Branches assist in the development of draft budgets for consideration by the Divisional Executive;

d) to monitor, administer and report on the implementation of budgets adopted by the Divisional Executive:

Provided that the Divisional Budget and Administrative Committee shall not have any policy making powers but shall act in an advisory capacity only.

C. Budget/s

i) At the first meeting of the Divisional Executive at the commencement of each financial year the Divisional Executive shall, upon considering advice and recommendations from the Divisional Budget and Administrative Committee approve a budget/s for the Division.

ii) To ensure the equitable distribution of resources amongst members throughout the Division budgets will take into account clear and consistent criteria including the following:

a) the percentage of membership income contributed;

b) appropriate financial support and underpinning for Divisional operations;

c) any cross subsidies between funds as may be necessary to provide and maintain effective operations throughout the Division for appropriate coverage and representation for all members of the Division.

d) the provision of ongoing funding for core union activities including growth recruitment, face to face organising, and campaigns in support of Divisional activities, industrial disputes, legal representation and advice, development of delegate and member involvement and activities, publications including newsletters and similar communications with members, member benefits and associated matters.

e) nationally consistent levels of contributions and costs structures including wage levels and employment standards for employees of the Division and each part of the Division.

f) as far as possible provide adequate funds for the purpose of continuing to build an appropriate asset base to both for the financial survival growth of the Division and where possible to house the operations of the Division and its various constituent parts.

g) where appropriate to support and continue to build specific member support funds and provident funds.

D. Special Funds

The Divisional Branches of the Division as constituted prior to the 2008 Rules Changes and the PPW Sub Branches have administered specific funds on behalf of the members of those Divisional Branches or Sub Branches. Schedule 1 to these Rules refers to these specific funds. These funds from the commencement of the 2008 Rule changes shall be

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managed and maintained by the Divisional Executive on behalf of, in the interests of and for the benefit of those groups of members for whom without the 2008 Rule changes those funds would otherwise be applied. Those funds will be expended to members of those groups of members in a manner consistent with the purposes for which the funds were established and that manner shall not be changed without consultation and agreement with the relevant District Committee of Management.

E. FFTS Special Fund

The FFTS Special Fund is a fund of the No. 2 FFTS Branch of the Division as constituted prior to the 2012 changes.

This fund has been created on behalf of and for the benefit of the members of that Branch.

From the Constitution of the Divisional Executive pursuant to Sub-Rule 43(xi) - Transitional Provisions this fund shall be managed and maintained by the Divisional Executive on behalf of, in the interests of, and for the benefit of members of the Union in the Division.

FFTS Special Fund Committee

At the first meeting of the Victorian District Management Committee following the assumption of office of its members pursuant to Rule 43 that Committee shall appoint a sub-committee to be known as the FFTS Special Fund Committee consisting of the following members:

> The District Secretary, one of the Joint Presidents, one of the joint Vice-Presidents, and as far as is practicable, up to three other members of the Victorian District Management Committee who are eligible for membership of the Victorian District pursuant to sub-rule 2(F) Constitution of the Rules of the Union. The Divisional Senior Assistant Secretary shall also be a member of the Sub-Committee ex officio.

In the event of a vacancy occurring on the FFTS Special Fund Committee the FFTS Special Fund Committee shall fill the vacancy by appointing from the members of the Victorian District Management Committee as far as practicable a person who is eligible for membership of the Victorian District pursuant to sub-rule 2(F) Constitution of the Rules of the Union.

No funds shall be expended from the FFTS Special Fund unless agreed by the FFTS Special Fund Committee.

Notwithstanding the provisions of Sub-Rule 14A(ii) the Divisional Senior Assistant Secretary will be one of the Signatories of any instrument for the withdrawal of any funds from the FFTS Special Fund.

F. Disclosure of Officer's relevant remuneration and non cash benefits

(i) Each officer of the Division or its Districts shall disclose to the Division any remuneration paid to the officer:

(a) because the officer is a member of a board, if:

i. the officer is a member of the board only because the officer is an officer of the Division or a District; or

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ii. the officer was nominated for the position as a member of the board by the union, the Division or a District, or a peak council; or

(b) by any related party of the union in connection with the performance of the officers' duties as an officer.

(ii) The disclosure required by sub-rule F(i) shall be made to the Divisional Executive:

(a) as soon as practicable after the remuneration is paid to the officer; and

(b) in writing.

(iii) The Division shall disclose to the members of the Division and its districts:

(a) the identity of the officers of the Division who are the five highest paid in terms of relevant remuneration for the disclosure period, and

(b) the identity of the officers of each District who are the two highest paid officers of the District in terms of relevant remuneration for the disclosure period, and

(c) for those officers:

i. the actual amount of the officers' relevant remuneration for the disclosure period; and

ii. the form of the officers' relevant non-cash benefits, for the disclosure period.

(iv) For the purposes of sub-rule F(iii) the disclosure shall be made:

(a) in relation to each financial year;

(b) within six months after the end of the financial year; and

(c) in writing and published in the Division's annual financial returns.

G. Disclosure of Material Personal Interests

(i) Each officer of the Division or a District shall disclose to the Division any material personal interest in a matter that:

(a) the officer has or acquires; or

(b) a relative of the officer has or acquires;

that relates to the affairs of the Division or its Districts.

(ii) The disclosure required by sub-rule G(i) shall be made to the Divisional Executive:

(a) as soon as practicable after the interest is acquired; and

(b) in writing.

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(iii) The Division shall disclose to the members of the Division and its districts any interests disclosed to the Division pursuant to sub-rule G(i).

(iv) For the purposes of sub-rule (iii), the disclosures shall be made:

(a) in relation to each financial year;

(b) within six months after the end of the financial year; and

(c) in writing and published in the Division's annual financial return.

H. Disclosure By Division of Payments

(i) The Division shall disclose to the members of the Division and its Districts either:

(a) each payment made by the Division or a District, during the disclosure period:

i. to a related party of the union, or of the Division, or its Districts; or

ii. to a declared person or body of the union, or of the Division, or its Districts; or

(b) the total of the payments made by the Division or its Districts, during the disclosure period:

i. to each related party of the union, or of the Division, or its Districts; or

ii. to each declared person or body of the union, or of the Division, or its Districts.

(ii) Sub-rule H(i) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Division or a District from remuneration payable to officers or employees of the Division or District.

(iii) Sub-rule H(i) does not apply to a payment made to a related party if:

(a) The related party is an officer of the Division or a District; and

(b) The payment:

i. Consists of remuneration paid to the officer by the Division or a District; or

ii. Is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(iv) For the purposes of sub-rule H(i), the disclosures shall be made:

(a) in relation to each financial year;

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(b) within six months after the end of the financial year; and

(c) in writing and published in the Division's annual financial return.

I. Training of Officers

(i) Each person holding an officer in the Division including its Districts whose duties include duties that relate to the financial management of the Division or a District shall undertake training:

(a) Approved by the General Manager under the provisions of the *Fair Work (Registered Organisations) Act 2009*, and

(b) That covers each of the officer's financial duties.

(ii) Each officer shall complete the training required by sub rule (i) within:

(a) Six months after the person begins to hold office; or

(b) If the officer holds office at the date of commencement of Schedule 1, Part 2 of the *Fair Work Registered Organisations Act 2012*, within six months of that date.

15 - AUDITOR AND AUDITOR'S REPORT

(i) The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

(ii) The auditor shall, in the auditor's report, draw attention of the Divisional Executive, Divisional Conference to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

15A REPORTING UNIT

(i) The whole of the Division shall constitute the reporting unit on an alternative basis as by the RAO.

(ii) The Divisional Secretary shall be the designated officer for the purposes of the RAO for the Division.

(iii) On receipt of a petition signed by not less than 5% of the members of the Division the Divisional Secretary shall convene a general meeting of members to present the auditor's report, the general purpose financial report and the operating report.

(iv) The petition shall have set out the member's full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of members for a general meeting to be held, the petition shall be presented to the Divisional Secretary within 30 days of the first member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% members.

(v) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

(vi) The General Meeting shall be conducted as a series of meetings in localities of each of the Districts and each of the PPW Sub Branches.

16 - ALTERATION OF RULES

These Divisional Rules including any Rules relating to Districts of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Districts and shall be forwarded with the notice to the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

Provided that any such rescission, alteration or amendment which affects in any way the existence, structure or position under these rules of the PPW District, shall be of no effect unless endorsed by a resolution of the District Management Committee of the PPW District.

17 - RULES BINDING ON MEMBERS AND DISTRICTS

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Districts of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

18 – DISTRICTS

i. For the purposes of organisation of the members of the Division and for provision of services to members each member of the Division shall be allocated to a District as follows:

(a) the NSW District which shall consist of all members resident in that State of NSW and the Australian Capital Territory other than those persons who are eligible for membership of the PPW District as provided for in (f) of this Sub Rule;

(b) the Victorian District consisting of all members resident in the State of Victoria other than those persons who are eligible for membership of the PPW District pursuant to (f) of this Sub Rule and those persons who are eligible for membership of the Greater Green Triangle District pursuant to (g) of this Sub-Rule;

(c) the South Australian District consisting of all members resident in the State of South Australia other than those persons who are eligible for membership of the PPW District pursuant to (f) of this Sub Rule and other than those persons who are eligible for membership of the Greater Green Triangle District pursuant to (g) of this Sub-Rule;

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(d) the Tasmanian District consisting of all members resident in the State of Tasmania other than those persons who are eligible for membership of the PPW Branch pursuant to (f) of this Sub Rule.

(e) the Queensland Northern Territory Western Australian District consisting of all members resident in the States of Queensland, Western Australia and the Territory of the Northern Territory other than those persons who are eligible for membership of the PPW Branch pursuant to (f) of this Sub Rule;

(f) the PPW District consisting of all members eligible for membership of the Union pursuant to Sub Rule 2 (C) (ii) of Rule 2 Constitution of the Rules of the Union.

(g) the Greater Green Triangle District consisting of all members in the State of South Australia whose place of employment is located in any of the following municipalities: Mt Gambier, Grant, Robe, Kingston, Naracoorte-Lucindale, Southern Mallee, Tatiara, Coorong or Wattle Range: and in the State of Victoria all members whose place of employment is located in one of the following municipalities: Ararat, Colac Otway, Corangamite, Glenelg, Horsham, Moyne, Northern Grampians, Southern Grampians, Warnambool or West Wimmera: other than those persons who are eligible for membership of the PPW Branch pursuant to (f) of this Sub Rule.

ii. The Divisional Conference or Divisional Executive shall have power to constitute such other Districts and allocate members thereto as it may determine appropriate from time to time.

iii. The Divisional Executive shall determine the location of each District Office.

19 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute may be submitted to the appropriate industrial Tribunal, Court or Commission, upon a resolution in favour of so submitting such dispute carried by a majority of the members of the Divisional Executive.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such submission.

In the case of an emergency or necessity however, such proceedings may be initiated and matters may be submitted by the authority of the Divisional Secretary, who may also authorise a District Secretary to initiate such proceedings and submit such matters on behalf of the Division.

The aforesaid power shall extend to cases of defending and/or responding to any proceedings or matters instituted or submitted by any other person, corporation, association or organisation. The Divisional Secretary or District Secretary shall be subject to the control of the Divisional Executive on all matters connected with such legal proceedings and matters.

20 - INDUSTRIAL AGREEMENTS

Industrial agreements and other related instruments required to be signed or executed on behalf of the Division shall be signed or executed by the Divisional Secretary provided that the Divisional Secretary may delegate this power to a Divisional Officer or relevant District Secretary.

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21 - INDUSTRIAL DISPUTES

(i) In the event of an Industrial dispute taking place in any District the officers of such District shall try, by conciliation to settle the dispute. In the event of the District officers concerned being unable to secure a satisfactory settlement the matter may be referred to the Divisional Branch Executive who shall seek to resolve the dispute.

(ii) In the event of no satisfactory settlement of such dispute being secured the District Secretary shall immediately report the matter to the Divisional Secretary who shall on behalf of the Division take charge of such dispute and shall if necessary convene a meeting of the Divisional Executive to deal with the matter.

(iii) (a) The Divisional Secretary or a person authorised to act on behalf of the Divisional Secretary shall make any submission to a tribunal.

The Divisional Secretary or a person authorised to act on behalf of the Divisional Secretary shall be the person to sign or issue any document necessary for such submission.

(b) The Division may be represented in any proceedings before any Commonwealth or State Industrial Tribunal by the Divisional Secretary or by such other officers or persons authorised by the Divisional Secretary and subject to any authorisation vested by State Legislation.

(iv) Notwithstanding anything contained elsewhere in this Rule, PPW District shall have autonomy in industrial matters affecting its members only and no action will be taken in relation to such matters by the Divisional Conference or Divisional Executive unless authorised and requested by the PPW District Management Committee.

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 148 – 152 Miller Street West Melbourne, or such other place as the Divisional Executive shall decide.

23 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by any person or body authorised by these rules.

24 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Division or body having objects similar in whole or in part to those of this Division.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $10.00 per week and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

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All levies shall be added to contributions and shall be a first charge against all payments made by a member of the Division.

(v) In no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

25 - LIFE MEMBERSHIP

The Divisional Conference or Divisional Executive may, at their entire discretion, constitute a member a Life Member, provided that the member has been a member for a period of at least 20 years, has retired from the industry, and was financial at the time of retirement. Life members shall not be liable to pay dues of any kind to the Division, and shall not be entitled to nominate for or to hold any office, but shall be entitled to vote at the Division elections. The Divisional Conference or Divisional Executive may reduce the qualifying period of membership in special circumstances.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time the Divisional Secretary may submit a resolution dealing with such matter to the members by letter, facsimile, email, telephone, telegram, verbally and/or any other means of communications or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each member of the Divisional Executive and each District Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negative any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in the Divisional Secretary's absolute discretion.

27 - BRANCH INFORMATION

It shall be the duty of the District Secretary to transmit to the Divisional Secretary, on written request from the Divisional Secretary, a true copy of the minutes of each meeting of the District Management Committee or Executive of such District or of any special meeting thereof.

28 - UNEMPLOYED MEMBERS

(i) When, in the opinion of the Divisional Executive, a condition of unemployment in the industry exists the following conditions may be applied:

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(ii) Members becoming unemployed, ie, being employed under the terms of the Award or Agreement covered by this Division for less than one month in any quarter, may apply to be placed on an unemployed members list if any.

(iii) This list shall be kept at the Divisional office under the control and supervision of the Divisional Executive.

(iv) Members wishing to be placed on the unemployed list may apply in writing to the Divisional Secretary.

(v) All applications for inclusion on the unemployed members' list shall be dealt with by the Divisional Executive or other authorised committee who shall, if satisfied that the application is genuine, include them on the list.

(vi) Members placed on the list shall be exempt from the payment of contributions for the period specified in this Rule. They shall be entitled to all rights under these rules, but shall only qualify for funeral benefit applicable at the discretion, or upon conditions determined by the Divisional Executive.

(vii) Exemption from payment of contributions shall operate for a period of twelve months from the date of inclusion on the unemployed members' list, or until again employed, whichever is the lesser.

(viii) On expiration of the 12 months' period, unemployed members may make further application to be again placed on the unemployed list. Each further application may be approved by the Divisional Executive who may require payment of such amount of contributions as may be considered reasonable.

(ix) Any member commencing employment without notifying the Divisional Secretary and continuing to receive the benefits of this unemployed clause while in employment shall be deemed to have committed a breach of the Rules. Such member(s) shall be required to pay full contributions for the period of employment and in addition, may be dealt with under the provisions relating to misconduct.

(x) Continuous membership for the purpose of this Rule, and wherever encountered in these Rules, means continuous membership without any break in the continuity of membership from the last date of acceptance into the Division.

29 - DUTIES OF ORGANISERS

The Divisional Executive may determine the number (if any) of Organisers of a District and the number (if any) to be appointed by it or elected pursuant to Rule 32 and shall determine the duties to be performed by any such Organisers.

30 – DISTRICT GOVERNANCE

A. District Management Committee:

(i) Each District shall have a Management Committee that shall consist of a President, Secretary, a Vice President, elected Organisers (if any) and no less than three Management Committee members. Provided that the President of the Queensland Northern Territory Western Australian District will be a member assigned to that District and who resides in Queensland and further provided that for the term of four (4) years commencing on 2

January 2013, the Victorian District shall have two (2) joint Presidents who will each carry out the functions of District President in the manner as directed by the Divisional Executive.

Prior to the calling of nominations the Divisional Executive may determine after considering any recommendations from a District Management Committee that that District Management Committee shall also consist of any of the following further members:

a. up to two (2) further Vice-Presidents, one of which will be a designated affirmative action position;

b. Assistant Secretary/s; and

c. no more than fourteen (14) further Committee members, one of which will be a designated affirmative action position.

Nominations for the designated affirmative action positions will be called from female members only, although this does not preclude female members from holding any other District Management Committee positions.

The failure to fill a designated affirmative action position shall not prevent a District carrying out or conducting the business of the District.

(ii) (a) If, prior to the immediately preceding quadrennial elections, nominations were not determined to be called by the Divisional Executive for any of the positions of:

(i) 2 further Vice Presidents (one of which will be a designated affirmative action position), or

(ii) District Assistant Secretary/s, or

(iii) Committee members up to 14 (one of which will be a designated affirmative action position); and

at any time in the period between quadrennial elections the circumstances of a District change such that the creation of one or any of those positions would enhance the democratic or operational functions of a District, the District Committee of Management may recommend to the Divisional Executive that one or any of those positions should be created.

(b) The Divisional Executive may determine that the position/s recommended by the District Committee of Management be created, provided that the number of positions after the new position is created must not exceed the total numbers allowed above taking into account the need for affirmative action positions.

(c) If a position is created by the Divisional Executive pursuant to this clause it shall be subject to election as if it were a casual vacancy pursuant to clause 33 of these Rules.

(iii). The District Management Committee shall, subject to these Rules, be the highest deliberative body of the District and shall subject to the Rules, policies and decisions of the Divisional Conference and/or Divisional Executive, manage and superintend the affairs of the District and perform all the duties allotted to them by the Rules. The District

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Management Committee shall, subject to these Rules, have the following responsibilities, functions, powers and duties:

(a) to take such steps as it shall consider necessary to carry out all or any of the objects of the Union in a manner consistent with the decisions of Divisional Conference and the Divisional Executive;

(b) to maintain close liaison with the Divisional Executive;

(c) to ascertain and identify the concerns, ideas and interests of members allocated to that District;

(d) to actively contribute to the development, implementation of the strategies and plans of the Division;

(e) to ensure that the Divisional Conference, and Divisional Executive, are fully informed of the concerns, ideas and interests of the members in its District;

(f) to establish such Committees or sub committees as it may from time to time determine;

(iv) The District Management Committee shall meet as required and at least twice per annum. A quorum for any meeting shall be a majority of its members.

B. District Executive:

There shall be a District Executive. The District Executive shall include the President/s, Vice-President/s and Secretary and such other members of the District Management Committee as it may determine appropriate.

The District Executive shall carry out any duties which they have been directed to perform by the District Management Committee and shall meet as frequently as is necessary to do so.

C. District Officers:

(v). Duties of District Officers shall be as follows:

(a) The District President shall preside at all meetings of the District Management Committee, carry out such duties as may be assigned from time to time by the District Management Committee, and shall have a deliberative vote only, shall sign the minutes of proceedings of all meetings convened by the District Management Committee.

(b) The District Vice President/s shall attend all meetings of the District Management Committee, and assist the District President in the conduct of the duties of that office, shall officiate in the absence of the District President with all of the powers of the District President.

(c) The District Secretary shall:

1. be under the control of the District Management Committee and shall conduct correspondence in connection with all matters relating to the business of the District;

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2. be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Management Committee in the District;

3. prepare the agenda for and minutes of each District Management Committee; and shall attend meetings of the District Management Committee and other meetings of members of the District;

4. be in charge of the District Office/s and subject to the directions of the District Management Committee and the Divisional Executive shall direct those activities carried out on behalf of the District by any officials or employees including organisers through the District office/s;

5. when vacating office, deliver to the successor in office, in the presence of the District Management Committee, all books, documents and other property of the District in the District Secretary's possession;

6. forward to the Divisional Secretary when requested a true copy of the minutes of each meeting of the District Management Committee or any special meeting thereof;

7. summon all meetings of the District Management Committee, issue all necessary notices to members of the District Management Committee in connection with such meetings. In consultation with the District President the District Secretary shall be authorised to convene any extraordinary meeting as deemed necessary;

8. attend and participate in any meeting of members of the District;

9. be a member of Divisional Conference pursuant to Rule 8;

10. be responsible for the implementation of and compliance with ~~of~~ the decisions, rules and policies determined by the Divisional Conference or Divisional Executive by the District of which the District Secretary was elected**.**

(d). The District Assistant Secretary/ies (if any) shall:

1. be under the control of the District Management Committee. The District Assistant Secretary shall be under the direction and authority of the District Secretary~~;~~

2. the District Assistant Secretary/ies (if any) shall in the absence of the District Secretary fulfil the office and perform the duties of the District Secretary;

3. the District Assistant Secretary/ies shall attend meetings of the District Management Committee and other meetings of members of the District.

(e). The Officers of the PPW District and of the PPW Sub Branches shall have the duties and carry out the functions as provided for in Rule 42 of these Rules.

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(f) District Management Committee members shall have the powers of a Shop Steward.

31 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any position in a full-time capacity shall be employed full time in the service of the Division and be paid such weekly wages and conditions as shall be determined by the Divisional Executive.

(b) Full-time officers including any full time paid District or PPW sub branch officers shall be paid from the Divisional Fund.

(c) Full-time paid officers shall be under the control of the Divisional Secretary, subject to the directions and powers of the Divisional Executive.

(d) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of the intention so to do to the Divisional Executive.

(e) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Executive first being obtained.

(f) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Executive within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Executive a medical certificate setting out that the officer has recovered and is capable to carry out the duties in accordance with the Rules.

32 - ELECTIONS

(a) (i) Any member of the Division who is financial as provided for in Rule 6, at the time of nominations and has three years financial membership, may nominate for the following positions:

Divisional Secretary
Divisional President
Divisional Senior Assistant Secretary
Divisional Assistant Secretary (other than the Divisional Assistant Secretary who is the Secretary of the PPW District

(ii) Provided further that no member shall be entitled to nominate for more than one Divisional full time office.

(iii) Where a member nominates for more than one Divisional full time office the Divisional Returning Officer shall seek from the member a decision as to which position the member wishes to contest.

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(iv) Where no decision is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:

Divisional Secretary, Divisional President, Divisional Senior Assistant Secretary and Divisional Assistant Secretaries.

(v) The Office of one of the Assistant Secretaries shall be held by the District Secretary of the PPW District.

(vi) The term of office for the above positions shall be four (4) years such term shall commence from 2 January following the election.

(b) (i)The Divisional Executive shall determine prior to the calling of nominations whether a position of District Secretary in any District is to be a full time paid Office.

(ii) No member shall be entitled to nominate for both the position of District Secretary and District Assistant Secretary (if any)

(iii) The scale of financial membership of the District necessary for members to nominate for the following positions is as follows:

District Secretary – 3 years financial membership
District President – 1 year financial membership
District Vice President - 1 year financial membership
District Assistant Secretary/ies (if any) - 1 year financial membership
District Management Committee Members – 1 year financial membership
PPW Sub Branch Secretary-1 year financial membership
PPW Sub Branch Senior Vice President - 1 year financial membership
PPW Sub Branch Junior Vice President -1 year financial membership
PPW Sub Branch Committee of Management Members -1 year financial membership
District Organiser - 1 year financial membership

(v) The term of office for the above positions shall be four years and such term shall commence from the 2nd of January following the election.

(c) (i) Nominations for the above positions, shall be called by the Divisional Returning Officer by notification in the union journal if one is due to be published and in one daily newspaper circulating in all of the areas in which members of the Division are resident on or before the last day of August of every fourth year commencing on and from the last day of August, 1996.

(ii) Nominations shall open on the second Monday in September. Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Returning Officer or handed personally at the Divisional Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(iii) Nominations shall be closed at 4 pm on the last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Returning Officer by that time on the date to be eligible.

(iv) A member having nominated for any office in accordance with these Rules may withdraw the nomination by notifying the returning officer in writing of an intention to do so at any time up to 14 days after the closing of nominations. The returning officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the members name from the ballot papers prior to their distribution.

(v) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of District Management Committee member 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(vi) The Divisional Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(vii) If at the closing date for nominations only sufficient nominations have been received by the Divisional Returning Officer to fill any vacancy or vacancies the Divisional Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the candidates by submitting a Divisional Returning Officers report to the Divisional Secretary.

(viii) If all nominations are received and there are more nominations than there are vacancies the Divisional Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or a nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(ix) The Divisional Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable the supply of a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(x) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(xi) Where a ballot is required, the Divisional Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Returning Officer.

(xii) The Divisional Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by prepaid post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Returning Officer by the Divisional Secretary and that envelope shall contain only the following documents -

(a) a ballot paper initialled by the Divisional Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

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(b) a declaration envelope and an empty unsealed pre-paid post envelope addressed to the Divisional Returning Officer, c/- the numbered mail box referred to in this rule;

(c) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Returning Officer may consider necessary;

(d) the candidates statement provided for in accordance with sub-rule (c)(v) of this rule.

(e) provided that the Divisional Returning Officer shall post to each member eligible to vote by mail each relevant ballot paper.

(xiii) For the purpose of the election the books of the Division shall be deemed to have closed as at 1st September in the year of the election. Only members who are shown in the records at the office of the Division as having paid all contributions, levies and fines prior to the 1st September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Returning Officer that they have paid all contributions, levies and fines prior to the 1st September in the year of the election shall be entitled to receive a ballot paper and the Divisional Returning Officer shall send by post, a ballot paper in accordance with sub-rule (c)(xii)(a) of this rule.

(xiv) The opening date of the ballot shall be the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(xv) The Divisional Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box until the commencement of the count of the ballot which will take place no later than the first working day following the closing of the ballot and shall be completed as soon as is practicable.

(xvi) Any candidate at their own expense may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present.

(xvii) The Divisional Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 4, Definitions, and the candidate or candidates receiving the necessary votes shall be deemed elected.

(xviii) In the case of equality of votes for any 2 or more candidates the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

(xix) The Divisional Returning Officer shall declare the successful candidates elected and notify the Divisional Secretary of the result of the ballot and the result shall be notified to the members. The Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional area.

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(xx) The Divisional Returning Officer's report to the Divisional Secretary shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(xxi) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(xxii) In any election the Divisional Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Returning Officer may proceed nonetheless.

33 – CASUAL VACANCIES

(i) A casual vacancy shall occur in any office of the Division when the holder of the office dies, resigns, is removed from office or otherwise ceases to hold office in accordance with the rules.

(ii) Where a casual vacancy occurs and the unexpired portion of the term of office is more than 12 months or three quarters of the term of office whichever is the greater, the vacancy shall be filled by election in accordance with Rule 32.

(iii) Where a casual vacancy occurs in the office of a Divisional Officer and the unexpired term of the office is less than 12 months or three quarters of the term of office, such vacancy may be filled by appointment by the Divisional Executive of an eligible member of the Division for the balance of the term of that office.

(iv) Where a casual vacancy occurs in the office of a District Officer or a member of a District Management Committee or an officer of a PPW sub-branch of the PPW District, such vacancy may be filled by appointment by the District Management Committee of the relevant District of an eligible member of the District for the balance of the term of that office.

34 - REMOVAL OF DISTRICT OFFICERS AND DISTRICT MANAGEMENT COMMITTEE MEMBERS

(a) Any officer/member of a District Management Committee may be removed from office by a two-thirds majority of the Divisional Executive at a special meeting of the Divisional Executive called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Division of misappropriation of the funds of the Division or a substantial breach of the rules of the Division or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(b) Any officer/member of the District Management Committee charged may be suspended immediately by decision of the Divisional Executive pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of the rules. The officer or District Management Committee member charged shall be given

reasonable opportunity to attend the meeting at which the charges are heard and of being heard in their defence, or if the officer prefers, may answer the charges in writing.

In the case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to the Divisional Conference whichever is appropriate as soon as it is conveniently possible from the date of the decision. Rule 41 - Appeals of Members shall apply.

35 - DUTIES OF MEMBERS AND OFFENCES

A. DUTIES

(a) To adhere strictly to the Rules of the Union and Division including any Rules relating to its Districts.

(b) To promote the industrial welfare of every other member.

(c) To attend the meetings of the District as often as possible and to assist the Officers to the best of the members' ability.

(d) To supply the District Secretary with information as to where work is procurable for members.

(e) Not to knowingly divulge any portion of the Union's business to any non-member or to discuss it with members in the presence or within the hearing of non-members.

(f) When joining the Union to furnish the District Secretary with an address and notify any change of address within fourteen (14) days of such change.

(g) Not to defraud other members.

(h) To render every assistance to Shop Stewards/Job Delegates in their respective work places in the carrying out of their duties.

(i) To answer or cause to answer any correspondence received from the District Secretary and to supply any information that may be required.

(j) To report to the Divisional Secretary or the District Secretary any member believed to be guilty of a breach of the Rules.

B. OFFENCES

(1) Any member may charge any other member with;

(a) Committing any breach of the Rules.

(b) Failing to comply with any lawful resolution or direction passed or given under any Rule of the Union after having been given notice thereof.

(c) Committing any fraudulent act or unlawful act in relation to funds or property of the Union or in relation to any election held under its Rules.

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(d) Wrongfully holding themselves out as occupying any office or position in the Union or any District thereof, as being entitled to represent the Union or any District in any capacity.

(e) Behaving in a drunken, disorderly or offensive manner towards an officer of the union or at any meeting held under the Rules of the Union or in any of the offices of the Union.

(f) Knowingly giving false information to any officer, representative or employee of the Union or any person acting as or on behalf of a Returning Officer conducting any election under its Rules relating to any Union business or election or any matter affecting the interest of the Union or its members, or refusing to give information to such persons when reasonably requested to do so.

(g) Aiding or encouraging any other member in any offence under these Rules.

(h) Doing any act calculated to injure or destroy the Union or making any wilful false statement concerning the administration of its affairs.

(i) Failing to report to the Divisional Secretary or the District Secretary a member believed to be guilty of a breach of the Rules.

(j) any of the following, the member so charged being the holder of any office within the Union:

(i) misappropriation of the funds of the Union;

(ii) a substantial breach of the Rules of the Union; or

(iii) gross misbehaviour or gross neglect of duty.

(2) Any charge must be made in writing and shall be made to the Divisional Secretary or the District Secretary. Such Officer shall, if directed by the Divisional Executive, summon the member charged. Such summons shall be in writing and shall state the time and place of the hearing and the substance of the charge. The member's fares to and from the place of the meeting shall be paid. The member shall on written request, be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is charged.

(3) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be investigated, whether or not the person charged is present, unless a satisfactory explanation of the absence has been received.

(4) At the hearing the member charged must be given a reasonable opportunity to present a defence to the charges including a reasonable opportunity to call any witness upon whose evidence the member wishes to rely, and if necessary to tender a written submission.

(5) If the Divisional Executive finds the member concerned so charged guilty it may:

(a) Impose a fine of a sum not exceeding $100.00, and/or

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(b) Suspend the member from membership; and/or

(c) Remove the member from any office or position; and/or

(d) Expel the member from membership of the Union.

(6) Suspension from membership shall deprive a member of the rights and benefits of membership, but shall not relieve the member of the obligations of membership and shall not exceed six months for any one offence.

(7) An appeal under this Rule shall lie in respect of any decision from the Divisional Executive to the Divisional Conference, provided that Notice of Appeal shall be given in writing to the Divisional Secretary within twenty-one days from the date of the member being notified of the Divisional Executive decision and shall set forth in full all matters which the appellant desires to be considered.

(8) The Divisional Conference shall decide the appeal at a meeting specially conducted for that purpose and the appellant shall have the right to attend the meeting and state a case on the appeal.

(9) Notwithstanding anything to the contrary in these Rules a person elected to any office within the Union shall not be dismissed from office unless found guilty of misappropriation of the funds of the Union a substantial breach of the Rules of the Union or of gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold the office.

36 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's union subscriptions.

37 - SHOP STEWARDS/JOB DELEGATES

(1) A majority of members in each workplace or where appropriate department of the workplace present may select from amongst their number a person or persons to act as Steward or Stewards, Job Delegate or Job Delegates who shall as far as possible perform the following duties:-

(a) To see that these Rules are strictly adhered to.

(b) To investigate and if possible rectify any complaints or disputes and if unsuccessful to refer any such matters to the District Secretary for resolution.

(c) To report any infringement of any award or agreement affecting the Union to the District Secretary at once.

(d) To attend all meetings as regularly as possible.

(e) To notify the District Secretary when possible within twenty-four hours, of all accidents to members of the Union.

(g) It shall be the duty of all Shop Stewards/Job Delegates to endeavour to enrol appropriate workers in their respective workplace or jobs into the Union.

(h) On the start of every job where two or more workers are working there shall be a show of cards and also at any time the Shop Steward/Job Delegate may determine.

(i) Any member refusing to show their card when required by a Shop Steward/Job Delegate shall be liable to be fined up to $100 by the Divisional Executive.

(j) It shall be the duty of Shop Stewards/Job Delegates to interest themselves in the welfare of the worker probationers, indentured apprentices and trainees.

(k) On direction of the District Management Committee or at the request of one third of the members on the job, they shall be required to call a meeting as soon as convenient..

(l) to attend Union training

(2) The Divisional Secretary shall be advised by the District Secretary of the appointment of Shop Stewards/Job Delegates in accordance with paragraph (1). In the event of failure of the members to appoint a Steward/Job Delegate in accordance with paragraph (1) the Divisional Secretary or an officer authorised by the Divisional Secretary shall have the power to appoint a Steward/Job Delegate or Stewards/Job Delegates.

(3) Where no alternative arrangements for the payment of Union contributions have been determined by the Union, the Steward/Job Delegate shall collect all contributions, fines and levies due to the Union by members in the work place where the Steward/Job Delegate is employed, the same to be paid to the Secretary within 14 days. The Steward/Job Delegate may be paid a Commission to be fixed by the Divisional Executive on all monies (except levies) collected.

(4) If the Divisional Secretary or District Secretary is advised by members in any work place of their dissatisfaction with the performance of a Shop Steward/Job Delegate then a meeting of members will be convened to consider the complaints.

38 - VICTIMISATION

Should any Shop Steward or Job Delegate be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the District Management Committee/Executive Committee shall take all necessary steps to see that the Shop Steward/Job Delegate interests are protected.

39 - ALLOWANCES

The Divisional Executive may determine in any year the allowances, if any, to be paid to persons representing the District for attending meetings at the request of the District or for its purposes.

40 - CHANGE OF RESIDENCE

Members are required to advise the Divisional Secretary or the District Secretary within fourteen days of any change of residence.

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41 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Division including any District may make a written appeal to the Divisional Branch Executive for redress.

(b) Any member dissatisfied with the decision of the Divisional Executive may appeal to the Divisional Conference within one month of the decision being given.

(c) An appeal shall be in writing and shall be lodged with the Divisional Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Conference may confirm, annul or modify the penalty or finding. The appellant member may appear in person.

42 - SPECIAL RULE – THE PULP AND PAPER WORKERS DISTRICT

The following provisions shall apply in respect of the Pulp and Paper Workers' District of the Division (in this Rule called "the PPW District")

(1) Nothing in this Rule shall affect the application of the Rules to the PPW District and to the holders of offices within and to the members of that District except insofar as this Rule may be inconsistent with another rule in which event the provisions of this Rule shall prevail to the extent of such inconsistency.

PPW DISTRICT PROVISIONS

(2) The business of the PPW District shall be conducted by the District Management Committee which shall consist of the District Secretary, Sub-Branch Delegates, and any Affirmative Action delegates elected by the members of the District in accordance with Rule 42(10)A.

(3) The powers of the District Management Committee shall include the following powers:-

(a) To establish new Sub-Branches and amalgamate existing Sub-Branches, to close or disband Sub-Branches in accordance with the Rules, and generally to control Sub-Branches and the members thereof including the power to disallow By-Laws made by any Sub-Branch in conflict with the Rules.

(b) When establishing a new Sub-Branch to make Rules providing for the admission of members to that new Sub-Branch, the establishment of a Management Committee of that new Sub-Branch, the election of officers of that new Sub-Branch and all such matters as may be necessary.

~~(c)~~

(c~~d~~) To establish and or operate a Superannuation Fund for the benefit of the members of the District and others.

(4A) The District shall hold an Annual General Meeting and such other meetings as may be necessary. Such meetings shall consist of a series of meetings of the members of each Sub-Branch held at times, places and dates to be decided by the District Management

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Committee. Members entitled to attend the meetings shall be notified thereof by circular or advertisement, or by printed notices or by such other similar means as the District Management Committee may deem reasonable. Any proposed resolution put to the series of meetings shall have been passed if it receives on the aggregate of all meetings held in the series, the majority of votes.

(5) The Divisional Conference or District Management Committee shall have the power to suspend any Sub-Branch Management Committee and/or all or any officers, committee members and delegates of a Sub-Branch if it is satisfied after due enquiry and after giving it or them the opportunity of being heard:-

(a) That the Rules of the District or Sub-Branch have not been bona fide observed or enforced by the Sub-Branch.

(b) That any lawful decision of the District Management Committee has not, after notification, been bona fide observed and enforced by the Sub-Branch.

(c) That the Sub-Branch is wilfully neglecting to provide for the collection of fees, levies, fines or contributions.

(d) That for any reason the Sub-Branch cannot or fails to meet in accordance with the Rules.

(e) That the officers of the Management Committee of the Sub-Branch refuse to disclose to the District Management Committee information concerning the Sub-Branch or the Management Committee.

(6) If a Sub-Branch or a Sub-Branch Management Committee fails to comply with any lawful direction of the District Management Committee and incurs legal costs or has imposed upon it a fine and/or legal costs arising from the conduct of the Sub-Branch, the Sub-Branch Management Committee or members of the Sub-Branch, which conduct is in contravention of the lawful direction of the District Management Committee then the District Management Committee shall have the power to direct that the amount of legal costs, fine and/or legal costs so incurred by and/or imposed upon the Sub Branch or Sub-Branch Management Committee shall be paid to the Division from the funds of the Sub-Branch.

(7) The District Management Committee shall call a meeting upon the requisition of three (3) Sub-Branches.

(8) The Sub-Branch Delegates to the District Management Committee shall be the Sub-Branch Secretary together with the additional Delegates who shall be elected quadrennially by the membership of each Sub-Branch in accordance with Rule 32. The additional Delegates shall be elected on the following basis:-

(a) Each Sub-Branch with a membership of less than 100 members - the Sub-Branch Secretary only.

(b) Each Sub-Branch with a membership of 100 members or more but less than 400 members - the Sub-Branch Secretary together with one (1) additional Delegate.

(c) Each Sub-Branch with a membership of 400 members or more but less than 1,000 members - the Sub-Branch Secretary together with two (2) additional Delegates.

(d) Each Sub-Branch with a membership of 1,000 members or more but less than 2,000 - the Sub-Branch Secretary together with three (3) additional Delegates.

(e) Each Sub-Branch with a membership of 2,000 members or more but less than 3,000 members - the Sub-Branch Secretary together with four (4) additional delegates.

(f) Each Sub-Branch with a membership of 3,000 members or more - the Sub-Branch Secretary together with five (5) additional Delegates.

(9) The Sub-Branch Management Committee may appoint a proxy delegate to any meeting of the District Management Committee when the delegate or delegates of the Sub-Branch to the District Management Committee (being either the Sub-Branch Secretary or additional Delegate or Delegates) is or are unable to attend that meeting: Provided that such proxy delegate shall be entitled to speak and vote on any matter except that such proxy delegate shall not participate in any step in any election for an office conducted amongst members of the District Management Committee.

(10A) In addition to the Sub-Branch Delegates to the District Management Committee there may be up to two further delegates to the District Management Committee who shall be designated Affirmative Action Delegates to the District Management Committee. Affirmative Action Delegates shall be elected quadrennially by the members of the District in accordance with the provisions of Rule 32. Failure to fill a designated affirmative action position shall not prevent a District carrying out or conducting the business of the District.

(10B) The District Secretary and Divisional Conference Delegates shall be elected quadrennially by the members of the District in accordance with the provisions of Rule 32.

(11) The District President, Senior District Vice President, Junior District Vice President and three (3) Trustees shall be elected by secret ballot after nominations have been called for by the Returning Officer at the meeting of the District Management Committee held next after the declaration of the quadrennial elections by and from the members of the District Management Committee in accordance with the provisions of Rule 32 with the necessary changes.

(12) In the event of a member being elected to the office of District Secretary and as an Additional Delegate of a Sub-Branch to the District Management Committee such position of Additional Delegate shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 32 with the necessary changes.

(13) In the event of a member being elected to the offices of District Secretary and Sub-Branch Secretary the office of Sub-Branch Secretary shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 32.

(14) (a) In the event of an industrial dispute taking place in any Sub-Branch the officers of such Sub-Branch shall try, by conciliation, to settle the dispute. In the event of the Sub-Branch officers concerned being unable to secure a satisfactory settlement the matter shall be referred to the District Secretary who shall, on behalf of the District Management Committee take charge of such dispute and shall consult with the District President and shall, if necessary, convene a meeting of the District Management Committee to deal with the matter.

(b) (i) A majority of the Sub-Branches shall, at special meetings of the Sub-Branch Management Committees called for that purpose, decide whether an industrial dispute affecting members of the District is to be submitted by the District to the appropriate tribunal established under the Fair Work Act 2009.

(ii) The District President and District Secretary or such other person or persons as the District Management Committee may decide shall be empowered to make submissions on behalf of and represent the District before a Federal or State Industrial Tribunal and to sign or issue any document including any agreement for the District which is necessary in respect of any such submission or presentation.

(15) Any delegates representing the District or a Sub-Branch on the Australian Labor Party shall be a member of that party.

(15A) The District Secretary shall be ex-officio a member of all committees of the Sub-Branches but shall not be entitled to exercise a vote on matters appertaining exclusively to only one Sub-Branch.

PPW SUB-BRANCH PROVISIONS

(16) (a) The following Sub-Branches are and shall be deemed to have been established as from the several dates on which they began to function:-

Melbourne, Maryvale, Millicent, Sydney, Nowra, Tasmania, Tumut and, Petrie.

(b) The Sub-Branches shall consist of members of the District as follows:-

(i) The Melbourne Sub-Branch shall consist of members who are employed within a radius of forty (40) kilometres of the General Post Office.

(ii) The Maryvale Sub-Branch shall consist of members employed within a radius of forty (40) kilometres from either the Traralgon or the Morwell Post Office.

(iii) the Millicent Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Millicent Post Office.

(iv) The Sydney Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Sydney Post Office.

(v) The Nowra Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Nowra Post Office.

(vi) The Tumut Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Tumut Post Office.

(vii) The Petrie Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Petrie Post Office.

(viii) The Tasmanian Sub-Branch shall consist of members employed in the State of Tasmania.

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(17) (a) Additional Sub-Branches may be established by resolution of the District of Management.

(b) Any member not employed within a Sub-Branch area shall be attached to the Sub-Branch nearest to where ~~he~~ they is employed.

(18) (a) Officers of the Sub-Branches shall be the President, two (2) Vice-Presidents (a Senior and Junior Vice President) and a Secretary such officers shall also be officers of the Union. These officers together with such number of other members which shall not be less than three (3) or exceed ten (10) as the Sub-Branch shall determine shall form the Sub-Branch Committee of Management. The Sub-Branch Secretary shall also mean the Sub-Branch Secretary-Treasurer.

(b) Delegates to the District Committee of Management shall be ex-officio members of all Committees and Sub-Committees of the Sub-Branch to which they belong.

(c) The Officers of the Sub-Branch together with the other members of the Sub-Branch Management Committee shall be elected quadrennially by the members of the Sub-Branch in accordance with the provisions of Rule 32.

(19) (a) No member shall hold more than one of the offices of Sub-Branch President, Sub-Branch Senior Vice-President, Sub-Branch Junior Vice-President, Sub-Branch Committee member, or Sub-Branch Secretary. If a member is elected to any two or more of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch Secretary signify which one of the said offices such member elects to hold. The member shall thereupon be deemed to have resigned from the other office or offices and the vacancy shall be filled in accordance with the provisions of Rule 32 mutatis mutandis.

(b) No member shall hold the office of Sub-Branch Secretary and Sub-Branch Additional Delegate from the Sub-Branch to the District Management Committee. If a member is elected to each of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch President signify which one of the said offices such member elects to hold and shall thereupon be deemed to have resigned from the other office. The vacancy so occurring in the other office shall be filled in accordance with the provisions of Rule 32 mutatis mutandis.

(20) Each Sub-Branch shall elect delegates to represent it on any body with which the Sub-Branch is affiliated. The election shall be conducted amongst members of the Sub-Branch Management Committee and be held at the next Sub-Branch Management Committee meeting following Sub-Branch elections. Nominees are required to be a member of the Sub-Branch Management Committee.

(21) Times and places of meetings of a Sub-Branch shall be fixed by the Sub-Branch Management Committee and shall be notified to members by being posted on work place notice boards at least three (3) days prior to the date of such meetings. At least one meeting shall be carried quarterly.

(22) Each Sub-Branch shall decide the starting and finishing times of its meetings and no extension shall exceed thirty (30) minutes beyond the time of normal finishing.

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(23) The Sub-Branch President and Sub-Branch Secretary may call a meeting of the Sub-Branch Management Committee at any time by giving the membership of such Committee three (3) days notice in writing of the date, time and place of such meeting. The Sub-Branch President and Sub-Branch Secretary shall call a meeting of the Sub-Branch Management Committee. The Sub-Branch Management Committee if required to do so, by a written request of a majority of members of the Sub-Branch Management Committee may, at any meeting held of such Management Committee, decide the date, time and place of future meetings.

(24) A quorum for a Sub-Branch meeting shall consist of five (5) members (not including officers or members of the Management Committee) where the Sub-Branch has a membership of 100 or less members; a quorum for a Sub-Branch meeting shall consist of ten (10) members (not including officers or members of the Sub-Branch Management Committee) where the Sub-Branch has a membership of over 100 members. If no such quorum is present at a meeting of a Sub-Branch thirty (30) minutes after the normal starting time of such meeting that meeting shall lapse.

(25) If due to the absence of a quorum at a meeting, a Sub-Branch is unable to conduct its business, the Sub-Branch Management Committee shall conduct such business with the full authority of a properly constituted Sub-Branch meeting.

43 – TRANSITIONAL PROVISIONS

(i) The purpose of this Rule is to provide for the commencement of the operation of amendments made to the Rules of the Division in 2012 which provide for the substantial restructure of the Division including the abolition of Divisional Branches and the restructure of Districts, and of new Offices (the new Offices) and for various other additions, amendments, rescissions and other alterations (the 2012 Rule changes).

(ii) The provisions of this Rule and of all the Rules referred to in sub rule (i) (the new Rules or new sub rules) shall take effect on and from the day the General Manager certifies them (the Rule 43 commencement date). The Division and its members shall comply with them severally as provided for in this Rule.

(iii) Subject to the provisions of this Rule and after the Rule 43 commencement date, the Division and its members shall continue to comply with the Rules in operation immediately prior to that date (the unamended Rules).

(iv) As soon as practicably possible after the Rule 43 commencement date, after receiving advice from the Divisional Secretary, the Divisional Executive in office in accordance with the unamended Rules, shall in accordance with the relevant provisions of the new Rules determine to which District of the Division each member of the Division is to be attached and to which PPW sub branch to which each member is to be attached.

(v) On or before the last day of August 2012 or as soon as practicable thereafter the Divisional Returning Officer shall conduct an election for each of the following new offices in accordance with the new Rule 32:

District Offices:

District Secretary
District Assistant Secretary (if any)
District President/s

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District Vice-President/s
District Organisers (if any)
District Management Committee Members

(vi) The persons elected to the new Offices as set out in sub rule (v) hereof shall assume office on 2 January 2013. Until the declaration of the ballot in the election to be conducted by the members of the Divisional Conference as provided for in this Rule the Divisional Executive shall consist of the following officers:

Divisional Offices
The District Secretaries of each District

(vii) As soon as is practicable after the declaration of the ballot as provided for in (v) the Divisional Secretary shall summon a meeting of the Divisional Executive as constituted pursuant to sub rule (vi) hereof at which meeting the Divisional Executive shall determine a time and place for meeting of the Divisional Conference to be held.

(viii) The Divisional Secretary shall give members of the Divisional Conference at least 7 days notice of the date of the Conference meeting.

(ix) The Divisional Conference called in accordance with (viii) shall elect the Divisional Executive Officers and the Divisional Executive members in the manner provided for in new Rule 9.

(x) The meeting of Divisional Conference shall be conducted in accordance with the provisions of the new Rules.

(xi) Upon the declaration of the ballot in the election conducted at the Divisional Conference as provided for in (x) the Divisional Executive shall be constituted in accordance with the new Rules. As soon as is practicable thereafter the Divisional Secretary shall call a meeting of the Divisional Executive.

(xii) The terms of office of each of the offices elected in accordance with sub rules (v) and (ix) shall be 4 years commencing on 2 January 2013, thereafter elections shall be conducted for all offices in accordance with the new Rules.

(xiii) At the election to be conducted in accordance with this Rule 43 the following offices as provided for in Sub Rule 43(v) shall be full time paid offices:

NSW District Secretary, Victorian District Secretary, Greater Green Triangle District Secretary, South Australian District Secretary, PPW District Secretary and Victorian District Assistant Secretary.

(xiv) Upon the declaration of the ballot in the election for the new offices as set out in Sub Rule (v) hereof the unamended Rules shall cease to have any further operation.

(xv) On or before the last day of September 2012 or as soon as practicable thereafter the Divisional Returning Officer shall conduct an election for each of the new offices of Affirmative Action Delegate to the PPW District Management Committee in accordance with the new Rule 32. The persons elected to the new Offices as set out in this rule shall assume office on 2 January 2013.

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SCHEDULE 1 –SPECIAL FUNDS

The following are special funds as provided for in sub rule 14D and such funds will be managed and maintained by the Divisional Executive on behalf of and in the interest of and for the benefit of those groups of members for whom the funds were collected, as set out hereunder:

Victorian District

The John Curtin Fund – for members of the Victorian District.

South Australian District:

South Australian Glaziers Fund – Flat Glass and Glazing members in the South Australian District.

Metro and Country Fund – for members of specific Worksites in the South Australian District.

South East Welfare Fund – for members in the South East Region of the South Australian District

PPW District:

PPW Support Fund - for members of the PPW District

PPW Maryvale Sub Branch Fund – for members of the PPW Maryvale Sub Branch

PPW Millicent Sub Branch Fund - for members of the PPW Millicent Sub Branch

PPW Melbourne Sub Branch Fund – for members of the PPW Melbourne Branch

NSW District

Member Support Fund – members of NSW District

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SCHEDULE 2 - RULES OF DEBATE

MOTIONS, HOW DEALT WITH:

(a) All motions shall be of an affirmative character and must be moved and seconded by members. Such motions become the property of the Union, and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless two-thirds of the members present agree to an extension of time.

(b) Unless a member opposes the motion or proposes an amendment thereto, the motion shall be immediately put to the meeting for decision.

(c) A motion may be superseded at any time by another motion "that it be discharged from the notice paper" or "that the next business be proceeded with" being resolved in the affirmative.

(d) A motion may be amended at any time during the debate thereon by -

(i) striking out certain words
(ii) adding certain words, or
(iii) striking out certain words and inserting others in their place.

Always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(e) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(f) (i) At meetings other than meetings of the membership of a District or of a sub-branch all motions shall be put to the meeting by the chairperson in a clear manner. Any member present may demand that the vote be by ballot and the Chairperson shall thereupon conduct a ballot. In the absence of such a demand all motions shall be put to the meeting by the Chairperson by asking for the "ayes" to vote first and then the "noes". The Chairperson's decision as to which has the majority will be final unless any member present demands a show of hands. Upon such a demand being made the chairperson shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(ii) At meetings of the membership of a District or of a Sub-Branch all motions shall be put to the meeting by the Chairperson in a clear manner by asking "ayes" to vote first and then the "noes".

The Chairperson's decision as to which has the majority will be final unless a member supported by one quarter of the number of members present demands a show of hands.

Upon such a demand being made the Chairperson shall appoint tellers to count the votes and shall ask "those in favour" to raise one hand then "those against" to raise one hand.

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(iii) If the votes are equal the question is resolved in the negative.

(g) No member shall be allowed to vote who was not present when the question was first put.

(h) A mover of a motion to be allowed 10 minutes to introduce and 5 minutes to reply. Other speakers 5 minutes unless two-thirds of the members present agree to an extension of time.

(i) Any member desiring to move to change a decision of the Union or of a District must submit notice in writing of such intention to the Divisional Secretary or the District Secretary of the Union as the case may be fourteen (14) days prior to the date of the meeting at which they will move for such change.

(j) During the course of a meeting any resolution which has been the business of that meeting may be recommitted at the hearing.

RIGHT TO SPEAK

(a) Any member desiring to speak shall rise and address the chairperson. If two (2) or more delegates begin to address the chairperson at the same time, the Chairperson shall call upon the one who, in the Chairpersons opinion, began to speak first. Provided that no member can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(i) In reply as the mover of the original motion.

(ii) In explanation or correction of some matter during the debate.

(iii) Upon a point of order raised during the debate.

(iv) Upon a resolution being carried "that a member be now heard".

(b) A member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by the member.

(c) Not more than two members shall be allowed to speak in succession for or against any question. If at the conclusion of the second speaker's remarks no member speaks on the other side, the motion or amendment shall be put to the vote.

(d) Any member speaking shall at once stop:-

(i) If the chairperson begins to speak; or

(b) If a point of order is raised;

and shall not resume speaking until the point of order is decided.

(e) No member may speak to any question after it has been put by the chairperson, or during a division.

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REPORTS

(a) A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of the Conference/Executive thereon.

(b) If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

SITTING AS A COMMITTEE

Divisional Conference or Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Conference or Executive shall be observed when in Committee.

DEFINITION

In this rule "member" shall include any person attending a meeting.

CHAIRPERSON'S RULING

(a) The chairperson's rulings on all points of order shall be final, unless at the time a motion is carried that such ruling be disagreed with.

(b) When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

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[105N-ATAI: Incorporates alterations of 27 March 2018] [D2017/5]
(replaces rulebook dated 5 June 2014 [R2014/121])

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 67 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Maritime, Mining and Energy Union, The Manufacturing Division.

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

Rules of the CFMMEU, The Manufacturing Division
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THE MANUFACTURING DIVISION RULES

1 - NAME

The name of the Division shall be “The Manufacturing Division”.

2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-Rule (C), (F) and (R) of the National Rules shall belong to this Division.

3 - SIGNING OF DOCUMENTATION

Any document required or permitted by the FWA or the RAO or any document required to be executed on behalf of the Division shall be signed by the Divisional Secretary or, in the absence of the Divisional Secretary, either the Divisional President or Divisional Senior Assistant Secretary, the TCF National Secretary, or such other Divisional Officer as authorised by the Divisional Executive.

4 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

“BOARD” means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors.

“DECLARED PERSON OR BODY” A person is a declared person or body if:

(i) an officer of the Division or its Districts has disclosed a material personal interest under sub-rule 14F(i) and

(ii) the interest relates to, or is in, the person or body; and

(iii) the officer has not notified the Division that the officer no longer has the interest.

“DISCLOSURE PERIOD” For the purpose of these rules means the financial year unless a shorter period is specified.

“DISTRICT” shall mean a District of the Division set up in accordance with the Rules of the Union.

“DIVISIONAL OFFICERS” shall mean the Divisional Secretary, the Divisional President, the Divisional Senior Assistant Secretary, the TCF National Secretary, the Senior Vice-President (TCF) and three other Divisional Assistant Secretaries one of whom shall be the District Secretary of the PPW District.

“FINANCIAL DUTIES” includes duties that relate to the financial management of the Division or its Districts.

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"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to the Manufacturing Division is a member of this Division.

“FWA” shall mean the Fair Work Act 2009.

“GENERAL MANAGER” means the General Manager of Fair Work Commission.

"MEMBER" shall mean a member of the Manufacturing Division and membership shall have a corresponding meaning.

“NON-CASH BENEFIT” means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.

“OFFICE” has the same meaning as defined by section 9 of the *Fair Work (Registered Organisations) Act 2009*.

“OFFICER” has the same meaning as defined by section 6 of the *Fair Work (Registered Organisations) Act 2009*.

“PEAK COUNCIL” has the same meaning as defined by section 12 of the *Fair Work Act 2009*.

“PPW SUB BRANCH” shall mean a sub branch of the PPW District.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then the candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

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The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“RAO” shall mean the Fair Work (Registered Organisations) Act 2009.

“RELATED PARTY” has the same meaning as defined by section 9B of the *Fair Work (Registered Organisations) Act 2009.*

“RELATIVE” in relation to a person, means:

(i) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or

(ii) the spouse of the first mentioned person.

“RELEVANT NON-CASH BENEFITS” in relation to an officer of the Division or its Districts for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer’s duties as an officer, by the Division or a District by a related party of the Division or a District.

“RELEVANT REMUNERATION” in relation to an officer of the Division or its Districts for a disclosure period is the sum of the following:

(i) any remuneration disclosed to the Division by the officer under sub-rule 14F(i) during the disclosure period;

(ii) any remuneration paid during the disclosure period, to the officer by the Division or District.

“REMUNERATION”

(i) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but

(ii) does not include a non-cash benefit; and

(iii) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the office carrying out his or her duties.

“TCF AMALGAMATION RULES” means the amendments to the rules of the Division in order to put into effect the amalgamation of the Union with the TCFUA.

TCF SECTOR means the members of the Union and the Division eligible in accordance with National Rule 2 (R) and Rule 3 (K).

“TCF SECTOR COUNCIL” means the body constituted pursuant to Rule 9 A of the TCF Amalgamation Rules.

“TCF AMALGAMATION DAY” means the day fixed by the Fair Work Commission for the amalgamation between the Union and the TCFUA to take effect.

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"TCFUA" means the Textile, Clothing and Footwear Union of Australia, a registered organisation of employees.

"THE 2008 RULE CHANGES" shall mean the amendments made to the Rules of the Division in 2008 providing for the substantial restructure of the Division.

"THE 2012 RULE CHANGES" shall mean the amendments made to the Rules of the Division in 2012 providing for the substantial restructure of the Division.

5 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Secretary or the District Secretary covering the area in which the candidate resides or is employed and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the Rules of the Division.

(ii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Executive may require, and shall, when requested, fill in and sign such application form as may be provided.

(iii) An application for membership of the Division may be referred by the Secretary of the relevant District to the Divisional Branch Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Conference the decision of which shall be final.

The Divisional Conference shall decide the appeal at a meeting specially conducted for that purpose and the appellant shall have the right to attend the meeting and state a case on the appeal.

(iv) All members shall be deemed to be attached to the District covering the locality in which the member resides, except:

(a) where the member is eligible for membership of the Division pursuant to Sub Rule 2 (C) of National Rule 2 Constitution to the PPW District; and

(b) members in the TCF Sector who reside in Queensland, who shall be deemed to be attached to the NSW District.

6 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Applicants for membership of the Division shall pay on application an entrance fee in accordance with these rules. Such entrance fee if applicable shall not exceed $300.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

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(ii) The contribution payable by each member shall be fixed by the Divisional Executive subject to the processes provided for in Rule 14

(iii) The Divisional Executive may if, in its opinion it is desirable or necessary for financial or any other reason that the aforesaid entrance fees or contributions should be altered, waived or suspended, make such decision as it deems desirable or necessary, and the altered, waived or suspended entrance fee and/or contribution payable shall be applicable to the member(s), group or class of members concerned.

(iv) Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these rules, shall be deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

(v) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(vi) Contributions shall be paid to and collected by the Divisional Secretary, or an authorised agent of the Division.

7 - SPECIAL MEMBERS

The Divisional Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on compliance with those conditions and subject to any rule, other than rule 6 be entitled to all the benefits of membership.

8 - SUPREME GOVERNING BODY OF THE DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference which shall meet at least every two (2) years.

(ii) The Divisional Conference shall consist of the following:

(a) the Divisional Officers of the Division; and

(b) delegations from each District calculated in accordance with (iii) hereof.

(iii) Each District shall be entitled to two (2) representatives up to 500 members, one (1) additional representative between 500 members and 1,000 members and one representative for each additional 1,000 members, based, on the aggregate income received by the Division in relation to members of that District (Union contributions only) divided by the amount of the yearly contribution fixed by the Rules from time to time, for the financial year ending on the 31st December in the year preceding the quadrennial election of representatives to act as its representatives at the Divisional Conference.

The number of representatives to which each District is entitled shall remain unaltered throughout the period between the quadrennial elections provided that prior to each Divisional Conference meeting the Divisional Executive may review the delegations to Divisional Conference in the event that as a result of growth or decline in membership the formula set out in this sub rule should be adjusted.

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Provided further that the delegation from each District will include ex officio: the District Secretaries of each District and the District Secretaries will be counted as representatives in calculating the entitlement of each District in accordance with this sub clause.

(iv) Representatives of the District other than those ex officio representatives as provided for in sub-rule (iii) hereof shall be elected by secret postal ballot of all members of the District eligible to vote every four (4) years in accordance with the provisions of Rule 32 of these Rules.

(v) In the event of a circumstance leading to a casual vacancy in a position of a Divisional Conference Delegate that vacancy shall be filled in accordance with the provisions of Rule 33.

(vi) Districts, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialed and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

(vii) Where one or more representatives of a District is or are unable to attend a meeting of the Divisional Conference the District Management Committee of that District may itself select a proxy representative or representatives to act on its behalf at that meeting. Such representative or representatives shall vote in accordance with the instructions of the District Management Committee of the District.

(viii) The method of calling nominations and the election of District delegates to Divisional Conference shall be under the provisions of Rule 32 of these Rules.

(ix) A majority of delegates eligible to attend the Divisional Conference shall form a quorum.

(x) All duly approved expenses of representatives to Divisional Conference shall be borne by the Division.

(xi) No alteration of the personnel of the representatives at a meeting of the Divisional Conference shall be permitted after the credentials of the representatives have been received and accepted by the Divisional Conference, unless such alteration is rendered necessary by death or serious illness.

(xii) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of $100, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members, organisers or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive, District Management Committee or the PPW District sub-branch Management Committee relevant to such person.

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Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or of the District Management Committee to which a member is attached are available to members at each District Office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate concerned has been afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

A period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal on an issue concerned solely with a matter affecting this Division, from a District or Sub-Branch or member. Any appeal from a member must be forwarded through the District. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

Provided that in the case of an appeal from a District of the Union, the District shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between District. Any District concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any District of the Division or Divisional Executive.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive, Districts or PPW Sub Branches of this Division.

(h) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(i) To establish new Districts and amalgamate existing Districts, to close or disband Districts in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the PPW District without its consent), and generally to control Districts and the members thereof.

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(j) When establishing a new District the Divisional Conference shall have power to make rules providing for the admission of members of that new District, the establishment of a Management Committee of that new District, the election of officers of that new District and all such matters as may be necessary.

(k) To make, alter and rescind rules of this Division.

(l) To deal with any District not working in conformity with the Rules and policy of the Union.

(m) To appoint and remove organisers.

(n) To vote moneys and pass accounts.

(o) To fix salaries and allowances for all Officers and employees of the Division and of all Conference delegates and representatives.

(p) To appoint a Returning Officer, who shall conduct any plebiscite upon any question submitted to the whole of the membership for determination, and who shall have power to appoint Deputy Returning Officers.

(q) To elect, appoint and remove officers and members of the Divisional Executive of the Union.

(r) To establish any special fund to achieve any of the objects of the Union.

(s) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each District Secretary at least one (1) week before the date of such meeting but no failure to notify will of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each and District Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the District Secretary, inspect a copy of the minutes of each Divisional Conference at the District Office during the ordinary hours in which the District Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Districts or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, email, telegram or telex and/or any other form of communications.

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The Divisional Secretary may at any time thought fit by the Divisional Secretary conduct a postal, telephonic, telegraphic, facsimile, email and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter.

(xvii) All meetings of the Divisional Conference shall be held at such time and place as the Conference shall from time to time determine, and in case of default, or of special meetings, as the Divisional Executive shall determine.

(xviii) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Conference -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

9 - DIVISIONAL EXECUTIVE

i). The Divisional Executive shall consist of the following:

- Divisional Secretary;
- Divisional President;
- TCF National Secretary;
- Divisional Senior Assistant Secretary;
- Three other Divisional Assistant Secretaries one of whom will be the Secretary of PPW District;
- Divisional Senior Vice-President (TCF);
- Two other DivisionalVice-Presidents; and
- No less than 10 and no more than 12 additional Divisional Executive Members, four of whom shall be women.

The number of additional Divisional Executive members in excess of 10 (if any) shall be determined by the Divisional Conference prior to the calling of nominations and they shall be elected by the conference from the conference delegates other than the Divisional Officers.

ii). Except for the filling of extraordinary vacancies the Divisional Vice-Presidents and the Divisional Executive members other than the Senior Vice-President (TCF) shall be elected by and from the Divisional Conference. The Divisional Senior Vice-President (TCF) shall be elected by the Divisional Conference from the Divisional Conference Delegates representing the TCF Sector. These officers and Divisional Executive Members shall be elected every four years and shall hold office until their successors are elected.

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iii). Preceding such conferences the Divisional Executive shall appoint a Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and the Divisional Senior Vice-President (TCF) and the Divisional Vice-Presidents in accordance with these Rules.

iv). Nominations unless otherwise determined by the Divisional Executive shall be called for on the second day of the Divisional Conference. Where practicable the ballot shall be conducted on that day. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

v). The ballot for the Divisional Senior Vice President (TCF) and the two other Divisional Vice-Presidents shall be dealt with and completed. The ballot for the Divisional Executive members shall be dealt with and completed.

vi). If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Executive that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive.

vii). If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

viii). The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Returning Officer may proceed nonetheless.

ix). Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where the delegate can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until the Returning Officer has given such delegates a reasonable opportunity to vote.

x). The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

xi). Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly holding such office.

xii). A Divisional Executive member shall hold office until a successor is elected.

xiii). The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, powers, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any District or member. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Districts. Any District concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with any District not working in conformity with the Rules, Decisions and policy of the Division.

(g) To deal with and decide any matter submitted to it by any District of the Division.

(h) To confirm, over-rule or otherwise deal with decisions of the Districts of this Division.

(i) To make, alter and rescind any of the rules of this Division including any rules relating to Districts subject to Rule 16 of these Rules.

(j) To appoint and remove organisers or specialist officers.

(k) To select persons as delegates to represent the Division at meetings, committees or to affiliated organisations.

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(l) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(m) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(n) Submit any matter to the members for decision by ballot.

(o) Ensure that officers, committee members, organisers, delegates or members of the Division and Districts and PPW Sub Branches comply with the rules, policies and decisions of the union and subject to Rule 11 impose penalties [i.e., fines not exceeding the sum of $100, suspension, expulsion or dismissal from office,] on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules, policies or the decisions of the Divisional Executive. Provided that the rules, policies or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each District Office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(p) Take such action as may be necessary to secure the satisfactory working of any Districts of this Division, take such action as may be necessary to ensure the adherence to the rules of the Union and decisions and policies of the Divisional Conference and/or Divisional Executive by any District and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a District and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such District. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the District and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(q) Control and supervise the work of the Divisional Officers.

(r) To establish new Districts and amalgamate existing Districts, to close or disband Districts in accordance with these Rules (provided that the Divisional Executive shall not exercise any such power affecting the PPW District without its consent), and generally to control Districts and the members thereof.

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(s) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these Rules.

xiv). The Divisional Executive shall meet at least six (6) times in each calendar year. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, telegram, telex, facsimile, email or otherwise in writing, telephone or verbally, provided that in the latter two instances such is confirmed by letter, telegram, facsimile, email or other writing.

9A - TCF SECTOR COUNCIL

(i) The TCF Sector Council shall be constituted as follows:

(a) TCF National Secretary;

(b) Divisional Senior Vice President (TCF);

(c) the Secretary of any District:

(i) with 20% or more of its membership from the TCF Sector; or

(ii) containing 20% or more of the total membership of the TCF Sector,

based on the membership figures for the year immediately prior to the quadrennial elections; and

(d) At least four ordinary TCF Sector Council members, in addition to the positions set out at (a)-(c) above, including at least one from each of the Victorian District and the NSW District, to be determined in accordance with Sub Rule (vi) below.

(ii) The TCF Sector Council shall, subject to directions of the Divisional Executive and Divisional Conferences as otherwise provided for in these rules, have responsibility to oversee decisions concerning:

- TCF Industry and Industrial policies
- TCF and related industry awards, industrial instruments
- TCF legal issues, campaigns, outwork and supply chain matters
- TCF international matters, and
- TCF Sector dues.

(iii) Divisional Executive will consult with the TCF Sector Council concerning any matters affecting members of the TCF Sector only.

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(iv) Meetings of the TCF Sector Council shall be summoned by the TCF National Secretary, and the TCF National Secretary subject to the TCF Sector Council, Divisional Executive and Divisional Conference, will be the officer responsible for conducting the work of the TCF Sector Council between meetings.

(v) A Sub-Committee of the TCF Sector Council which shall consist of all of the members of the TCF Sector Council from the TCF Sector shall have responsibilities on behalf of the TCF Sector for all matters relating to changes to the TCF Amalgamation Rules and all matters concerning the disposition of the TCF Special Fund.

The TCF Sector Council Sub-Committee will carry out its function in relation to the disposition of the TCF Special Fund until 31 December 2022.

(vi) Ordinary TCF Sector Council Members

(a) A Divisional Executive TCF Sector Member, other than a person holding an office described in Sub Rule (i)(a)-(c) above, shall be an ex officio member of the TCF Sector Council in the capacity of ordinary TCF Sector Council member.

(b) An election is to be conducted where despite Sub Rule (vi) (a), one or more further positions are required to ensure there is at least one ordinary TCF Sector Council member from each of the Victorian District and the NSW Districts.

(c) An election is also to be conducted where despite Sub Rules (vi) (a) and (vi) (b), one or more further positions are required to ensure at least four ordinary TCF Sector Council members.

10 - REFERENDA

(a) On receipt of a petition signed by not less than 10 per cent of the financial members of the Division, the Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Districts or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference, Divisional Executive and the members of the Division.

(b) Divisional Conference or Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

(i) The petition shall have set out the member's full name, address, signature and the date the said petition was signed by the member. In determining the 10% requirement of financial members for a referendum to be conducted, the petition shall be presented to the District Secretary within 30 days of the first financial member signing the aforesaid petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 10% financial members.

(ii) The Referendum shall take place within two months of the receipt of the petition.

(iii) The Divisional Executive shall:

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Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Returning Officer and Divisional Scrutineer to conduct the ballot.

The ballot for the referendum shall be held with any necessary changes in the same manner as provided for in Rule 32 for a ballot for the election of Divisional Officers. Provided that any material enclosed in the envelope in which the ballot paper is posted to the member must be authorised by the Divisional Executive.

11 - REMOVAL OF OFFICERS

(a) Any Divisional or District Officer may be removed from office by majority decision of the Divisional Executive, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union, or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

(b) Should any officer be removed from office by the Divisional Executive, a casual vacancy shall occur and the vacancy shall be filled in accordance with the provisions of Rule 33.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive. In the event of the appeal being upheld the Divisional Conference or National Executive may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-instatement of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

12 - DELETED

13 - DUTIES OF DIVISIONAL OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of the Divisional Conference, Executive and meetings convened by the Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where the Divisional President is a full time officer the Divisional President shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be the principal officer of the Division for all purposes of these rules, the RAO and regulations made pursuant to the RAO and any successor legislation or regulations thereto.

The Divisional Secretary shall summon all meetings of the Divisional Conference and Divisional Executive, issue all necessary notices to members of the Divisional Conference or Divisional Executive in connection with such meetings.

The Divisional Secretary shall sign all cheques or any other type of instrument for the withdrawal of any funds of the Division from any financial institution or other account together with one other person authorised for this purpose by the Divisional Executive. In the event that the Divisional Secretary is absent the Divisional Senior Assistant Secretary, the TCF National Secretary or the Divisional President and one person authorised for this purpose by the Divisional Executive shall sign cheques or any other type of instrument for the withdrawal of any funds of the Division from any financial institution or other account.

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the implementation and compliance by the Division, Districts and PPW Sub Branches of the decisions, rules and policies made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive or Divisional Conference, to appoint, control and dismiss the staff of the Divisional Office and Districts and PPW District Sub Branches.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.

Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Districts and PPW Sub Branches of this Division.

The Divisional Secretary shall have the authority to initiate any proceedings and/or actions to advance or defend the interests or objectives of the Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive or Divisional Conference and allocate the duties of Officers.

The Divisional Secretary shall be an ex officio member of all Divisional Committees, including Districts and PPW Sub Branches, but shall not be entitled to vote in respect of the decisions of those committees.

With the approval of the Divisional Executive the Divisional Secretary may delegate to another the performance of any of the duties set out in this rule. The existence of such delegation shall not prevent the performance of a duty by the Divisional Secretary either concurrently or with the exclusion of the delegate.

In the absence of the Divisional Secretary, the Divisional Senior Assistant Secretary and the TCF National Secretary, the Divisional Executive shall determine whether and the manner in which one of the other Divisional Officers may exercise any or all of the powers and duties of the Divisional Secretary.

(iii) There shall be a Divisional Senior Assistant Secretary and three Divisional Assistant Secretaries.

The Divisional Senior Assistant Secretary shall perform all duties assigned by the Divisional Executive, shall be under the control of the Divisional Secretary and shall attend all meetings of Divisional Executive, Divisional Conference and National Executive.

The Divisional Senior Assistant Secretary may subject to the provisions of sub-rule 13 (ii) exercise any and all of the powers and duties of the Divisional Secretary in the absence of the Divisional Secretary.

The other Divisional Assistant Secretaries shall perform all duties assigned by the Divisional Executive, shall be under the control of the Divisional Secretary and shall attend all meetings of Divisional Executive and Divisional Conference and in the case of both the PPW District Secretary who is also a Divisional Assistant Secretary, and the additional Divisional Assistant Secretary position established pursuant to Rule 44, shall attend all meetings of the National Executive.

(iv) TCF National Secretary

There shall be a TCF National Secretary who shall perform all duties assigned by the Divisional Executive, shall be under the control of the Divisional Secretary and shall attend all meetings of the Divisional Executive, Divisional Conference, National Executive and the TCF Sector Council.

The TCF National Secretary may subject to the provisions of Sub-Rule 13 (ii) exercise any and all of the powers and duties of the Divisional Secretary in the absence of the Divisional Secretary.

(v) Divisional Senior Vice-President (TCF)

The Divisional Senior Vice-President (TCF) shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

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(vi) Divisional Vice-President(s)

The Divisional Vice-President(s) shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President(s) shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vii) Members of Divisional Executive:

Other members of the Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

14 - FUNDS AND PROPERTY

A (i) The Divisional Office shall collect all entrance fees, contributions, levies and fines and all other monies relating to the membership.

(ii) All monies received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. Cheques or other types of instruments for the withdrawal of any funds of the Division shall be signed by the Divisional Secretary and one of the Divisional Senior Assistant Secretary, the TCF National Secretary or the Divisional President and one person authorised for that purpose by the Divisional Executive. In the event of the absence of the Divisional Secretary all cheques and other instruments for the withdrawal of any funds of the Division shall be signed by the Divisional Senior Assistant Secretary, TCF National Secretary or the Divisional President, and one person authorised for that purpose by the Divisional Executive.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the Divisional Office, may be disbursed by decision of the Divisional Secretary.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive or Divisional Conference.

(iv) The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The Divisional Executive shall have the authority to hold, purchase, lease, sell, mortgage or otherwise deal in property on behalf of the Division which shall be executed on the Divisional Executive's behalf by the Divisional Secretary.

(vi) The property of the Division shall be under the control of the Divisional Executive.

(vii) The Division shall develop and implement internal policies and procedures relating to the expenditure of the Division and its Districts, to ensure that the Division and its Districts are conducted in accordance with the principles of good governance and to ensure accountability to members of the Division.

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(viii) Such policies and procedures shall be adopted by the Divisional Executive and, once adopted, shall be binding on all officers and members of the Division and its Districts. Such policies and procedures must be identified in the resolutions of the Divisional Executive as Rule 14A policies and procedures.

(ix) Rule 14A policies and procedures must be published on the website of the Division with fourteen (14) days of their adoption.

B. Divisional Budget and Administrative Committee

i) There shall be a National Administrative and Budget Committee of the Divisional Executive composed of the Divisional Officers and full time District Secretaries together with such other persons if any as the Divisional Secretary may determine.

ii) Meetings of the Divisional Administrative and Budget Committee shall be conducted at a time and place and in a manner determined by the Divisional Secretary or the Divisional Executive.

iii) The Divisional Administrative and Budget Committee shall subject to the directions of the Divisional Executive have the following duties and responsibilities:

a) to oversee financial, membership and other relevant data and the administrative affairs of the Division;

b) to conduct income and expenditure reviews to advise the Divisional Executive on the most effective use of the Divisional funds;

c) in consultation with the Divisional Officers and where relevant with each constituent part of the Division including its Districts and the PPW Sub Branches assist in the development of draft budgets for consideration by the Divisional Executive;

d) to monitor, administer and report on the implementation of budgets adopted by the Divisional Executive:

Provided that the Divisional Budget and Administrative Committee shall not have any policy making powers but shall act in an advisory capacity only.

C. Budget/s

i) At the first meeting of the Divisional Executive at the commencement of each financial year the Divisional Executive shall, upon considering advice and recommendations from the Divisional Budget and Administrative Committee approve a budget/s for the Division.

ii) To ensure the equitable distribution of resources amongst members throughout the Division budgets will take into account clear and consistent criteria including the following:

a) the percentage of membership income contributed;

b) appropriate financial support and underpinning for Divisional operations;

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c) any cross subsidies between funds as may be necessary to provide and maintain effective operations throughout the Division for appropriate coverage and representation for all members of the Division.

d) the provision of ongoing funding for core union activities including growth recruitment, face to face organising, and campaigns in support of Divisional activities, industrial disputes, legal representation and advice, development of delegate and member involvement and activities, publications including newsletters and similar communications with members, member benefits and associated matters.

e) nationally consistent levels of contributions and costs structures including wage levels and employment standards for employees of the Division and each part of the Division.

f) as far as possible provide adequate funds for the purpose of continuing to build an appropriate asset base to both for the financial survival growth of the Division and where possible to house the operations of the Division and its various constituent parts.

g) where appropriate to support and continue to build specific member support funds and provident funds.

D. Special Funds

Schedule 1 of these rules lists specific funds of Districts and the Mortality Fund of the TCF Sector. These funds shall be managed and maintained by the Divisional Executive on behalf of and for the benefit of those groups of members for whom those funds were established. Those funds will be expended to the members of those groups of members in a manner consistent with the purposes for which the funds were established and that manner will not be changed without consultation and agreement with the relevant District Committee of Management or the TCF Sector Council.

E. TCF Special Fund

(i) The TCF Special Fund is to be established from the funds and assets of the TCFUA prior to the TCF Amalgamation Day.

(ii) This fund shall be managed and maintained by the Divisional Executive on behalf of, in the interests of, and for the benefit of:

(a) the members of the Division in the TCF Sector; or

(b) with the approval of the TCF Sector Council Sub-Committee, the members of the Division.

(iii) No funds shall be expended from the TCF Special Fund unless agreed by the TCF Sector Council Sub-Committee resolving in accordance with Rule 9 A.

(iv) Notwithstanding the provisions of sub-rule 14 (A) (ii) the TCF National Secretary will be one of the signatories of any instrument for the withdrawal of any funds from the TCF Special Fund.

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(v) The powers and functions of the TCF Sector Council Sub-Committee in relation to to the TCF Special Fund will cease on 31 December 2022.

F. Disclosure of Officer's relevant remuneration and non cash benefits

(i) Each officer of the Division or its Districts shall disclose to the Division any remuneration paid to the officer:

(a) because the officer is a member of a board, if:

i. the officer is a member of the board only because the officer is an officer of the Division or a District; or

ii. the officer was nominated for the position as a member of the board by the union, the Division or a District, or a peak council; or

(b) by any related party of the union in connection with the performance of the officers' duties as an officer.

(ii) The disclosure required by sub-rule F(i) shall be made to the Divisional Executive:

(a) as soon as practicable after the remuneration is paid to the officer; and

(b) in writing.

(iii) The Division shall disclose to the members of the Division and its districts:

(a) the identity of the officers of the Division who are the five highest paid in terms of relevant remuneration for the disclosure period, and

(b) the identity of the officers of each District who are the two highest paid officers of the District in terms of relevant remuneration for the disclosure period, and

(c) for those officers:

i. the actual amount of the officers' relevant remuneration for the disclosure period; and

ii. the form of the officers' relevant non-cash benefits, for the disclosure period.

(iv) For the purposes of sub-rule F(iii) the disclosure shall be made:

(a) in relation to each financial year;

(b) within six months after the end of the financial year; and

(c) in writing and published in the Division's annual financial returns.

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G. Disclosure of Material Personal Interests

(i) Each officer of the Division or a District shall disclose to the Division any material personal interest in a matter that:

(a) the officer has or acquires; or

(b) a relative of the officer has or acquires;

that relates to the affairs of the Division or its Districts.

(ii) The disclosure required by sub-rule G(i) shall be made to the Divisional Executive:

(a) as soon as practicable after the interest is acquired; and

(b) in writing.

(iii) The Division shall disclose to the members of the Division and its districts any interests disclosed to the Division pursuant to sub-rule G(i).

(iv) For the purposes of sub-rule (iii), the disclosures shall be made:

(a) in relation to each financial year;

(b) within six months after the end of the financial year; and

(c) in writing and published in the Division's annual financial return.

H. Disclosure By Division of Payments

(i) The Division shall disclose to the members of the Division and its Districts either:

(a) each payment made by the Division or a District, during the disclosure period:

i. to a related party of the union, or of the Division, or its Districts; or

ii. to a declared person or body of the union, or of the Division, or its Districts; or

(b) the total of the payments made by the Division or its Districts, during the disclosure period:

i. to each related party of the union, or of the Division, or its Districts; or

ii. to each declared person or body of the union, or of the Division, or its Districts.

(ii) Sub-rule H(i) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Division or a District from remuneration payable to officers or employees of the Division or District.

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(iii) Sub-rule H(i) does not apply to a payment made to a related party if:

(a) The related party is an officer of the Division or a District; and

(b) The payment:

i. Consists of remuneration paid to the officer by the Division or a District; or

ii. Is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

(iv) For the purposes of sub-rule H(i), the disclosures shall be made:

(a) in relation to each financial year;

(b) within six months after the end of the financial year; and

(c) in writing and published in the Division's annual financial return.

I. Training of Officers

(i) Each person holding an officer in the Division including its Districts whose duties include duties that relate to the financial management of the Division or a District shall undertake training:

(a) Approved by the General Manager under the provisions of the *Fair Work (Registered Organisations) Act 2009*, and

(b) That covers each of the officer's financial duties.

(ii) Each officer shall complete the training required by sub rule (i) within:

(a) Six months after the person begins to hold office; or

(b) If the officer holds office at the date of commencement of Schedule 1, Part 2 of the *Fair Work Registered Organisations Act 2012*, within six months of that date.

15 - AUDITOR AND AUDITOR'S REPORT

(i) The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.

(ii) The auditor shall, in the auditor's report, draw attention of the Divisional Executive, Divisional Conference to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

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15A - REPORTING UNIT

(i) The whole of the Division shall constitute the reporting unit on an alternative basis as by the RAO.

(ii) The Divisional Secretary shall be the designated officer for the purposes of the RAO for the Division.

(iii) On receipt of a petition signed by not less than 5% of the members of the Division the Divisional Secretary shall convene a general meeting of members to present the auditor's report, the general purpose financial report and the operating report.

(iv) The petition shall have set out the member's full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of members for a general meeting to be held, the petition shall be presented to the Divisional Secretary within 30 days of the first member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% members.

(v) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

(vi) The General Meeting shall be conducted as a series of meetings in localities of each of the Districts and each of the PPW Sub Branches.

16 - ALTERATION OF RULES

These Divisional Rules including any Rules relating to Districts of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Districts and shall be forwarded with the notice to the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

Provided that any such rescission, alteration or amendment which affects in any way the existence, structure or position under these rules of the PPW District, shall be of no effect unless endorsed by a resolution of the District Management Committee of the PPW District.

Provided that any such rescission, alteration or amendment which affects in any way the representation under these rules of the TCF Sector shall be of no effect unless endorsed by a resolution of the TCF Sector Council Sub-Committee in accordance with Rule 9 A.

17 - RULES BINDING ON MEMBERS AND DISTRICTS

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Districts of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

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18 - DISTRICTS

i. For the purposes of organisation of the members of the Division and for provision of services to members each member of the Division shall be allocated to a District as follows:

(a) the NSW District which shall consist of:

1. all members resident in that State of NSW and the Australian Capital Territory other than those persons who are eligible for membership of the PPW District as provided for in (f) of this Sub Rule; and

2. all members of the TCF Sector resident in the State of Queensland;

(b) the Victorian District consisting of all members resident in the State of Victoria other than those persons who are eligible for membership of the PPW District pursuant to (f) of this Sub Rule and those persons who are eligible for membership of the Greater Green Triangle District pursuant to (g) of this Sub-Rule;

(c) the South Australian District consisting of all members resident in the State of South Australia other than those persons who are eligible for membership of the PPW District pursuant to (f) of this Sub Rule and other than those persons who are eligible for membership of the Greater Green Triangle District pursuant to (g) of this Sub-Rule;

(d) the Tasmanian District consisting of all members resident in the State of Tasmania other than those persons who are eligible for membership of the PPW Branch pursuant to (f) of this Sub Rule.

(e) the Queensland Northern Territory Western Australian District consisting of all members resident in the States of Queensland, Western Australia and the Territory of the Northern Territory other than those persons who are eligible for membership of the PPW Branch pursuant to (f) of this Sub Rule and other than those persons who are eligible for membership of the TCF Sector resident in the State of Queensland;

(f) the PPW District consisting of all members eligible for membership of the Union pursuant to Sub Rule 2 (C) (ii) of Rule 2 Constitution of the Rules of the Union.

(g) the Greater Green Triangle District consisting of all members in the State of South Australia whose place of employment is located in any of the following municipalities: Mt Gambier, Grant, Robe, Kingston, Naracoorte-Lucindale, Southern Mallee, Tatiara, Coorong or Wattle Range: and in the State of Victoria all members whose place of employment is located in one of the following municipalities: Ararat, Colac Otway, Corangamite, Glenelg, Horsham, Moyne, Northern Grampians, Southern Grampians, Warnambool or West Wimmera: other than those persons who are eligible for membership of the PPW Branch pursuant to (f) of this Sub Rule.

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ii. The Divisional Conference or Divisional Executive shall have power to constitute such other Districts and allocate members thereto as it may determine appropriate from time to time.

iii. The Divisional Executive shall determine the location of each District Office.

19 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute may be submitted to the appropriate industrial Tribunal, Court or Commission, upon a resolution in favour of so submitting such dispute carried by a majority of the members of the Divisional Executive.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such submission.

In the case of an emergency or necessity however, such proceedings may be initiated and matters may be submitted by the authority of the Divisional Secretary, who may also authorise the TCF National Secretary or a District Secretary to initiate such proceedings and submit such matters on behalf of the Division.

The aforesaid power shall extend to cases of defending and/or responding to any proceedings or matters instituted or submitted by any other person, corporation, association or organisation. The Divisional Secretary, the TCF National Secretary or District Secretary shall be subject to the control of the Divisional Executive on all matters connected with such legal proceedings and matters.

20 - INDUSTRIAL AGREEMENTS

Industrial agreements and other related instruments required to be signed or executed on behalf of the Division shall be signed or executed by the Divisional Secretary provided that the Divisional Secretary may delegate this power to a Divisional Officer or relevant District Secretary.

21 - INDUSTRIAL DISPUTES

(i) In the event of an Industrial dispute taking place in any District the officers of such District shall try, by conciliation to settle the dispute. In the event of the District officers concerned being unable to secure a satisfactory settlement the matter may be referred to the Divisional Executive who shall seek to resolve the dispute.

(ii) In the event of no satisfactory settlement of such dispute being secured the District Secretary shall immediately report the matter to the Divisional Secretary who shall on behalf of the Division take charge of such dispute and shall if necessary convene a meeting of the Divisional Executive to deal with the matter.

(iii) (a) The Divisional Secretary or a person authorised to act on behalf of the Divisional Secretary shall make any submission to a tribunal.

The Divisional Secretary or a person authorised to act on behalf of the Divisional Secretary shall be the person to sign or issue any document necessary for such submission.

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(b) The Division may be represented in any proceedings before any Commonwealth or State Industrial Tribunal by the Divisional Secretary or by such other officers or persons authorised by the Divisional Secretary and subject to any authorisation vested by State Legislation.

(iv) Notwithstanding anything contained elsewhere in this Rule, PPW District shall have autonomy in industrial matters affecting its members only and no action will be taken in relation to such matters by the Divisional Conference or Divisional Executive unless authorised and requested by the PPW District Management Committee.

(v) Notwithstanding the other provisions of this rule, where industrial disputes relate to matters affecting the TCF Sector only the TCF Sector Council and the TCF National Secretary will perform the same functions as the District Executive and the District Secretary as provided for in (i) and (ii).

22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 500 Swanston Street, Carlton South, or such other place as the Divisional Executive shall decide.

23 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by any person or body authorised by these rules.

24 - LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Division or body having objects similar in whole or in part to those of this Division.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $10.00 per week and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by a member of the Division.

(v) In no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

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25 - LIFE MEMBERSHIP AND OTHER RECOGNITION FOR SERVICE

(a) The Divisional Conference or Divisional Executive may award life membership of the Union to any member who has retired from, or left the industry, and who, in the opinion of the Divisional Conference or Divisional Executive has contributed special or outstanding service to the Union. Life members shall not be liable to pay dues of any kind to the Division, and shall not be entitled to nominate for or to hold any office, or vote in the Union elections.

(b) The Divisional Conference or Divisional Executive may award a Certificate of Outstanding Service to any member who in the opinion of the Divisional Conference or Divisional Executive has contributed special or outstanding service to the Union.

26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time the Divisional Secretary may submit a resolution dealing with such matter to the members by letter, facsimile, email, telephone, telegram, verbally and/or any other means of communications or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each member of the Divisional Executive and each District Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negative any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in the Divisional Secretary's absolute discretion.

27 - BRANCH INFORMATION

It shall be the duty of the District Secretary to transmit to the Divisional Secretary, on written request from the Divisional Secretary, a true copy of the minutes of each meeting of the District Management Committee or Executive of such District or of any special meeting thereof.

28 - UNEMPLOYED MEMBERS

(i) When, in the opinion of the Divisional Executive, a condition of unemployment in the industry exists the following conditions may be applied:

(ii) Members becoming unemployed, ie, being employed under the terms of the Award or Agreement covered by this Division for less than one month in any quarter, may apply to be placed on an unemployed members list if any.

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(iii) This list shall be kept at the Divisional office under the control and supervision of the Divisional Executive.

(iv) Members wishing to be placed on the unemployed list may apply in writing to the Divisional Secretary.

(v) All applications for inclusion on the unemployed members' list shall be dealt with by the Divisional Executive or other authorised committee who shall, if satisfied that the application is genuine, include them on the list.

(vi) Members placed on the list shall be exempt from the payment of contributions for the period specified in this Rule. They shall be entitled to all rights under these rules, but shall only qualify for funeral benefit applicable at the discretion, or upon conditions determined by the Divisional Executive.

(vii) Exemption from payment of contributions shall operate for a period of twelve months from the date of inclusion on the unemployed members' list, or until again employed, whichever is the lesser.

(viii) On expiration of the 12 months' period, unemployed members may make further application to be again placed on the unemployed list. Each further application may be approved by the Divisional Executive who may require payment of such amount of contributions as may be considered reasonable.

(ix) Any member commencing employment without notifying the Divisional Secretary and continuing to receive the benefits of this unemployed clause while in employment shall be deemed to have committed a breach of the Rules. Such member(s) shall be required to pay full contributions for the period of employment and in addition, may be dealt with under the provisions relating to misconduct.

(x) Continuous membership for the purpose of this Rule, and wherever encountered in these Rules, means continuous membership without any break in the continuity of membership from the last date of acceptance into the Division.

29 - DUTIES OF ORGANISERS

The Divisional Executive may determine the number (if any) of Organisers of a District and the number (if any) to be appointed by it or elected pursuant to Rule 32 and shall determine the duties to be performed by any such Organisers.

30 - DISTRICT GOVERNANCE

A. District Management Committee:

(i) Each District shall have a Management Committee that shall consist of a President, Secretary, a Vice President, elected Organisers (if any) and no less than three Management Committee members, provided that:

(a) the President of the Queensland Northern Territory Western Australian District will be a member assigned to that District and who resides in Queensland;

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(b) for the term of four (4) years commencing on 2 January 2017, the Victorian District shall have two (2) joint Presidents who will each carry out the functions of District President in the manner as directed by the Divisional Executive; and

(c) on and from no later than 2 January 2019, the Victorian District shall additionally have a TCF Assistant Secretary and TCF Full Time Officer.

Prior to the calling of nominations the Divisional Executive may determine after considering any recommendations from a District Management Committee that that District Management Committee shall also consist of any of the following further members:

a. up to two (2) further Vice-Presidents, one of which will be a designated affirmative action position;

b. Assistant Secretary/s; and

c. no more than fourteen (14) further Committee members, one of which will be a designated affirmative action position.

Nominations for the designated affirmative action positions will be called from female members only, although this does not preclude female members from holding any other District Management Committee positions.

The failure to fill a designated affirmative action position shall not prevent a District carrying out or conducting the business of the District.

(ii) (a) If, prior to the immediately preceding quadrennial elections, nominations were not determined to be called by the Divisional Executive for any of the positions of:

(i) 2 further Vice Presidents (one of which will be a designated affirmative action position), or

(ii) District Assistant Secretary/s, or

(iii) Committee members up to 18 (one of which will be a designated affirmative action position); and

at any time in the period between quadrennial elections the circumstances of a District change such that the creation of one or any of those positions would enhance the democratic or operational functions of a District, the District Committee of Management may recommend to the Divisional Executive that one or any of those positions should be created.

(b) The Divisional Executive may determine that the position/s recommended by the District Committee of Management be created, provided that the number of positions after the new position is created must not exceed the total numbers allowed above taking into account the need for affirmative action positions.

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(c) If a position is created by the Divisional Executive pursuant to this clause it shall be subject to election as if it were a casual vacancy pursuant to clause 33 of these Rules.

(iii) The District Management Committee shall, subject to these Rules, be the highest deliberative body of the District and shall subject to the Rules, policies and decisions of the Divisional Conference and/or Divisional Executive, manage and superintend the affairs of the District and perform all the duties allotted to them by the Rules. The District Management Committee shall, subject to these Rules, have the following responsibilities, functions, powers and duties:

(a) to take such steps as it shall consider necessary to carry out all or any of the objects of the Union in a manner consistent with the decisions of Divisional Conference and the Divisional Executive;

(b) to maintain close liaison with the Divisional Executive;

(c) to ascertain and identify the concerns, ideas and interests of members allocated to that District;

(d) to actively contribute to the development, implementation of the strategies and plans of the Division;

(e) to ensure that the Divisional Conference, and Divisional Executive, are fully informed of the concerns, ideas and interests of the members in its District;

(f) to establish such Committees or sub committees as it may from time to time determine;

(iv) The District Management Committee shall meet as required and at least twice per annum. A quorum for any meeting shall be a majority of its members.

B. District Executive:

There shall be a District Executive. The District Executive shall include the President/s, Vice-President/s and Secretary and such other members of the District Management Committee as it may determine appropriate, provided that from no later than 2 January 2019, the Victorian District Executive shall include the TCF Assistant Secretary and the TCF Full Time Officer.

The District Executive shall carry out any duties which they have been directed to perform by the District Management Committee and shall meet as frequently as is necessary to do so.

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C. District Officers:

(v) Duties of District Officers shall be as follows:

(a) The District President shall preside at all meetings of the District Management Committee, carry out such duties as may be assigned from time to time by the District Management Committee, and shall have a deliberative vote only, shall sign the minutes of proceedings of all meetings convened by the District Management Committee.

(b) The District Vice President/s shall attend all meetings of the District Management Committee, and assist the District President in the conduct of the duties of that office, shall officiate in the absence of the District President with all of the powers of the District President.

(c) The District Secretary shall:

1. be under the control of the District Management Committee and shall conduct correspondence in connection with all matters relating to the business of the District;

2. be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Management Committee in the District;

3. prepare the agenda for and minutes of each District Management Committee; and shall attend meetings of the District Management Committee and other meetings of members of the District;

4. be in charge of the District Office/s and subject to the directions of the District Management Committee and the Divisional Executive shall direct those activities carried out on behalf of the District by any officials or employees including organisers through the District office/s;

5. when vacating office, deliver to the successor in office, in the presence of the District Management Committee, all books, documents and other property of the District in the District Secretary's possession;

6. forward to the Divisional Secretary when requested a true copy of the minutes of each meeting of the District Management Committee or any special meeting thereof;

7. summon all meetings of the District Management Committee, issue all necessary notices to members of the District Management Committee in connection with such meetings. In consultation with the District President the District Secretary shall be authorised to convene any extraordinary meeting as deemed necessary;

8. attend and participate in any meeting of members of the District;

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9. be a member of Divisional Conference pursuant to Rule 8;

10. be responsible for the implementation of and compliance with of the decisions, rules and policies determined by the Divisional Conference or Divisional Executive by the District of which the District Secretary was elected.

(d) The District Assistant Secretary/ies shall:

1. be under the control of the District Management Committee and be under the direction and authority of the District Secretary~~;~~

2. in the absence of the District Secretary fulfil the office and perform the duties of the District Secretary; and

3. attend meetings of the District Management Committee and other meetings of members of the District.

(e) The Officers of the PPW District and of the PPW Sub Branches shall have the duties and carry out the functions as provided for in Rule 42 of these Rules.

(f) District Management Committee members shall have the powers of a Shop Steward.

31 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any position in a full-time capacity shall be employed full time in the service of the Division and be paid such weekly wages and conditions as shall be determined by the Divisional Executive.

(b) Full-time officers including any full time paid District or PPW sub branch officers shall be paid from the Divisional Fund.

(c) Full-time paid officers shall be under the control of the Divisional Secretary, subject to the directions and powers of the Divisional Executive.

(d) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of the intention so to do to the Divisional Executive.

(e) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Executive first being obtained.

(f) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Executive within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Executive a medical certificate setting out that the officer has recovered and is capable to carry out the duties in accordance with the Rules.

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(g) Notwithstanding anything otherwise provided for in these Rules, the following shall be full time paid officers commencing on and from either the TCF Amalgamation Date or the establishment of the office pursuant to these rules, whichever is the later:

TCF National Secretary
Additional Divisional Assistant Secretary established pursuant to Rule 44
NSW District Secretary
NSW District Assistant Secretary
Victoria District TCF Assistant Secretary
Victoria District TCF Full Time Officer

32 - ELECTIONS

(a) (i) Any member of the Division who is financial as provided for in Rule 6, at the time of nominations and has three years financial membership, may nominate for the following positions:

Divisional Secretary
Divisional President
Divisional Senior Assistant Secretary
Divisional Assistant Secretary/ies other than the Divisional Assistant Secretary who is the Secretary of the PPW District

(ii) Any member of the TCF Sector of the Division who is financial as provided for in rule 6 at the time of nominations and has three years financial membership may nominate for the following position:

TCF National Secretary

(ii)(a) Any member of the TCF Sector of the Division who is financial as provided for in rule 6 at the time of nominations and has one year financial membership may nominate for the following position/s, where such position/s are to be elected pursuant to rule 9 A (vi):

Ordinary TCF Sector Council member

Where the position of ordinary TCF Sector Council member is required pursuant to rule 9 A (vi) to be from the Victoria District or from the NSW District, a member nominating for the position must also be a member of that District.

(iii) No member shall be entitled to nominate for more than one Divisional full time office.

Where a member nominates for more than one Divisional full time office the Divisional Returning Officer shall seek from the member a decision as to which position the member wishes to contest.

(iv) The Office of one of the Assistant Secretaries shall be held by the District Secretary of the PPW District.

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(v) The term of office for the above positions, other than the positions of TCF National Secretary and ordinary TCF Sector Council member below shall be four (4) years such term commencing from 2 January following the elections.

The term of office for the TCF National Secretary in the year 2020 shall commence on 21 December 2020 and shall continue until 1 January 2024 in order to synchronise the terms of office of the other offices in (a) (i) of this rule. Thereafter, the term of office for the TCF National Secretary shall be four (4) years.

The term of office for the position/s of ordinary TCF Sector Council Member is as provided for in Sub Rule (c) (xxiii) of this rule.

(b) (i) The Divisional Executive shall determine prior to the calling of nominations whether a position of District Secretary in any District is to be a full time paid Office.

(ii) No member shall be entitled to nominate for both the position of District Secretary and District Assistant Secretary (if any)

(iii) The scale of financial membership of the District necessary for members to nominate for the following positions is as follows:

District Secretary – 3 years financial membership
District President – 1 year financial membership
District Vice President - 1 year financial membership
District Assistant Secretary/ies other than Victoria District TCF Assistant Secretary (if any) - 1 year financial membership
Victoria District TCF Assistant Secretary – 1 year financial membership of the TCF Sector
Victoria District TCF Full Time Officer – 1 year financial membership of the TCF Sector
District Management Committee Members – 1 year financial membership
PPW Sub Branch Secretary-1 year financial membership
PPW Sub Branch Senior Vice President - 1 year financial membership
PPW Sub Branch Junior Vice President -1 year financial membership
PPW Sub Branch Committee of Management Members -1 year financial membership
District Organiser - 1 year financial membership

(iv) The term of office for the above positions shall be four years and such term shall commence from the 2nd of January following the election.

(c) (i) Nominations for the above positions, shall be called by the Divisional Returning Officer by notification in the union journal if one is due to be published and in one daily newspaper circulating in all of the areas in which members of the Division are resident on or before the last day of August of every fourth year commencing on and from the last day of August, 1996.

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(ii) Nominations shall open on the second Monday in September, other than in respect of the position of ordinary TCF Sector Council member. Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Returning Officer or handed personally at the Divisional Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(iii) Nominations shall be closed at 4 pm on the last Friday of September, 1996 and each four years thereafter following that date, other than in respect of the position of ordinary TCF Sector Council member. Nominations must be received by the Divisional Returning Officer by that time on the date to be eligible.

(iv) A member having nominated for any office in accordance with these Rules may withdraw the nomination by notifying the returning officer in writing of an intention to do so at any time up to 14 days after the closing of nominations. The returning officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the members name from the ballot papers prior to their distribution.

(v) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of District Management Committee member 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(vi) The Divisional Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(vii) If at the closing date for nominations only sufficient nominations have been received by the Divisional Returning Officer to fill any vacancy or vacancies the Divisional Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the candidates by submitting a Divisional Returning Officers report to the Divisional Secretary.

(viii) If all nominations are received and there are more nominations than there are vacancies the Divisional Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or a nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(ix) The Divisional Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable the supply of a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

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(x) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(xi) Where a ballot is required, the Divisional Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Returning Officer.

(xii) The Divisional Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by prepaid post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Returning Officer by the Divisional Secretary and that envelope shall contain only the following documents -

(a) a ballot paper initialled by the Divisional Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(b) a declaration envelope and an empty unsealed pre-paid post envelope addressed to the Divisional Returning Officer, c/- the numbered mail box referred to in this rule;

(c) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Returning Officer may consider necessary;

(d) the candidates statement provided for in accordance with sub-rule (c)(v) of this rule.

(e) provided that the Divisional Returning Officer shall post to each member eligible to vote by mail each relevant ballot paper.

(xiii) For the purpose of the election the books of the Division shall be deemed to have closed as at 1st September in the year of the election. Only members who are shown in the records at the office of the Division as having paid all contributions, levies and fines prior to the 1st September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Returning Officer that they have paid all contributions, levies and fines prior to the 1st September in the year of the election shall be entitled to receive a ballot paper and the Divisional Returning Officer shall send by post, a ballot paper in accordance with sub-rule (c)(xii)(a) of this rule. Provided that for the purpose of the position of ordinary TCF Sector Council member, a reference to 1 September in this Sub Rule does not apply.

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(xiv) The opening date of the ballot shall be the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held, other than in respect of the position of ordinary TCF Sector Council member. All ballot papers shall be returned to the Divisional Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(xv) The Divisional Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box until the commencement of the count of the ballot which will take place no later than the first working day following the closing of the ballot and shall be completed as soon as is practicable.

(xvi) Any candidate at their own expense may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present.

(xvii) The Divisional Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 4, Definitions, and the candidate or candidates receiving the necessary votes shall be deemed elected.

(xviii) In the case of equality of votes for any 2 or more candidates the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

(xix) The Divisional Returning Officer shall declare the successful candidates elected and notify the Divisional Secretary of the result of the ballot and the result shall be notified to the members. The Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional area.

(xx) The Divisional Returning Officer's report to the Divisional Secretary shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(xxi) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(xxii) In any election the Divisional Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Returning Officer may proceed nonetheless.

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(xxiii) Election of ordinary TCF Sector Council members

The provisions of Sub Rule (c) apply to the election of ordinary TCF Sector Council members, other than where provided, and other than to the extent of any inconsistency between Sub Rule (c)(xxiii) and the remainder of Sub Rule (c), in which case the provisions of Sub Rule (c)(xxiii) prevail.

Where required by rule 9 A, an election for the position of ordinary TCF Sector Council member must take place subsequent to, but in the same calendar year in which, the Divisional Conference election of Divisional Executive members pursuant to rule 9.

The date on which the roll of voters for any such election is to be closed is to be 14 days prior to the date on which nominations for the election open.

The period in which nominations for any such position shall be received closes at 4pm on the 18th day after the date on which nominations for the position opened.

The ballot for any such position shall commence 5 weeks after the closing of nominations for the position, and shall close at noon on the 14th day after the ballot commences.

The term of office of a person elected to the position of ordinary TCF Sector Council member will commence upon the declaration of election for the position, and conclude upon the election of Divisional Executive members by the Divisional Conference pursuant to rule 9 in the calendar year four years subsequent to the commencement of the term.

33 - CASUAL VACANCIES

(i) A casual vacancy shall occur in any office of the Division when the holder of the office dies, resigns, is removed from office or otherwise ceases to hold office in accordance with the rules.

(ii) Where a casual vacancy occurs and the unexpired portion of the term of office is more than 12 months or three quarters of the term of office whichever is the greater, the vacancy shall be filled by election in accordance with Rule 32.

(iii) Where a casual vacancy occurs in the office of a Divisional Officer and the unexpired term of the office is less than 12 months or three quarters of the term of office, such vacancy may be filled by appointment by the Divisional Executive of an eligible member of the Division for the balance of the term of that office.

(iv) Where a casual vacancy occurs in the office of a District Officer or a member of a District Management Committee or an officer of a PPW sub-branch of the PPW District, such vacancy may be filled by appointment by the District Management Committee of the relevant District of an eligible member of the District for the balance of the term of that office.

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(v) Where a casual vacancy occurs in the office of TCF National Secretary or Senior Vice-President (TCF) and the unexpired term of the office is less than twelve months or three quarters of the term of office such vacancy may be filled by appointment by the TCF Sector Council of an eligible member of the Division for the balance of the term of that office.

34 - REMOVAL OF DISTRICT OFFICERS AND DISTRICT MANAGEMENT COMMITTEE MEMBERS

(a) Any officer/member of a District Management Committee may be removed from office by a two-thirds majority of the Divisional Executive at a special meeting of the Divisional Executive called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Division of misappropriation of the funds of the Division or a substantial breach of the rules of the Division or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(b) Any officer/member of the District Management Committee charged may be suspended immediately by decision of the Divisional Executive pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of the rules. The officer or District Management Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in their defence, or if the officer prefers, may answer the charges in writing.

In the case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to the Divisional Conference whichever is appropriate as soon as it is conveniently possible from the date of the decision. Rule 41 - Appeals of Members shall apply.

35 - DUTIES OF MEMBERS AND OFFENCES

A. DUTIES

(a) To adhere strictly to the Rules of the Union and Division including any Rules relating to its Districts.

(b) To promote the industrial welfare of every other member.

(c) To attend the meetings of the District as often as possible and to assist the Officers to the best of the members' ability.

(d) To supply the District Secretary with information as to where work is procurable for members.

(e) Not to knowingly divulge any portion of the Union's business to any non-member or to discuss it with members in the presence or within the hearing of non-members.

(f) When joining the Union to furnish the District Secretary with an address and notify any change of address within fourteen (14) days of such change.

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(g) Not to defraud other members.

(h) To render every assistance to Shop Stewards/Job Delegates in their respective work places in the carrying out of their duties.

(i) To answer or cause to answer any correspondence received from the District Secretary and to supply any information that may be required.

(j) To report to the Divisional Secretary or the District Secretary any member believed to be guilty of a breach of the Rules.

B. OFFENCES

(1) Any member may charge any other member with;

(a) Committing any breach of the Rules.

(b) Failing to comply with any lawful resolution or direction passed or given under any Rule of the Union after having been given notice thereof.

(c) Committing any fraudulent act or unlawful act in relation to funds or property of the Union or in relation to any election held under its Rules.

(d) Wrongfully holding themselves out as occupying any office or position in the Union or any District thereof, as being entitled to represent the Union or any District in any capacity.

(e) Behaving in a drunken, disorderly or offensive manner towards an officer of the union or at any meeting held under the Rules of the Union or in any of the offices of the Union.

(f) Knowingly giving false information to any officer, representative or employee of the Union or any person acting as or on behalf of a Returning Officer conducting any election under its Rules relating to any Union business or election or any matter affecting the interest of the Union or its members, or refusing to give information to such persons when reasonably requested to do so.

(g) Aiding or encouraging any other member in any offence under these Rules.

(h) Doing any act calculated to injure or destroy the Union or making any wilful false statement concerning the administration of its affairs.

(i) Failing to report to the Divisional Secretary or the District Secretary a member believed to be guilty of a breach of the Rules.

(j) any of the following, the member so charged being the holder of any office within the Union:

(i) misappropriation of the funds of the Union;

(ii) a substantial breach of the Rules of the Union; or

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(iii) gross misbehaviour or gross neglect of duty.

(2) Any charge must be made in writing and shall be made to the Divisional Secretary or the District Secretary. Such Officer shall, if directed by the Divisional Executive, summon the member charged. Such summons shall be in writing and shall state the time and place of the hearing and the substance of the charge. The member's fares to and from the place of the meeting shall be paid. The member shall on written request, be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is charged.

(3) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be investigated, whether or not the person charged is present, unless a satisfactory explanation of the absence has been received.

(4) At the hearing the member charged must be given a reasonable opportunity to present a defence to the charges including a reasonable opportunity to call any witness upon whose evidence the member wishes to rely, and if necessary to tender a written submission.

(5) If the Divisional Executive finds the member concerned so charged guilty it may:

(a) Impose a fine of a sum not exceeding $100.00, and/or

(b) Suspend the member from membership; and/or

(c) Remove the member from any office or position; and/or

(d) Expel the member from membership of the Union.

(6) Suspension from membership shall deprive a member of the rights and benefits of membership, but shall not relieve the member of the obligations of membership and shall not exceed six months for any one offence.

(7) An appeal under this Rule shall lie in respect of any decision from the Divisional Executive to the Divisional Conference, provided that Notice of Appeal shall be given in writing to the Divisional Secretary within twenty-one days from the date of the member being notified of the Divisional Executive decision and shall set forth in full all matters which the appellant desires to be considered.

(8) The Divisional Conference shall decide the appeal at a meeting specially conducted for that purpose and the appellant shall have the right to attend the meeting and state a case on the appeal.

(9) Notwithstanding anything to the contrary in these Rules a person elected to any office within the Union shall not be dismissed from office unless found guilty of misappropriation of the funds of the Union a substantial breach of the Rules of the Union or of gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold the office.

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36 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's union subscriptions.

37 - SHOP STEWARDS AND JOB DELEGATES

(1) (a) A majority of the members employed in a workplace may elect from among the members so employed a person or persons to be shop steward or shop stewards of the workplace.

(b) Any member so elected shall advise the District Secretary or the organiser of the relevant workplace of his or her election.

(c) The Divisional Secretary or District Secretary may appoint a member of a workplace to be the shop steward in that workplace.

(d) A Shop Steward shall at all times be a financial member of the union.

(e) The Divisional Secretary shall be advised by the relevant District Secretary of the appointment of shop stewards.

(2) A shop steward elected or appointed under this rule, shall as far as possible perform the following duties:

(a) Discuss with, and endeavour to join workers in their workplace into the Union and advise the relevant District Secretary or organiser of the outcome of these attempts;

(b) To see that these Rules are adhered to;

(c) To assist in the resolution of any complaints or disputes at the workplace, and if unsuccessful to refer any such matters to the District Secretary or organiser;

(d) To report as soon as possible to the relevant District Secretary or organiser any breach or suspected breach of an agreement or award which is occurring or is suspected to have occurred at their workplace or any other workplace affecting the Union;

(e) To notify the relevant District Secretary or organiser, when possible within twenty-four hours, of all occupational health and safety incidents affecting members of the Union;

(f) To take an interest in the welfare of new employees in the workplace, including those workers on probation, apprentices and trainees;

(g) to attend Union training; and

(h) On direction of the District Secretary or at the request of one third of the members in the workplace, call a meeting of such members as soon as convenient;

(2) (deleted)

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(3) Where no alternative arrangements for the payment of Union contributions have been determined by the Union, the Shop Steward shall collect all contributions, fines and levies due to the Union by members in the workplace where the Shop Steward is employed, and will pay all money collected to the District Secretary within 14 days. At the entire discretion of the Divisional Executive, the Shop Steward may be paid a Commission on all monies (except levies) collected.

(4) If the Divisional Secretary or District Secretary is advised by members in any work place of their dissatisfaction with the performance of a Shop Steward then a meeting of members will be convened to consider the complaints.

(5) The position of a Shop Steward shall be terminated in any of the following events:

(a) if the Shop Steward resigns from membership of the organisation or is expelled therefrom in accordance with these Rules;

(b) if the Shop Steward dies;

(c) if the Shop Steward fails to account for moneys received by him or her as a shop steward/Job Delegate in accordance with these Rules within the time fixed by these Rules for him or her to account thereof;

(d) if the Shop Steward is found guilty of a breach of any of these Rules;

(e) if the Shop Steward ceases to be employed in a trade, occupation or calling covered by the constitution of the organisation;

(f) if the Shop Steward ceases to be employed by an employer in the establishment or part thereof where he or she was appointed a Shop Steward/Job Delegate;

(g) if a majority of the members employed in the workplace or part thereof where he or she is a shop steward attend and vote at a meeting duly convened for that purpose of deciding whether he or she should continue to be a shop steward thereat decides that he or she shall cease to be shop steward at such establishment or part thereof.

(6) In this Rule reference to a workplace can also mean part of a workplace such as a shift or crew or other work group. Shop Stewards can also be known as Job Delegates and reference to one is also a reference to the other.

38 - VICTIMISATION

Should any Shop Steward or Job Delegate be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the District Management Committee/Executive Committee shall take all necessary steps to see that the Shop Steward/Job Delegate interests are protected.

39 - ALLOWANCES

The Divisional Executive may determine in any year the allowances, if any, to be paid to persons representing the District for attending meetings at the request of the District or for its purposes.

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40 - CHANGE OF RESIDENCE

Members are required to advise the Divisional Secretary or the District Secretary within fourteen days of any change of residence.

41 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Division including any District may make a written appeal to the Divisional Branch Executive for redress.

(b) Any member dissatisfied with the decision of the Divisional Executive may appeal to the Divisional Conference within one month of the decision being given.

(c) An appeal shall be in writing and shall be lodged with the Divisional Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Conference may confirm, annul or modify the penalty or finding. The appellant member may appear in person.

42 - SPECIAL RULE – THE PULP AND PAPER WORKERS DISTRICT

The following provisions shall apply in respect of the Pulp and Paper Workers' District of the Division (in this Rule called "the PPW District")

(1) Nothing in this Rule shall affect the application of the Rules to the PPW District and to the holders of offices within and to the members of that District except insofar as this Rule may be inconsistent with another rule in which event the provisions of this Rule shall prevail to the extent of such inconsistency.

PPW DISTRICT PROVISIONS

(2) The business of the PPW District shall be conducted by the District Management Committee which shall consist of the District Secretary, Sub-Branch Delegates, and any Affirmative Action delegates elected by the members of the District in accordance with Rule 42(10)A.

(3) The powers of the District Management Committee shall include the following powers:-

(a) To establish new Sub-Branches and amalgamate existing Sub-Branches, to close or disband Sub-Branches in accordance with the Rules, and generally to control Sub-Branches and the members thereof including the power to disallow By-Laws made by any Sub-Branch in conflict with the Rules.

(b) When establishing a new Sub-Branch to make Rules providing for the admission of members to that new Sub-Branch, the establishment of a Management Committee of that new Sub-Branch, the election of officers of that new Sub-Branch and all such matters as may be necessary.

(c) To establish and or operate a Superannuation Fund for the benefit of the members of the District and others.

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(4A) The District shall hold an Annual General Meeting and such other meetings as may be necessary. Such meetings shall consist of a series of meetings of the members of each Sub-Branch held at times, places and dates to be decided by the District Management Committee. Members entitled to attend the meetings shall be notified thereof by circular or advertisement, or by printed notices or by such other similar means as the District Management Committee may deem reasonable. Any proposed resolution put to the series of meetings shall have been passed if it receives on the aggregate of all meetings held in the series, the majority of votes.

(5) The Divisional Conference or District Management Committee shall have the power to suspend any Sub-Branch Management Committee and/or all or any officers, committee members and delegates of a Sub-Branch if it is satisfied after due enquiry and after giving it or them the opportunity of being heard:-

(a) That the Rules of the District or Sub-Branch have not been bona fide observed or enforced by the Sub-Branch.

(b) That any lawful decision of the District Management Committee has not, after notification, been bona fide observed and enforced by the Sub-Branch.

(c) That the Sub-Branch is wilfully neglecting to provide for the collection of fees, levies, fines or contributions.

(d) That for any reason the Sub-Branch cannot or fails to meet in accordance with the Rules.

(e) That the officers of the Management Committee of the Sub-Branch refuse to disclose to the District Management Committee information concerning the Sub-Branch or the Management Committee.

(6) If a Sub-Branch or a Sub-Branch Management Committee fails to comply with any lawful direction of the District Management Committee and incurs legal costs or has imposed upon it a fine and/or legal costs arising from the conduct of the Sub-Branch, the Sub-Branch Management Committee or members of the Sub-Branch, which conduct is in contravention of the lawful direction of the District Management Committee then the District Management Committee shall have the power to direct that the amount of legal costs, fine and/or legal costs so incurred by and/or imposed upon the Sub Branch or Sub-Branch Management Committee shall be paid to the Division from the funds of the Sub-Branch.

(7) The District Management Committee shall call a meeting upon the requisition of three (3) Sub-Branches.

(8) The Sub-Branch Delegates to the District Management Committee shall be the Sub-Branch Secretary together with the additional Delegates who shall be elected quadrennially by the membership of each Sub-Branch in accordance with Rule 32. The additional Delegates shall be elected on the following basis:-

(a) Each Sub-Branch with a membership of less than 100 members - the Sub-Branch Secretary only.

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(b) Each Sub-Branch with a membership of 100 members or more but less than 400 members - the Sub-Branch Secretary together with one (1) additional Delegate.

(c) Each Sub-Branch with a membership of 400 members or more but less than 1,000 members - the Sub-Branch Secretary together with two (2) additional Delegates.

(d) Each Sub-Branch with a membership of 1,000 members or more but less than 2,000 - the Sub-Branch Secretary together with three (3) additional Delegates.

(e) Each Sub-Branch with a membership of 2,000 members or more but less than 3,000 members - the Sub-Branch Secretary together with four (4) additional delegates.

(f) Each Sub-Branch with a membership of 3,000 members or more - the Sub-Branch Secretary together with five (5) additional Delegates.

(9) The Sub-Branch Management Committee may appoint a proxy delegate to any meeting of the District Management Committee when the delegate or delegates of the Sub-Branch to the District Management Committee (being either the Sub-Branch Secretary or additional Delegate or Delegates) is or are unable to attend that meeting: Provided that such proxy delegate shall be entitled to speak and vote on any matter except that such proxy delegate shall not participate in any step in any election for an office conducted amongst members of the District Management Committee.

(10A) In addition to the Sub-Branch Delegates to the District Management Committee there may be up to two further delegates to the District Management Committee who shall be designated Affirmative Action Delegates to the District Management Committee. Affirmative Action Delegates shall be elected quadrennially by the members of the District in accordance with the provisions of Rule 32. Failure to fill a designated affirmative action position shall not prevent a District carrying out or conducting the business of the District.

(10B) The District Secretary and Divisional Conference Delegates shall be elected quadrennially by the members of the District in accordance with the provisions of Rule 32.

(11) The District President, Senior District Vice President, Junior District Vice President and three (3) Trustees shall be elected by secret ballot after nominations have been called for by the Returning Officer at the meeting of the District Management Committee held next after the declaration of the quadrennial elections by and from the members of the District Management Committee in accordance with the provisions of Rule 32 with the necessary changes.

(12) In the event of a member being elected to the office of District Secretary and as an Additional Delegate of a Sub-Branch to the District Management Committee such position of Additional Delegate shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 32 with the necessary changes.

(13) In the event of a member being elected to the offices of District Secretary and Sub-Branch Secretary the office of Sub-Branch Secretary shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 32.

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(14) (a) In the event of an industrial dispute taking place in any Sub-Branch the officers of such Sub-Branch shall try, by conciliation, to settle the dispute. In the event of the Sub-Branch officers concerned being unable to secure a satisfactory settlement the matter shall be referred to the District Secretary who shall, on behalf of the District Management Committee take charge of such dispute and shall consult with the District President and shall, if necessary, convene a meeting of the District Management Committee to deal with the matter.

(b) (i) A majority of the Sub-Branches shall, at special meetings of the Sub-Branch Management Committees called for that purpose, decide whether an industrial dispute affecting members of the District is to be submitted by the District to the appropriate tribunal established under the Fair Work Act 2009.

(ii) The District President and District Secretary or such other person or persons as the District Management Committee may decide shall be empowered to make submissions on behalf of and represent the District before a Federal or State Industrial Tribunal and to sign or issue any document including any agreement for the District which is necessary in respect of any such submission or presentation.

(15) Any delegates representing the District or a Sub-Branch on the Australian Labor Party shall be a member of that party.

(15A) The District Secretary shall be ex-officio a member of all committees of the Sub-Branches but shall not be entitled to exercise a vote on matters appertaining exclusively to only one Sub-Branch.

PPW SUB-BRANCH PROVISIONS

(16) (a) The following Sub-Branches are and shall be deemed to have been established as from the several dates on which they began to function:-

Melbourne, Maryvale, Millicent, Sydney, Nowra, Tasmania, Tumut and, Petrie.

(b) The Sub-Branches shall consist of members of the District as follows:-

(i) The Melbourne Sub-Branch shall consist of members who are employed within a radius of forty (40) kilometres of the General Post Office.

(ii) The Maryvale Sub-Branch shall consist of members employed within a radius of forty (40) kilometres from either the Traralgon or the Morwell Post Office.

(iii) the Millicent Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Millicent Post Office.

(iv) The Sydney Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Sydney Post Office.

(v) The Nowra Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Nowra Post Office.

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(vi) The Tumut Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Tumut Post Office.

(vii) The Petrie Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Petrie Post Office.

(viii) The Tasmanian Sub-Branch shall consist of members employed in the State of Tasmania.

(17) (a) Additional Sub-Branches may be established by resolution of the District of Management.

(b) Any member not employed within a Sub-Branch area shall be attached to the Sub-Branch nearest to where ~~he~~ they is employed.

(18) (a) Officers of the Sub-Branches shall be the President, two (2) Vice-Presidents (a Senior and Junior Vice President) and a Secretary such officers shall also be officers of the Union. These officers together with such number of other members which shall not be less than three (3) or exceed ten (10) as the Sub-Branch shall determine shall form the Sub-Branch Committee of Management. The Sub-Branch Secretary shall also mean the Sub-Branch Secretary-Treasurer.

(b) Delegates to the District Committee of Management shall be ex-officio members of all Committees and Sub-Committees of the Sub-Branch to which they belong.

(c) The Officers of the Sub-Branch together with the other members of the Sub-Branch Management Committee shall be elected quadrennially by the members of the Sub-Branch in accordance with the provisions of Rule 32.

(19) (a) No member shall hold more than one of the offices of Sub-Branch President, Sub-Branch Senior Vice-President, Sub-Branch Junior Vice-President, Sub-Branch Committee member, or Sub-Branch Secretary. If a member is elected to any two or more of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch Secretary signify which one of the said offices such member elects to hold. The member shall thereupon be deemed to have resigned from the other office or offices and the vacancy shall be filled in accordance with the provisions of Rule 32 mutatis mutandis.

(b) No member shall hold the office of Sub-Branch Secretary and Sub-Branch Additional Delegate from the Sub-Branch to the District Management Committee. If a member is elected to each of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch President signify which one of the said offices such member elects to hold and shall thereupon be deemed to have resigned from the other office. The vacancy so occurring in the other office shall be filled in accordance with the provisions of Rule 32 mutatis mutandis.

(20) Each Sub-Branch shall elect delegates to represent it on any body with which the Sub-Branch is affiliated. The election shall be conducted amongst members of the Sub-Branch Management Committee and be held at the next Sub-Branch Management Committee meeting following Sub-Branch elections. Nominees are required to be a member of the Sub-Branch Management Committee.

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(21) Times and places of meetings of a Sub-Branch shall be fixed by the Sub-Branch Management Committee and shall be notified to members by being posted on work place notice boards at least three (3) days prior to the date of such meetings. At least one meeting shall be carried quarterly.

(22) Each Sub-Branch shall decide the starting and finishing times of its meetings and no extension shall exceed thirty (30) minutes beyond the time of normal finishing.

(23) The Sub-Branch President and Sub-Branch Secretary may call a meeting of the Sub-Branch Management Committee at any time by giving the membership of such Committee three (3) days notice in writing of the date, time and place of such meeting. The Sub-Branch President and Sub-Branch Secretary shall call a meeting of the Sub-Branch Management Committee. The Sub-Branch Management Committee if required to do so, by a written request of a majority of members of the Sub-Branch Management Committee may, at any meeting held of such Management Committee, decide the date, time and place of future meetings.

(24) A quorum for a Sub-Branch meeting shall consist of five (5) members (not including officers or members of the Management Committee) where the Sub-Branch has a membership of 100 or less members; a quorum for a Sub-Branch meeting shall consist of ten (10) members (not including officers or members of the Sub-Branch Management Committee) where the Sub-Branch has a membership of over 100 members. If no such quorum is present at a meeting of a Sub-Branch thirty (30) minutes after the normal starting time of such meeting that meeting shall lapse.

(25) If due to the absence of a quorum at a meeting, a Sub-Branch is unable to conduct its business, the Sub-Branch Management Committee shall conduct such business with the full authority of a properly constituted Sub-Branch meeting.

43 - TRANSITIONAL PROVISIONS

(i) The purpose of this Rule is to provide for the commencement of the operation of amendments made to the Rules of the Division in 2012 which provide for the substantial restructure of the Division including the abolition of Divisional Branches and the restructure of Districts, and of new Offices (the new Offices) and for various other additions, amendments, rescissions and other alterations (the 2012 Rule changes).

(ii) The provisions of this Rule and of all the Rules referred to in sub rule (i) (the new Rules or new sub rules) shall take effect on and from the day the General Manager certifies them (the Rule 43 commencement date). The Division and its members shall comply with them severally as provided for in this Rule.

(iii) Subject to the provisions of this Rule and after the Rule 43 commencement date, the Division and its members shall continue to comply with the Rules in operation immediately prior to that date (the unamended Rules).

(iv) As soon as practicably possible after the Rule 43 commencement date, after receiving advice from the Divisional Secretary, the Divisional Executive in office in accordance with the unamended Rules, shall in accordance with the relevant provisions of the new Rules determine to which District of the Division each member of the Division is to be attached and to which PPW sub branch to which each member is to be attached.

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(v) On or before the last day of August 2012 or as soon as practicable thereafter the Divisional Returning Officer shall conduct an election for each of the following new offices in accordance with the new Rule 32:

District Offices:

District Secretary
District Assistant Secretary (if any)
District President/s
District Vice-President/s
District Organisers (if any)
District Management Committee Members

(vi) The persons elected to the new Offices as set out in sub rule (v) hereof shall assume office on 2 January 2013. Until the declaration of the ballot in the election to be conducted by the members of the Divisional Conference as provided for in this Rule the Divisional Executive shall consist of the following officers:

Divisional Offices
The District Secretaries of each District

(vii) As soon as is practicable after the declaration of the ballot as provided for in (v) the Divisional Secretary shall summon a meeting of the Divisional Executive as constituted pursuant to sub rule (vi) hereof at which meeting the Divisional Executive shall determine a time and place for meeting of the Divisional Conference to be held.

(viii) The Divisional Secretary shall give members of the Divisional Conference at least 7 days notice of the date of the Conference meeting.

(ix) The Divisional Conference called in accordance with (viii) shall elect the Divisional Executive Officers and the Divisional Executive members in the manner provided for in new Rule 9.

(x) The meeting of Divisional Conference shall be conducted in accordance with the provisions of the new Rules.

(xi) Upon the declaration of the ballot in the election conducted at the Divisional Conference as provided for in (x) the Divisional Executive shall be constituted in accordance with the new Rules. As soon as is practicable thereafter the Divisional Secretary shall call a meeting of the Divisional Executive.

(xii) The terms of office of each of the offices elected in accordance with sub rules (v) and (ix) shall be 4 years commencing on 2 January 2013, thereafter elections shall be conducted for all offices in accordance with the new Rules.

(xiii) At the election to be conducted in accordance with this Rule 43 the following offices as provided for in Sub Rule 43(v) shall be full time paid offices:

NSW District Secretary, Victorian District Secretary, Greater Green Triangle District Secretary, South Australian District Secretary, PPW District Secretary and Victorian District Assistant Secretary.

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(xiv) Upon the declaration of the ballot in the election for the new offices as set out in Sub Rule (v) hereof the unamended Rules shall cease to have any further operation.

(xv) On or before the last day of September 2012 or as soon as practicable thereafter the Divisional Returning Officer shall conduct an election for each of the new offices of Affirmative Action Delegate to the PPW District Management Committee in accordance with the new Rule 32. The persons elected to the new Offices as set out in this rule shall assume office on 2 January 2013.

44 - TRANSITIONAL PROVISIONS – TCFUA AMALGAMATION

The purpose of this Rule is to provide for the Amalgamation of the Union with the TCFUA, the allocation of its members to the Division and to the Districts in the Division, the manner in which its members will be represented in the Division, the allocation of offices and provision for transitional terms of office, elections and associated matters.

The provisions of this Rule will apply notwithstanding any other provisions of the Rules of the Division.

(i) DEFINITIONS

"TCF Amalgamation Day" means the day fixed by the Fair Work Commission for the amalgamation between the Union and the TCFUA to take effect.

"TCF Amalgamation Rules" means the amendments to the rules of the Division in order to put into effect the amalgamation of the Union with the TCFUA

"TCF Sector" means the members of the Union and the Division eligible in accordance with National Rule 2 (R) and Rule 3 (K).

"TCF Sector Council" means the body constituted pursuant to Rule 9 A of the TCF Amalgamation Rules.

"TCFUA" means the Textile, Clothing and Footwear Union of Australia, a registered organisation of employees.

"TCF Special Fund" means a fund established on TCF Amalgamation Day from the funds and assets of the TCFUA immediately prior to TCF Amalgamation Day as provided for in Sub-Rule 14 (EE)

"Transitional Period" means the period from the TCF Amalgamation Day until the completion of each of the terms of office as provided for in this rule.

(ii) COMMENCEMENT

The provisions of this Rule and the other TCF Amalgamation Rules shall take effect on TCF Amalgamation Day.

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(iii) ALLOCATION OF MEMBERS

On and from TCF Amalgamation Day the members of the TCFUA and all members of the Union eligible pursuant to National Rules 2 (P) and Rule 3 (K) will be allocated to the Division as provided for in this Rule.

(iv) CONTINUITY OF MEMBERSHIP

Membership of the TCFUA prior to TCF Amalgamation Day shall on and from TCF Amalgamation Day be for all purposes of these Rules membership of the Union, the Division and the TCF Sector.

(v) TRANSITIONAL OFFICE-HOLDERS

On and from TCF Amalgamation Day the offices set out in Column B will be held by the persons holding the corresponding office set out in Column A on the day immediately preceding TCF Amalgamation Day, until the date set out or described in Column C.

Column A	Column B	Column C
1. National Office		
TCFUA National Secretary	TCF National Secretary	20/12/2020
2. Divisional Officers		
TCFUA National Secretary	TCF National Secretary	20/12/2020
TCFUA National President	Divisional Senior Vice President (TCF)	Until elections for this position are held at the February 2019 Divisional Conference.
FFPD NSW District Secretary	Divisional Assistant Secretary	1/1/2021
3. Divisional Executive		
TCFUA National Secretary	TCF National Secretary	20/12/2020
TCFUA National President	Divisional Senior Vice President (TCF)	Until elections for this position are held at the February 2019 Divisional Conference.
FFPD NSW District Secretary	Divisional Assistant Secretary	1/1/2021
TCFUA National Vice President	Transitional TCF Divisional Executive Position [1]	Until elections for this position are held at the February 2019 Divisional Conference.
TCFUA National Trustee [1]	Transitional TCF Divisional Executive Position [2]	Until elections for this position are held at the February 2019 Divisional Conference.
TCFUA National Trustee [2]	Transitional TCF Divisional Executive Position [3]	Until elections for this position are held at the February 2019 Divisional Conference.

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4. TCF Sector Council		
TCFUA National Secretary	TCF National Secretary	20/12/2020
TCFUA National President	Divisional Senior Vice President (TCF)	Until elections for this position are held at the February 2019 Divisional Conference.
FFPD South Australia District Secretary	South Australia District Secretary	1/1/2021
TCFUA National Vice President	Ordinary TCF Sector Council member [1]	Until elections for Transitional TCF Divisional Executive positions are held at the February 2019 Divisional Conference.
TCFUA National Trustee [1]	Ordinary TCF Sector Council member [2]	Until elections for Transitional TCF Divisional Executive positions are held at the February 2019 Divisional Conference.
TCFUA National Trustee [2]	Ordinary TCF Sector Council member [3]	Until elections for Transitional TCF Divisional Executive positions are held at the February 2019 Divisional Conference.
5. Divisional Conference		
TCFUA National Secretary	TCF National Secretary	20/12/2020
TCFUA National President	Divisional Senior Vice President (TCF)	Until elections for this position are held at the February 2019 Divisional Conference.
TCFUA National Vice President	Transitional TCF Sector Delegate [1]	1/1/2019
TCFUA National Trustee [1]	Transitional TCF Sector Delegate [2]	1/1/2019
TCFUA National Trustee [2]	Transitional TCF Sector Delegate [3]	1/1/2019
TCFUA NSW/SA/Tas Branch President	Transitional TCF Sector Delegate [4]	1/1/2019
TCFUA NSW/SA/Tas Branch Trustee	Transitional TCF Sector Delegate [5]	1/1/2019
TCFUA Vic/Qld/WA Branch Trustee	Transitional TCF Sector Delegate [6]	1/1/2019

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6. TCF Victorian District		
TCFUA Vic/Qld/WA Branch Secretary	TCF Victorian District Secretary	1/1/2019
TCFUA Vic/Qld/WA Branch Assistant Secretary	TCF Victorian District Assistant Secretary	1/1/2019
TCFUA Vic/Qld/WA Branch President	TCF Victorian District President	1/1/2019
TCFUA Vic/Qld/WA Branch Vice President	TCF Victorian District Vice President	1/1/2019
TCFUA Vic/Qld/WA Branch Trustee [1]	TCF Victorian District Committee of Management Member [1]	1/1/2019
TCFUA Vic/Qld/WA Branch Trustee [2]	TCF Victorian District Committee of Management Member [2]	1/1/2019
TCFUA Vic/Qld/WA Branch Committee of Management Member (Victoria) [1]	TCF Victorian District Committee of Management Member [3]	1/1/2019
TCFUA Vic/Qld/WA Branch Committee of Management Member (Victoria) [2]	TCF Victorian District Committee of Management Member [4]	1/1/2019
TCFUA Vic/Qld/WA Branch Committee of Management Member (Victoria) [3]	TCF Victorian District Committee of Management Member [5]	1/1/2019
TCFUA Vic/Qld/WA Branch Committee of Management Member (Victoria) [4]	TCF Victorian District Committee of Management Member [6]	1/1/2019
TCFUA Vic/Qld/WA Branch Committee of Management Member (Victoria) [5]	TCF Victorian District Committee of Management Member [7]	1/1/2019
7. NSW District		
TCFUA NSW/SA/Tas Branch Secretary	NSW District Secretary	1/1/2019
TCFUA NSW/SA/Tas Branch Assistant Secretary	NSW District Assistant Secretary	1/1/2019
TCFUA NSW/SA/Tas Branch President	Transitional TCF Sector NSW District Committee of Management Member [1]	1/1/2019

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TCFUA NSW/SA/Tas Branch Trustee [1]	Transitional TCF Sector NSW District Committee of Management Member [2]	1/1/2019
TCFUA NSW/SA/Tas Branch Trustee [2]	Transitional TCF Sector NSW District Committee of Management Member [3]	1/1/2019
TCFUA NSW/SA/Tas Branch Committee of Management Member [1]	Transitional TCF Sector NSW District Committee of Management Member [4]	1/1/2019
TCFUA Vic/Qld/WA Branch Committee of Management Member (Queensland) [1]	Transitional TCF Sector NSW District Committee of Management Member [5]	1/1/2019
TCFUA Vic/Qld/WA Branch Committee of Management Member (Queensland) [2]	Transitional TCF Sector NSW District Committee of Management Member [6]	1/1/2019
8. South Australian District		
TCFUA NSW/SA/Tas Branch Vice President	Transitional TCF Sector SA District Committee of Management Member [1]	1/1/2019
TCFUA NSW/SA/Tas Committee of of Management Member [2]	Transitional TCF Sector SA District Committee of Management Member [1]	1/1/2019
TCFUA NSW/SA/Tas Committee of of Management Member [3]	Transitional TCF Sector SA District Committee of Management Member [1]	1/1/2019
9. Queensland Northern Territory WA District		
TCFUA Vic/Qld/WA Branch Committee of Management Member (Western Australia)	Transitional TCF Sector Queensland Northern Territory WA District Committee of Management Member [1]	1/1/2019

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(vi) ADDITIONAL TRANSITIONAL ARRANGEMENTS – DIVISIONAL OFFICERS

TCF National Secretary

1. On and from TCF Amalgamation Day, the office of TCF National Secretary is established.

2. The term of office of the TCF National Secretary shall be in accordance with Rule 44(v)1 and Rule 32(a)(v)

Divisional Senior Vice President (TCF)

1. On and from TCF Amalgamation Day the office of Divisional Senior Vice President (TCF) is established.

2. An election for the office of Divisional Senior Vice President (TCF) is to be held at the 2019 Divisional Conference. Insofar as it is not inconsistent with anything contained in rule 44, the procedure for elections set out in rule 9 will apply to this election. To the extent of any inconsistency, the provisions of rule 44 will prevail.

3. In order to synchronise the term of office of the Divisional Senior Vice President (TCF) with that of other terms of office provided for in rule 9, the term of office for the Divisional Senior Vice President elected at the 2019 Divisional Conference shall commence upon the declaration of the election, and shall continue until the declaration of election for the position of Divisional Senior Vice President (TCF) at the 2021 Divisional Conference pursuant to rule 9.

Divisional Assistant Secretary

1. On and from TCF Amalgamation Day the additional position of Divisional Assistant Secretary is established. This shall be a full time position for the balance of the transitional term of office which ends as set out at Sub Rule (v) Column C.

2. The powers and duties of the person holding the office are the same as those provided for in Rule 13 (iii) for Divisional Assistant Secretaries.

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(vii) ADDITIONAL TRANSITIONAL ARRANGEMENTS – DIVISIONAL EXECUTIVE

1. On and from TCF Amalgamation Day, three transitional TCF Divisional Executive positions are established.

2. Elections for each of the three transitional TCF Divisional Executive positions will be held at the 2019 Divisional Conference. Insofar as it is not inconsistent with anything contained in rule 44, the procedure for elections set out in rule 9 will apply to these elections. To the extent of any inconsistency, the provisions of rule 44 will prevail.

3. The term of office for each of the three transitional TCF Divisional Executive positions elected at the 2019 Divisional Conference shall commence upon the declaration of the election, and shall continue until the election of Divisional Executive members at the 2021 Divisional Conference pursuant to rule 9. Upon the expiration of these terms of office, the three transitional TCF Divisional Executive Positions cease to exist.

(viii) ADDITIONAL TRANSITIONAL ARRANGEMENTS – DIVISIONAL CONFERENCE DELEGATES

1. On and from TCF Amalgamation Day, six transitional TCF Sector Delegate positions are established, one of which must be from the Victorian TCF District or Victorian District, and one of which must be from the NSW District.

2. Elections for each of the six transitional TCF Sector Delegate positions will be held in 2018. Insofar as it is not inconsistent with anything contained in rule 44, the procedure for elections set out in rule 32 will apply to these elections. To the extent of any inconsistency, the provisions of rule 44 will prevail.

3. The term of office for each of the six transitional TCF Sector Delegate positions will commence on 2 January 2019 and cease on 1 January 2021. Upon the expiration of these terms of office, the six transitional TCF Sector Delegate positions cease to exist.

(ix) ADDITIONAL TRANSITIONAL ARRANGEMENTS - TCF SECTOR COUNCIL

1. On and from TCF Amalgamation Day the TCF Sector Council is established.

2. Notwithstanding anything to the contrary in rule 9 A, the TCF Sector Council will be constituted as follows until the declaration of elections of Divisional Executive members at the 2021 Divisional Conference:

   - TCF National Secretary
   - District Senior Vice President (TCF)
   - District Secretary, South Australian District
   - Three transitional ordinary TCF Sector Council members

3. On and from the elections for each of the three transitional TCF Divisional Executive positions at the 2019 Divisional Conference, the three transitional TCF Divisional Executive positions shall hold ex officio the three transitional ordinary TCF Sector Council member positions, until the conclusion of their terms of office as provided for in (vii) above.

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(x) ADDITIONAL TRANSITIONAL ARRANGEMENTS - DISTRICTS

1. TCF Victorian District

(a) On and from TCF Amalgamation Day a District shall be constituted in Victoria to which all members of the TCF Sector who are a resident in the state of Victoria who are eligible for membership pursuant to National Rules 2 (P) and 3 (K) shall be allocated. This will be the TCF Victorian District.

(b) The Committee of the TCF Victorian District will consist of officers of the TCFUA prior to TCF Amalgamation Day as provided for in (v) of this Rule.

(c) On and from TCF Amalgamation Day, the positions of TCF Victorian District Assistant Secretary and TCF Victorian District President will be full time paid positions. The position of TCF Victorian District Secretary will be an honorary position.

(d) The TCF Victorian District will cease to exist on 1 January 2019 or earlier if agreement has been reached by the District Committees of that District and the Victorian District of the Division and that agreement has been approved by the Divisional Executive and the TCF Sector Council.

2. Victorian District

(a) In 2018, or earlier in the event of an agreement as referred to in 1(d) above, an election will be conducted for the following positions for representatives of the TCF Sector on the Victorian District:

- TCF Assistant Secretary
- TCF Full Time Officer

(b) From 1 January 2019 members of the TCF Sector eligible in accordance with rule 18 (i) (g) will be allocated to the Green Triangle District.

3. NSW District

(a) On and from TCF Amalgamation Day, all TCF Sector members who reside in NSW and Queensland will be allocated to the NSW District.

(b) On and from TCF Amalgamation Day, six Transitional TCF Sector NSW District Committee of Management Member positions are established.

(c) Elections for each of the six transitional TCF Sector NSW District Committee of Management Member positions will be held in 2018. Insofar as it is not inconsistent with anything contained in rule 44, the procedure for elections set out in rule 32 will apply to these elections. To the extent of any inconsistency, the provisions of rule 44 will prevail.

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(d) The term of office for each of the six TCF Sector NSW District Committee of Management Member positions elected in 2018 will commence on 2 January 2019 and cease on 1 January 2021. Upon the expiration of these terms of office, the six TCF Sector NSW District Committee of Management Member positions cease to exist.

(e) In 2018, an election will be conducted for the positions of NSW District Secretary and NSW District Assistant Secretary. In order to synchronise the term of office of the positions of NSW District Secretary and NSW District Assistant Secretary with that of other terms of office provided for in rule 32, the term of office for each of these positions elected in 2018 will commence on 2 January 2019 and cease on 1 January 2021.

4. South Australian District

(a) On and from TCF Amalgamation Day, all TCF Sector members who reside in South Australia and who are not eligible for membership of the Green Triangle District will be allocated to the South Australian District.

(b) On and from TCF Amalgamation Day, threeTransitional TCF Sector SA District Committee of Management Member positions are established.

(c) Elections for each of the three transitional TCF Sector SA District Committee of Management Member positions will be held in 2018. Insofar as it is not inconsistent with anything contained in rule 44, the procedure for elections set out in rule 32 will apply to these elections. To the extent of any inconsistency, the provisions of rule 44 will prevail.

(d) The term of office for each of the three TCF Sector SA District Committee of Management Member positions elected in 2018 will commence on 2 January 2019 and cease on 1 January 2021. Upon the expiration of these terms of office, the three TCF Sector SA District Committee of Management Member positions cease to exist.

5. Tasmanian District

(a) On and from TCF Amalgamation Day, members of the TCF Sector who reside in Tasmania will be allocated to the Tasmanian District.

6. Queensland, Northern Territory and Western Australia District

(a) On and from TCF Amalgamation Day, members of the TCF Sector who reside in Northern Territory or Western Australia will be allocated to the Queensland, Northern Territory and Western Australia District.

(b) On and from TCF Amalgamation Day, a Transitional TCF Sector Queensland, Northern Territory and Western Australia District Committee of Management Member position is established.

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(c) An election for the Transitional TCF Sector Queensland, Northern Territory and Western Australia District Committee of Management Member position will be held in 2018. Insofar as it is not inconsistent with anything contained in rule 44, the procedure for elections set out in rule 32 will apply to this election. To the extent of any inconsistency, the provisions of rule 44 will prevail.

(d) The term of office for the Transitional TCF Sector Queensland, Northern Territory and Western Australia District Committee of Management Member position elected in 2018 will commence on 2 January 2019 and cease on 1 January 2021. Upon the expiration of this term of office, the Transitional TCF Sector Queensland, Northern Territory and Western Australia District Committee of Management Member position ceases to exist.

7. Green Triangle District

On and from TCF Amalgamation Day, members of the TCF Sector eligible in accordance with Rule 18 (i) (g) will be allocated to the Green Triangle District other than those members allocated to the TCF Victorian District.

(xi) ELIGIBILITY AND QUALIFICATIONS FOR OFFICE

1. TCF National Secretary

Three years financial membership of the TCF Sector.

2. Senior Vice-President (TCF) and all other TCF Divisional and District Representatives except for Victorian District TCF Assistant Secretary, Victorian District TCF Full Time Officer, TCF Sector Queensland/Northern Territory/WA District Committee of Management member and District-specific transitional TCF Sector Divisional Conference Delegates

Twelve months financial membership of the TCF Sector

3. Victorian District TCF Assistant Secretary and the Victorian District TCF Full Time Officer

Three years financial membership of the TCF Sector, for the elections to take place in 2018. Twelve months financial membership of the TCF Sector thereafter.

4 District-specific transitional TCF Sector Divisional Conference Delegates

12 months financial membership in the TCF Sector in the District to which the position relates.

5 TCF Sector Queensland/Northern Territory/WA District Committee of Management Member

08605

12 months financial membership in the TCF sector and a resident of WA.

(xii) ELECTORATES

3. TCF representatives will be elected from the membership as follows:

(a) TCF National Secretary - members of the Division.

(b) Divisional Senior Vice President (TCF) – Divisional Conference.

(c) Transitional TCF Divisional Executive positions – Divisional Conference.

(d) Transitional Divisional Conference TCF Delegate positions – members of the TCF Sector.

(e) District officers - members of the TCF Sector in the District.

(xii) CASUAL VACANCIES

1. In the event of a Casual Vacancy occurring in any of the offices provided for under rule 44(v) other than the additional Divisional Assistant Secretary, during any term of office provided for under rule 44, that vacancy will be filled as follows:

(a) where the Casual Vacancy occurs and the unexpired portion of the term of office is more than twelve months or three quarters of the term of office whichever is the greater the vacancy shall be filled by election in accordance with (x) of this Rule.

(b) where a Casual Vacancy occurs and the unexpired term of office is less than twelve months or three quarters of the term of the office, such vacancy may be filled by appointment by TCF Sector Council of an eligible member of the TCF Sector for the balance of the term of that office.

2. Additional Divisional Assistant Secretary

Casual Vacancy to be filled in accordance with Rule 33.

(xiii) ALL OTHER OFFICES TO CONTINUE

For the avoidance of doubt, other than as provided for in Rule 44(v), on and from amalgamation day all offices within the Division shall be held by the persons holding those offices immediately prior to amalgamation day, and those persons shall continue to hold office for the period that equals the unexpired part of the term of office held by the person immediately before amalgamation day.

08606

(xiv) SHOP STEWARDS AND JOB DELEGATES

On and from amalgamation day, persons who were shop stewards pursuant to Rule 48 of the TCFUA Rules immediately prior to amalgamation day shall be deemed to be appointed shop stewards pursuant to Rule 37.

(xv) FUNDS

On and from amalgamation day a fund will be established from the funds of the TCFUA which shall become a fund of the Division in a fund entitled "TCF Special Fund" and shall be dealt with in the manner prescribed in rule 14 E.

(xvi) ALTERATION OF RULES

This Rule may be altered provided that it shall not be altered without the approval of the TCF Sector Council Sub-Committee as provided for in rules 9 A and 16.

08607

SCHEDULE 1 - SPECIAL FUNDS

The following are special funds as provided for in sub rule 14D and such funds will be managed and maintained by the Divisional Executive on behalf of and in the interest of and for the benefit of those groups of members for whom the funds were collected, as set out hereunder:

Victorian District

The John Curtin Fund – for members of the Victorian District.

South Australian District:

South Australian Glaziers Fund – Flat Glass and Glazing members in the South Australian District.

Metro and Country Fund – for members of specific Worksites in the South Australian District.

South East Welfare Fund – for members in the South East Region of the South Australian District

PPW District:

PPW Support Fund - for members of the PPW District

PPW Maryvale Sub Branch Fund – for members of the PPW Maryvale Sub Branch

PPW Millicent Sub Branch Fund - for members of the PPW Millicent Sub Branch

PPW Melbourne Sub Branch Fund – for members of the PPW Melbourne Branch

NSW District

Member Support Fund – members of NSW District

TCF Sector

Mortality fund

08608

SCHEDULE 2 - RULES OF DEBATE

MOTIONS, HOW DEALT WITH:

(a) All motions shall be of an affirmative character and must be moved and seconded by members. Such motions become the property of the Union, and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless two-thirds of the members present agree to an extension of time.

(b) Unless a member opposes the motion or proposes an amendment thereto, the motion shall be immediately put to the meeting for decision.

(c) A motion may be superseded at any time by another motion "that it be discharged from the notice paper" or "that the next business be proceeded with" being resolved in the affirmative.

(d) A motion may be amended at any time during the debate thereon by -

(i) striking out certain words
(ii) adding certain words, or
(iii) striking out certain words and inserting others in their place.

Always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(e) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(f) (i) At meetings other than meetings of the membership of a District or of a sub-branch all motions shall be put to the meeting by the chairperson in a clear manner. Any member present may demand that the vote be by ballot and the Chairperson shall thereupon conduct a ballot. In the absence of such a demand all motions shall be put to the meeting by the Chairperson by asking for the "ayes" to vote first and then the "noes". The Chairperson's decision as to which has the majority will be final unless any member present demands a show of hands. Upon such a demand being made the chairperson shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(ii) At meetings of the membership of a District or of a Sub-Branch all motions shall be put to the meeting by the Chairperson in a clear manner by asking "ayes" to vote first and then the "noes".

The Chairperson's decision as to which has the majority will be final unless a member supported by one quarter of the number of members present demands a show of hands.

Upon such a demand being made the Chairperson shall appoint tellers to count the votes and shall ask "those in favour" to raise one hand then "those against" to raise one hand.

08609

(iii) If the votes are equal the question is resolved in the negative.

(g) No member shall be allowed to vote who was not present when the question was first put.

(h) A mover of a motion to be allowed 10 minutes to introduce and 5 minutes to reply. Other speakers 5 minutes unless two-thirds of the members present agree to an extension of time.

(i) Any member desiring to move to change a decision of the Union or of a District must submit notice in writing of such intention to the Divisional Secretary or the District Secretary of the Union as the case may be fourteen (14) days prior to the date of the meeting at which they will move for such change.

(j) During the course of a meeting any resolution which has been the business of that meeting may be recommitted at the hearing.

RIGHT TO SPEAK

(a) Any member desiring to speak shall rise and address the chairperson. If two (2) or more delegates begin to address the chairperson at the same time, the Chairperson shall call upon the one who, in the Chairpersons opinion, began to speak first. Provided that no member can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(i) In reply as the mover of the original motion.

(ii) In explanation or correction of some matter during the debate.

(iii) Upon a point of order raised during the debate.

(iv) Upon a resolution being carried "that a member be now heard".

(b) A member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by the member.

(c) Not more than two members shall be allowed to speak in succession for or against any question. If at the conclusion of the second speaker's remarks no member speaks on the other side, the motion or amendment shall be put to the vote.

(d) Any member speaking shall at once stop:-

(i) If the chairperson begins to speak; or

(b) If a point of order is raised;

and shall not resume speaking until the point of order is decided.

(e) No member may speak to any question after it has been put by the chairperson, or during a division.

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REPORTS

(a) A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of the Conference/Executive thereon.

(b) If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

ADJOURNMENT OF MEETING OR DEBATE

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

SITTING AS A COMMITTEE

Divisional Conference or Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Conference or Executive shall be observed when in Committee.

DEFINITION

In this rule "member" shall include any person attending a meeting.

CHAIRPERSON'S RULING

(a) The chairperson's rulings on all points of order shall be final, unless at the time a motion is carried that such ruling be disagreed with.

(b) When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

END OF RULES

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Commission of Inquiry into the CFMEU and Misconduct in the Construction Industry

E. QLD State Rules

RULES BUNDLE
FINANCIAL MISCONDUCT CASE STUDY

16 JUNE 2026

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FTHE CONSTRUCTION, FORESTRY, MINING & ENERGY, INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND

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INDUSTRIAL REGISTRY OFFICIAL SEAL QUEENSLAND

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INDUSTRIAL REGISTRY OFFICIAL SEAL QUEENSLAND

THE CONSTRUCTION, FORESTRY, MINING & ENERGY, INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND

STATE CONSTRUCTION & GENERAL DIVISION

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INDUSTRIAL REGISTRY OFFICIAL SEAL QUEENSLAND

THE CONSTRUCTION, FORESTRY, MINING & ENERGY, INDUSTRIAL UNION OF EMPLOYEES, QUEENSLAND

MINING, ENERGY AND PORTS DISTRICT

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PART A RULES

A1. NAME

(a) The name of the Union is the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland.

A2. PRINCIPAL OFFICE

(a) The principal office of the Union is 14-16 Campbell Street, Bowen Hills, or such other place as may be determined by the MCQ.

(b) The meetings of the MCQ will be held at the Principal Office, or such other place as the MCQ determines.

A3. INTERPRETATION

(a) In these Part A rules, unless the contrary intention appears:

(i) "Act" will mean the Industrial Relations Act 2016;

(ii) "Association" means the Union;

(iii) "Division" means either of the:

(A) State Construction and General Division; or

(B) Mining, Energy and Ports District;

(iv) "Divisional Offices" are the holders of an Office in a Division;

(v) "Financial Statements" means any financial documents that explain the methods and calculations about how the Union's accounts are made up and correctly record and explain the Union's transactions and financial position;

(vi) "Honorary Member" will mean a member of a Division who has applied for and been granted honorary membership in accordance with the rules of that Division;

(vii) "Life Member" will mean a member of a Division who has been appointed as a life member in accordance with the rules of that Division;

(viii) "Management Committee of a Division" means a management committee of a respective Division;

(ix) "MCQ" means Management Committee Queensland;

(x) "Member" will mean:

(A) a Life Member; and

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(B) a member of the Union, other than an Honorary or Retired Member, financial in accordance with these Part A rules

(xi) "Offices of the Union" will consist of:

(A) the Union Offices; and

(B) the Divisional Offices;

(xii) "Quadrennial Elections" means the elections held each 4 years in accordance with the Union Election Procedure Rules;

(xiii) "Principal Office" means the principal office as provided by rule A2;

(xiv) "Retired Member" will mean a member of a Division who has been appointed as a retired member of a Division in accordance with the rules of that Division;

(xv) "Union" means the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;

(xvi) "Union Election Procedures Rules" means rules A26 to A36 inclusive;

(xvii) "Union Journal" means a publication produced, or adopted by, the MCQ and which is provided free of charge to Members by means of print and/or electronic media;

(xviii) "Union Office" will mean, the offices of:

(A) Union President;

(B) Union Vice-President;

(C) Union Secretary; and

(D) Union Assistant Secretary;

(xix) "Union Officers" are the holders of a Union Office;

(xx) "Union Register" means the register of members maintained by the Union Secretary in accordance with rule A11;

(xxi) "Union Register of Officers" means the register of officers of the Union maintained by the Union Secretary in accordance with these Part A rules.

A4. INTERPRETING THE RULES OF THE UNION

(a) In these Part A rules:

(i) a reference to the performance of a duty by an officer is inclusive of a reference to the officer causing the duty to be discharged and/or inclusive of the duty being discharged by any other officer holding the written delegation of the relevant officer or the MCQ;

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(ii) where any period of time, dating from a given day, act or event is prescribed or allowed for any purpose, the period, unless the contrary intention appears, is reckoned exclusive of such day or the day of such act or event;

(iii) where the last day of any period prescribed or allowed by these Part A rules for the doing of anything falls on a Saturday or a Sunday or on a day which is a public holiday or a bank holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following which is not a Saturday, Sunday or a public holiday or a bank holiday in that place;

(iv) the singular includes the plural and the plural includes the singular;

(v) a reference to a Division's callings is a reference to those callings contained in the Union's registered callings which respectively relate to the Division concerned in accordance with these Union rules;

(vi) a reference to a statute includes any:

(A) statute amending, consolidating or replacing the statute; and

(B) regulation made under the statute as that regulation is in force from time to time;

(vii) a reference to an award or other instrument includes the replacement of the award or the other instrument if it is replaced;

(viii) headings will not be taken into account in interpreting these Part A rules;

(ix) a reference to a "rule" is, unless the context clearly indicates otherwise, a reference to a rule of these Part A rules;

(x) a reference to a "sub-rule" means, unless the context clearly indicates otherwise, a sub-rule of the rule in which the reference to the sub-rule is made;

(xi) a reference to a "part" means, unless the context clearly indicates otherwise, a part of the sub-rule in which the reference to the part is made;

(xii) a reference to a "Schedule", unless the context clearly indicates otherwise, is to a schedule to these Part A rules and that schedule is a part of these Part A rules;

(xiii) a reference to "administrative regulations", unless the context clearly indicates otherwise, is a reference to administrative regulations to these Part A rules and those administrative regulations are a part of these Part A rules;

(xiv) a reference to "financial year" is a reference to the period commencing on 1 July in one year and ending on 30 June in the year next following;

(xv) a reference to a "day" is a reference to the days Monday to Friday, public holidays excluded;

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(xvi) a reference to "business hours" is a reference to the hours of 9.00am to 5.00pm.

(b) A reference in a Schedule to these Part A rules to the "rules" is a reference to these Part A rules and all words and phrases in the Schedule have the same meaning as those words and phrases have in these Part A rules.

(c) Without limitation to sub-rules (a) and (b) the rules of the Union are to be interpreted as follows:

(i) Part A – the rules that provide for the operation of the Union inclusive of its Divisions;

(ii) Part B – the rules that provide for the Construction and General Division;

(iii) Part C – the rules that provide for the Mining, Energy and Ports District;

(iv) a reference to one of those parts is a reference respectively to parts (i) to (iii);

(v) a reference in the Part A rules to "these Union rules" is a reference to rules as they apply in relation to the Union inclusive of its Divisions;

(vi) a reference in the Part A rules to "these Part A rules" is a reference to a rule of Part A that does not have application to the Divisions;

(vii) a reference in the Part A rules to "a rule of a Division" is a reference to the rules of the Divisions;

(viii) a reference to Divisional rules is a reference to the rules of the Divisions;

(ix) a reference in a rule of a Division to "these Divisional rules" or to "these District rules" is respectively a reference to the Part B and Part C rules; and

(x) a reference in the Part A, B or C rules to a rule with the prefix A, B or C before it is a reference to the rule of that number located respectively in the Part A, B or C rules.

A5. OBJECTS

(a) The objects of the Union are to:

(i) enrol in the Union persons eligible to be members;

(ii) advance the interests of members and secure appropriate classification structures with appropriate rates of pay that adequately reflect the training and skills of members and the conditions and circumstances in which members are employed;

(iii) ensure adequate training is available for members including the maintenance of the principles of the apprenticeship system;

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(iv) ensure that rates of pay and other provisions in awards adequately reflect the training and skills of members and the conditions and circumstances in which members are employed;

(v) advance and protect the vocational interests of members including seeking and maintaining representation on all relevant authorities, committees and bodies;

(vi) provide legal protection for members with respect to industrial and work injury related matters;

(vii) assist members in the event of unemployment, sickness, injury, mortality or industrial dispute;

(viii) establish Divisions, Branches, Lodges and Sections of the Union and organise members into divisions, sub-branches, lodges and sections throughout Queensland;

(ix) publish or contribute to the publication of a Union Journal, newspaper or other media;

(x) assist in the establishment and maintenance, or to contribute to the establishment and maintenance of, a labour journal, newspaper and/or other media;

(xi) advance the living and working conditions of workers and their families, and to assist kindred unions and other bodies having objects similar in whole or in part to the objects of the Union;

(xii) advance the living and working conditions of workers and independent contractors, whether individually or as a whole, in the construction industry;

(xiii) assist and advance the conditions of members who have retired;

(xiv) affiliate to, federate with, amalgamate with, or otherwise combine with any trade, industrial union or association, any political party or any other organisation having objects similar in whole or in part to the objects of the Union;

(xv) hold, purchase, lease, mortgage, sell or otherwise deal in property;

(xvi) make financial provision for the carrying out of the objects;

(xvii) uphold the right of combination of labour, and to improve, protect and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial, social or other legislation;

(xviii) secure preference of employment for unionists generally and for financial members;

(xix) establish and maintain, or to contribute to the establishment and maintenance of, an employment bureau for financial members;

(xx) contribute to any charitable or public benevolent institution;

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(xxi) constitute, conduct, carry on and manage clubs, holiday and rest centres for the benefit of financial members and their families;

(xxii) co-operate and maintain contact with members, other unions, labour bodies and socially responsible organisations in Queensland, Australia and overseas;

(xxiii) be involved in socially responsible actions as part of the wider community in Queensland, Australia and overseas;

(xxiv) bring about the socialisation of production, distribution and exchange and the development and protection of effective enterprises;

(xxv) organise the education of financial members;

(xxvi) promote the policy of equality of status and opportunity for all financial members;

(xxvii) promote the employment of women in industries and enterprises falling within the eligibility of the Union;

(xxviii) increase the number of female members;

(xxix) encourage the participation by women in union activities and decision making bodies;

(xxx) adopt, promote and implement family friendly policies for members, Union employees and officials;

(xxxi) increase the number of women employed by the Union;

(xxxii) ensure there is equal employment and career path opportunity for women employed by the Union;

(xxxiii) establish a fund from which to provide retiring allowances to full time officers and employees of the Union or its Divisions;

(xxxiv) establish and administer trust funds (the "Trust Funds") for the purpose of furthering the Union's objects including (but not limited to) advancing the interests of members and former members (whether living or dead), providing legal protection for and otherwise assisting members or former members (whether living or dead) and their families in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the financial members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members and former members (whether living or dead) and their families, being involved in socially responsible citizen actions and making financial provision for the carrying out of the objects of the Union;

(xxxv) contribute funds or other property to the Trust Funds for the purpose of furthering these objects including (but not limited to) advancing the interests of members and former members (whether living or dead),

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providing legal protection for and otherwise assisting members or former members (whether living or dead) and their families in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the financial members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members and former members (whether living or dead) and their families, being involved in socially responsible citizen actions and making financial provision for the carrying out of the objects of the Union;

(xxxvi) transfer Union assets to the Trust Funds for the purpose of furthering these objects including (but not limited to) advancing the interests of members and former members (whether living or dead), providing legal protection for and otherwise assisting members or former members (whether living or dead) and their families in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the financial members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members and former members (whether living or dead) and their families, being involved in socially responsible citizen actions and making financial provision for the carrying out of the objects of the Union;

(xxxvii) pursue such other objects as the Divisions may determine;

(xxxviii) enter into contracts and agreements for the purpose of carrying out the objects of the Union; and/or

(xxxix) do all such things as may be necessary or incidental to the carrying out of the objects of the Union.

(b) None of the objects expressed in sub-rule (a) are to be read in such a way as to limit any other of those objects.

A6. POWERS

(a) The Union has in achieving its objects all the powers of an individual.

(b) Without limiting the powers expressed in sub-rule (a), the Union will achieve its objects by the application of all lawful means available to it including, without limitation, industrial, political and legal.

(c) Without limiting the powers expressed in sub-rule (a), the Union will provide the funds and resources as necessary to achieve and further its objects, and any expenditure out of the funds of the Union to achieve or further an object of the Union is an ordinary expense of the Union.

A7. ELIGIBILITY

SECTION A

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(a) The Union shall consist of an unlimited number of persons, employed or usually employed as carpenters or joiners, including ship carpenters or joiners, or as stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions; also those employed in or usually employed in the following callings:- Bricklaying, tuckpointing, coke slab wall erection, gas retort repairers, fire clay block layers, floor tilers, roof tilers, slaters and shinglers, Terracotta fixer; majolica fixers, earthenware pipe drain layers in or about a building, cutters of brickwork for doorways, windows etc. plasterers; fibrous plasterers; tilers; floor specialists; lathers; together with such other persons, whether employees in the industry or not, as have been appointed Officers of the Association and admitted as members hereof.

(b) This Union shall also consist of an unlimited number of persons employed in or usually employed in the painting and decorating industry in connection with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(i) On ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational Offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind.

(ii) The painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind.

(iii) The painting of or in connection with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise). The painting of or in connection with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts or prefabricated building and structures as aforementioned.

(iv) The painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensors, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or seas, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases.

(v) Glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars.

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(vi) Paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering.

(vii) Signwriting, designing and/or lettering of price tickets and showcards.

(viii) Pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering.

(ix) Leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections.

(x) Employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, putty stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings will not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 1.2.2, Constitution hereof (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water solvents, electrical, mechanical, air powered or hand tools or by grit, shot, or other abrasives or by any other means.

(xi) The Union shall also consist of an unlimited number of persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade together with such other persons whether engaged in any industrial pursuit or not who have been appointed Officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connection with the production or preparation of manufactured goods, plant, machinery, equipment, packages, or containers for sale or purposes of distribution.

(c) Nothing in this Section A rule will make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors

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and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time.

Provided further that, notwithstanding the foregoing provisions of this rule, the union does not have the right to enrol as members, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

(d) Notwithstanding any other provision in these Section A rules, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the union.

(e) The Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connection with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accommodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

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(f) Provided further that, notwithstanding the foregoing provisions of this Section A rule, the union does not have the right to enrol as members persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.

(g) Without limiting the generality of the foregoing Sub-Rules of this Section A Rule, or being limited thereby, independent contractors who, if they were employees performing work of the kind that they usually perform as independent contractors, would be employees eligible for membership of the Union, will be eligible for membership of the Union, and the Union will consist of an unlimited number of such persons.

SECTION B

(a) The Association shall consist of an unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow-motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Association or a Branch of the Association or whilst financial members of the Association are elected as representatives of any working class organisation to which the Association or a Branch thereof is affiliated or as a working class member of parliament.

Provided that mobile crane drivers, operators of fork lifts and/or tow-motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

Provided further that, notwithstanding the foregoing provisions of this Section B rule, the union does not have the right to enrol as members, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

(b) Nothing in these Rules shall make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time.

(c) Notwithstanding any other provision in this Section B rule, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the association.

(d) Notwithstanding any other provision in this Section B rule, the persons employed by Dalrymple Bay Coal Terminal Pty Ltd at the Dalrymple Bay Coal Terminal site shall not be eligible for membership.

SECTION C

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(a) The Union shall be formed of persons not under the age of fourteen years employed or formerly employed in or about any coal, shale, metal, coke, and smelting works in Queensland, and who are approved by the Committee of Management.

(b) Provided further that, notwithstanding the foregoing provisions of this rule, the Union does not have the right to enrol as members, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

SECTION D

The Union shall consist of an unlimited number of persons employed or usually employed as Builders' Labourers throughout Queensland on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any tradesperson engaged in building operations, or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings, or as scaffolder, rigger, gear hand, gantry hand or crane hand or as dogperson, or as a drainer on all building contracts, any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete work, tarpaving or asphalt work, or mortar or concrete mixing in connection with, or incidental to the foregoing operations, together with such other persons whether employees in the industry or not, as have been appointed officers of the Association and admitted as members thereof.

Provided that, notwithstanding the foregoing provision of this rule, the union does not have any right to enrol as members persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.

A8. DIVISIONS

(a) The Union will be divided into Divisions to which the membership will be attached in accordance with these Part A rules.

(b) Divisions may be established on the basis of geographical location, industry, occupation or other basis as the MCQ considers appropriate.

(c) The number of Divisions will be determined by the vote of the MCQ, provided that any proposal to alter the number of Divisions, that may exist from time to time, requires the unanimous consent of the members of the MCQ, before any amendment to these rules can occur.

(d) Each Division has autonomy to decide matters which do not directly affect the members of another Division without any interference by any other body within the Union, including but not limited to:

(i) the industrial interests of the members attached to the Division;

(ii) the election of officers of the Division;

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(iii) attaining or furthering the objects of the Union;

(iv) structure of the Division.

(e) Each division has autonomy in relation to the funds and property held in the Divisional Fund of the Division.

(f) Each Division has rules and has the power to make, alter or rescind the rules of the Division.

(g) A Division has power to determine policy for that Division, not inconsistent with the rules of the Union.

(h) If there is any environmental matter that directly affects the employment of members of one Division only, then that Division whose members are affected has the power to determine the policy of the Union on that matter.

(i) Divisions may in accordance with their rules, be divided into branches along a geographic, occupational or industry basis and the members of the Division will be attached to the branches.

A9. ATTACHMENT OF MEMBERS TO DIVISIONS

(a) A member will only be attached to one Division.

(b) Those members who will be attached to the District are those that are eligible for membership pursuant to:

(i) section B of rule A7 who are:

(A) engaged in or in connection with the Coal and Shale Industry;

(B) engaged in or in connection with the Mining or Exploration Industries;

(C) engaged as employees or as employees of contractors, in or in connection with the following industries:

(1) power generation, co-generation, transmission and distribution;

(2) oil;

(3) gas;

(4) nuclear; and/or

(5) chemical production; and/or

(D) elected or appointed as a paid officer of the District or whilst a financial member of the District is elected as a representative of any working class organisation to which the District is affiliated or as a working class member of Parliament; or

(ii) section C of rule A7.

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(c) Those members who are not attached in accordance with sub-rule (b) will be attached to the Construction and General Division.

(d) Each member will be notified of the Division to which the member is attached.

(e) A member who is otherwise eligible for membership of the Union but who has been attached to the wrong Division:

(i) will be promptly transferred to the correct Division; and

(ii) for the purpose of continuity in the Division to which they are transferred the period of membership in the Division from which they are transferred will be taken as a period of membership in the Division to which they are transferred.

(f) Any dispute as to the attachment of a member will be resolved in accordance with rule A49.

(g) Every Member who is attached to a Division will be treated for all purposes as a financial member of that Division and is entitled to all the rights, and required to comply with all the obligations of a Member of the respective Division.

A10. ADMISSION TO MEMBERSHIP

(a) A person admitted to membership of a Division in the manner provided for in the relevant Divisional rules becomes on, and from, the date of admission to the Division a member of the Union.

(b) The Secretary of a Division will promptly advise the Union Secretary of:

(i) the admission to membership of new members of the Division; and

(ii) the particulars relating to the new members admitted which are required for the completion of the Union Register.

(c) The information required to be provided pursuant to sub-rule (b) may be provided electronically.

(d) Candidates for membership will be informed in writing of the:

(i) financial obligations arising from membership; and

(ii) circumstances, and the manner, in which a member may resign from the Union.

(e) The Union Secretary may, by agreement with a Divisional Secretary, discharge the obligation provided by sub-rule (d) by providing the information required by sub-rule (d) in conjunction or jointly with the Division.

A11. REGISTER OF MEMBERS/REGISTER OF OFFICERS

(a) The Union Secretary will keep a register containing, as far as the Union Secretary is able to determine, and arranged in accordance with membership of the Divisions, the following information in relation to members, their:

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(i) name;

(ii) residential address;

(iii) phone numbers;

(iv) email address;

(v) financial status;

(vi) date of admission;

(vii) date of resignation; and

(viii) any other information required by the Act.

(b) The Union Secretary will update the Union Register as necessary.

(c) The Union Register is, in the event of a member failing to notify any change of their member information pursuant to this rule, conclusive proof for the purposes of these Part A rules of the matters set out in the Union Register.

(d) The Union Secretary will keep a register of Officers of the Union which will contain:

(i) the names;

(ii) the offices held; and

(iii) the addresses,

of the Officers, of the Union.

(e) The Union Secretary will update the Register of Officers as necessary.

A12. ENTRANCE FEES

(a) A Division may impose a requirement to pay entrance fees in accordance with the Division's rules.

(b) No Member is required to pay an entrance fee to the Union other than as provided by sub-rule (a).

A13. SUBSCRIPTIONS

(a) A Division may impose a requirement on its members to pay subscription fees to the Division in accordance with the Division's rules.

(b) No Member is required to pay subscription fees to the Union other than as provided by sub-rule (a).

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A14. LEVIES

(a) A Division may impose a requirement on its members to pay a levy in accordance with the Divisions rules.

(b) No member is required to pay a levy to the Union other than as provided by sub-rule (a).

A15. UNFINANCIAL MEMBERS

(a) A member of a Division who is, in accordance with the Divisional rules, an unfinancial member of the Division is also on, and from, the date of becoming an unfinancial member of the Division an unfinancial member of the Union.

(b) An unfinancial member, may at the direction of the MCQ, be purged from the Union Register, provided that an unfinancial member of a Division who is purged from the membership of the Division must be promptly purged from membership of the Union.

(c) Nothing in this rule prevents the recovery by the Union of any monies that may be due to, and recoverable by, the Union.

(d) Nothing in this rule prevents the recovery by a Division of any monies that may be due to, and recoverable by, the Division.

A16. RIGHTS OF FINANCIAL MEMBERS

(a) Only Members may, subject to any other requirement of these rules:

(i) attend at any meeting of the Union held pursuant to these Part A rules;

(ii) move, or second, a resolution of the Union permitted to be moved by these Part A rules;

(iii) speak to any resolution at a meeting of the Union held pursuant to these Part A rules;

(iv) exercise a vote in any ballot, or plebiscite, held pursuant to these Part A rules;

(v) move, or second, a nomination for a Union Office;

(vi) nominate for a Union Office; and

(vii) hold any Union Office.

(b) Despite sub-rule (a) the rights that a Member of the Union can exercise in relation to the Division to which they are attached are the rights provided to Members of the respective Division by the rules of that Division.

(c) Sub-rule (a) does not provide any right or entitlement to a member of one Division to participate in the affairs of the other Division.

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(d) Life Members may only exercise the rights, in relation to the respective Division to which they are attached, as are provided to life members of the respective Division by the rules of that Division.

(e) Honorary Members may only exercise the rights, in relation to the respective Division to which they are attached, and as are provided to honorary members of the respective Division by the rules of that Division.

(f) Retired Members may only exercise the rights, in relation to the respective Division to which they are attached, as are provided to retired members of the respective Division by the rules of that Division.

A17. RECOVERY OF ARREARS

(a) All claims for monies due, or owing, to the Union pursuant to these Part A rules by a member may be sued for, and recovered in, the name of the Union by the Union Secretary.

(b) All monies that may be due, or owing, to a Division pursuant to the rules of the Division may be recovered by the Secretary of the respective Division suing in the name of the Union.

(c) Monies recovered in accordance with sub-rule (b) will be attributed to the Divisional Fund of the respective Division that recovers the monies.

A18. RESIGNATION

(a) A member may resign from membership of the Union by notice given to the Union stating that the member resigns from the Union.

(b) The resignation takes effect:

(i) if the notice states a day or time after the notice is given when the resignation takes effect, on the day or time; or

(ii) otherwise, when the notice is given.

(c) A member who resigns from membership of the Union also resigns on, and from that date, from the membership of the Division to which they were attached.

(d) The Union Secretary will promptly notify the Divisional Secretary of the respective Division of the resignation of the member concerned.

(e) A member who resigns from membership of a Division also resigns, on and from that date, from the membership of the Union.

(f) The Divisional Secretaries will promptly advise the Union Secretary of the names of members of their Division who resign and the date of their resignation.

(g) Resignation does not affect the liability of a member, or former member, to pay any monies that were owing by the member at the date of resignation to the Union or to the Division to which the member was attached, and such monies may be sued for and recovered in accordance with these Union rules.

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(h) A member resigning from the Union, who has complied with this rule, may request to be issued with a clearance certificate by the Union Secretary.

A19. UNION COUNCIL

(a) There will be a Union Council which is comprised of the members of the Management Committees of the respective Divisions.

A20. POWERS OF THE UNION COUNCIL

(a) The Union Council has the power to:

(i) make recommendations to the MCQ concerning the resolution of disputes, other than disputes about the attachment of members, between the Divisions;

(ii) make recommendations to the MCQ as to whether or not officers are to be removed from office in accordance with these Part A rules.

A21. MEETINGS OF THE UNION COUNCIL

(a) A meeting of the Union Council will be convened by the Union Secretary when required to do so by these Part A rules.

(b) The Union Secretary will give 10 days notice of a meeting of the Union Council.

(c) The notice for a meeting of the Union Council must set out the business sought to be dealt with at the meeting.

(d) Only the business set out in the notice for the meeting of the Union Council is able to be dealt with at the meeting.

(e) The Union Secretary will provide to the members of the Union Council:

(i) notice of the meeting;

(ii) notice of the business to be dealt with at the meeting; and

(iii) associated papers.

(f) Notice of the meeting may be given by:

(i) post;

(ii) facsimile;

(iii) E-mail;

(iv) SMS;

(v) by any other electronic or telegraphic means as may be available; and/or

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(vi) orally.

(g) Meetings of the Union Council are to be conducted as meetings of persons assembled.

(h) Meetings of the Union Council will be held at the principal office of the Union unless the MCQ determines otherwise.

(i) The Union President will chair meetings of the Union Council, however if the Union President is not present within 15 minutes of the commencement of the meeting, or if present is unwilling to act, then the Union Vice-President will act as the chair of the meeting with all the powers of the Union President and if the Union Vice-President is not present within 15 minutes of the commencement of the meeting, or if present is unwilling to act, then the meeting will nominate one of its members to act as chair of the meeting with all the powers of the Union President.

(j) The quorum for meetings of the Union Council is:

(i) ½ of the members plus 1 of the Union Council; and

(ii) at least ¼ of the members of each Divisional Management Committee.

(k) The members of the Union Council have a deliberative vote at meetings of the Union Council as follows:

(i) each Division may at each meeting exercise 10 votes; and

(ii) each member of the management committee of a Division in attendance at the meeting will exercise a vote based on the formula:

(10 ÷ Number of members of the management committee of a Division in attendance at the meeting)

(l) The Union President is not entitled to exercise a casting vote.

(m) A member of the Union Council not able to attend a meeting of the Union Council, of which notice has been given in accordance with these Part A rules, must make a request for leave of absence to the Union Secretary.

(n) A member of the Union Council not complying with sub-rule (m) may be fined by the MCQ an amount not exceeding $500 or be otherwise disciplined in accordance with these Part A rules.

A22. MANAGEMENT COMMITTEE QUEENSLAND

(a) The MCQ will consist of the Union Officers.

(b) The MCQ is the management committee of the Union.

A23. POWERS OF THE MCQ

(a) Without limiting any other power expressly granted by these rules, or sub-rule (b), the powers of the MCQ, subject to Rule A48 include the power to:

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(i) further and attain, the objects of the Union for the general benefit of Members;

(ii) direct the policy of the Union in all matters affecting the interests of the members of the Union;

(iii) establish any special fund to achieve any of the objects of the Union;

(iv) submit any matter to the Members for decision by plebiscite;

(v) submit any matter to the Divisions for decision;

(vi) resolve, in accordance with these Part A rules, disputes between the Divisions in relation to the attachment of members;

(vii) expend such money from the Union Fund as may, in its opinion, be necessary to achieve the objects of the Union; and

(viii) do all other such acts and things as are incidental to the carrying out of the objects of the Union.

A24. MEETINGS OF THE MCQ

(a) The MCQ will meet at least twice per year.

(b) Sub-rule (b) does not prevent the MCQ from meeting as often as it determines.

(c) The Union Secretary will, subject to sub-rule (e) convene meetings by giving the members of the MCQ not less than 10 days notice of a meeting.

(d) Notice of meetings may be given by:

(i) post;

(ii) facsimile;

(iii) E-mail;

(iv) SMS; and/or

(v) by such other electronic or telegraphic means as may be available.

(e) Where the Union President or the Union Secretary consider that a matter requires urgent attention the Union Secretary will call a meeting of the MCQ.

(f) In calling a meeting, when a request is made pursuant to sub-rule (e), the Union Secretary will give such notice of the meeting, in accordance with sub-rule (d) and/or orally, as is practicable in the circumstances and the meeting may be conducted:

(i) by telephone, radio or any other method by which members of the MCQ are able to communicate with each other without being physically present; or

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(ii) a ballot of the MCQ by means of registered post, facsimile transfer, E-mail or by other electronic or telegraphic means as may be available, provided that:

(A) in any such ballot of the MCQ, all the members of MCQ must exercise a vote to constitute quorum; and

(B) in any such ballot of the MCQ, decisions will be by ¾ majority of the votes cast; and

(C) the ballot must be completed within 10 days of the day the Union Secretary forwards the ballot.

(g) The Union President will chair meetings of the MCQ, however if the Union President is not present within 15 minutes of the commencement of the meeting, or if present is unwilling to act, then the Union Vice-President will act as the chair of the meeting with all the powers of the Union President and if the Union Vice-President is not present within 15 minutes of the commencement of the meeting, or if present is unwilling to act, then the meeting will nominate one of its members to act as chair of the meeting with all the powers of the Union President.

(h) ¾ of the members of the MCQ will form a quorum.

(i) Each member of the MCQ is entitled to cast one vote in any ballot. In the event of a tied vote there will be no casting vote and the resolution will be lost.

A25. MINUTES

(a) The minutes of each meeting of the MCQ will be prepared by the Union Secretary and forwarded to each member of the MCQ.

(b) Upon confirmation, at the next meeting of the MCQ, the minutes will be signed by the Union President.

(c) A copy of the minutes of each MCQ meeting, as the case may be, will, upon their being confirmed be:

(i) available for inspection by Members during business hours; and

(ii) provided to the Divisional Secretaries.

A26. ELECTIONS

(a) Elections for the Union Offices will, on and from, 2016 and every 4 years thereafter, be conducted in accordance with the Union Election Procedure Rules.

(b) Only members of a management committee of a Division may, in accordance with these Part A rules, nominate for a Union Office to which they are otherwise entitled to nominate in accordance with these Part A rules.

(c) In the elections to be held in 2020, and each eighth year thereafter, the Union Offices will be filled as follows:

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(i) Union President – to be elected by, and from, the members of the Mining, Energy and Ports Division State Committee of Management;

(ii) Union Vice- President– to be elected by, and from, the members of the Construction and General Division State Committee of Management;

(iii) Union Secretary– to be elected by, and from, the members of the Construction and General Division State Committee of Management; and

(iv) Union Assistant Secretary– to be elected by, and from, the members of the Mining, Energy and Ports Division State Committee of Management.

(d) In the elections to be held in 2016, and each eighth year thereafter, the Union Offices will be filled as follows:

(i) Union President – to be elected by, and from, the members of the Construction and General Division State Committee of Management;

(ii) Union Vice- President– to be elected by, and from, the members of the Mining, Energy and Ports Division State Committee of Management;

(iii) Union Secretary– to be elected by, and from, the members of the Mining, Energy and Ports Division State Committee of Management; and

(iv) Union Assistant Secretary– to be elected by, and from, the members of the Construction and General Division Committee of Management.

(e) Persons nominating for a Union Office must have their nomination moved by a member of the management committee of the Division of which they are a member, and seconded by another member of the management committee of that Division.

(f) Only members of the management committee of the respective Division, from which a person nominates pursuant to sub-rule (b), may vote in any ballot for the election concerned.

(g) The holder of a Union Office will be entitled to nominate for re-election to a Union Office if they are otherwise eligible in accordance with these Part A rules.

(h) If a Union Officer ceases to hold office on the management committee of the Division to which they are attached then their office on the MCQ becomes vacant from the date they have ceased to hold office.

A27. ELECTION PROCEDURE DEFINITIONS

(a) Definitions:

(i) “ballot box” means a ballot box kept under rule A30;

(ii) “candidate”, for an election pursuant to these Part A rules, means a person:

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(A) who has nominated as a candidate for the office the election is about; and

(B) whose nomination has been accepted pursuant to these Union Election Procedure Rules; and

(C) whose nomination has not been withdrawn;

(iii) "election" in these Union Election Procedure Rules means an election for a Union Office;

(iv) "initialled" by the Manager includes being marked with a facsimile of the Manager's initials;

(v) "Manager" means the manager of a Union election and is:

(A) the electoral officer conducting the election or ballot held pursuant to these Part A rules; or

(B) if an exemption has been given under section 597 of the Act the returning officer appointed under section 599 of the Act to conduct the election;

(vi) "nominator" means the person who, in accordance with these Part A rules, may propose or second a nomination of a Candidate;

(vii) "scrutineer" means:

(A) a Candidate who acts personally as a scrutineer; or

(B) a person appointed as a scrutineer for a Candidate pursuant to these Union Election Procedure Rules;

(viii) "Voter" means a person who is entitled to vote in an election conducted pursuant to rule A26.

A28. MANAGER OF ELECTION—FUNCTIONS AND POWERS

(a) The Manager:

(i) must not influence, or attempt to influence, the outcome of the election; and

(ii) must conduct the election under these Union Election Procedure Rules except where these Part A rules expressly provide otherwise; and

(iii) may take the action, and give the directions, the Manager considers reasonably necessary to ensure that the processes under which the election is conducted are transparent.

(b) The Manager may take the action, and give the directions, the Manager considers reasonably necessary:

(i) to ensure no irregularities happen in the election; or

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(ii) to remedy a procedural defect that appears to the Manager to exist about the election.

A29. BALLOT PAPERS

(a) A ballot paper for the election must:

(i) have a distinctive pattern that prevents it from being reproduced other than by the Manager or a person authorised by the Manager;

(ii) be a different colour from the colour used for ballot papers at the 2 previous elections held for Union Officers;

(iii) list the names of each Candidate once only for each office the election is for, with the surname first, followed by the Candidate's other names;

(iv) state how the Voter may vote.

(b) The order of names on the ballot paper must be decided by lot.

(c) If 2 or more Candidates have the same surname and first names, the Candidates must be distinguished in an appropriate way.

A30. MANAGER MUST KEEP A BALLOT BOX

(a) The Manager must in relation to each election maintain a ballot box and:

(i) keep the box in a safe place; and

(ii) seal the box in a way that:

(A) allows voting material to be put in it until the ballot finishes;

(B) prevents voting material from being taken from it until votes for the ballot are to be counted; and

(C) prevents the identification of Voters.

A31. ELECTIONS FROM MANAGEMENT COMMITTEES OF THE DIVISIONS

(a) Each Union Officer will be elected by a collegiate electoral system.

(b) The Electoral College will, in relation to the above offices, be the management committees of the respective Divisions.

(c) A manager of the election will be appointed and the Manager will be subject to the provisions of these Union Election Procedure Rules.

(d) The Manager will call for nominations from among members of the Electoral College subject to these rules, by written notice to each member of the management committees of the respective Divisions.

(e) A person may not nominate for more than 1 of the Union Offices.

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(f) Nominations will be in writing, signed by the candidate and seconded in accordance with these Union Election Procedure Rules and will be delivered to the Manager prior to the commencement of the first meetings of the management committees of the respective Divisions next following 7 January in the year following the election of the Construction & General Division (for the purposes of this rule the "Meetings").

(g) If the Manager finds that a nomination is defective, the Manager will, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect.

(h) The Manager will notify each member of the relevant part of the Electoral College of the opening and closing time of the ballot which will be conducted at the meeting.

(i) If at the close of nominations, only the required number of nominations have been received for the offices, the Manager will declare such Candidates as elected.

(j) If there are more than the required number of Candidates for an office from one of the Divisions, the Manager will conduct at the Meetings an election by secret ballot of the members of the relevant part of the Electoral College.

(k) The ballot will be determined by means of a first past the post system of voting.

(l) Any Candidates may in accordance with the Union Election Procedure Rules appoint a scrutineer.

(m) The Manager will prepare ballot papers in accordance with the Union Election Procedure Rules.

(n) The Manager will initial and hand to each member of the relevant part of the Electoral College a ballot paper.

(o) The members of the Electoral College of the respective Division, whilst at the Meeting, will cast a vote by placing a cross or other mark against the name of the Candidate the Voter wishes to vote for, and by replacing the completed ballot paper in the ballot box in the control of the Manager.

(p) Any member who will not be present at the Meeting of the respective Division at which the ballot is to be held may:

(i) lodge a request with the Manager for an absentee vote, together with an address where such member can receive communications, and, if any member has done so, the Manager will not declare the result of the ballot until such member has been given reasonable opportunity to vote; or

(ii) appoint another member of the Electoral College attached to their respective Division to vote as their proxy and such appointed member will be entitled to vote in their own right and as proxy, provided that no member of the Electoral College can exercise more than one proxy vote.

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(q) The Manager will count the votes in accordance with these Union Election Procedure Rules.

(r) The Candidate securing the highest number of votes will be declared elected.

(s) The Manager will declare the results of ballots in writing to the members of the Electoral College as soon as practicable.

A32. COUNTING VOTES

(a) To count votes the Manager must:

(i) admit the formal votes and reject the informal votes;

(ii) count the formal votes; and

(iii) count the informal votes.

(b) A vote is informal only if:

(i) the ballot paper is not initialled by the Manager and the Manager is not satisfied the paper is authentic;

(ii) the ballot paper is marked in a way that allows the Voter to be identified; or

(iii) the ballot paper is not marked in a way that makes it clear how the Voter meant to vote.

A33. WHAT HAPPENS IF VOTES FOR 2 OR MORE CANDIDATES ARE EQUAL

(a) If the Manager can not decide which Candidate is elected to an office because the votes cast for 2 or more Candidates are equal, the Manager of the election must decide which Candidate is elected by drawing lots.

(b) A decision pursuant to sub-rule (a) must be made in the presence of any scrutineer who wishes to attend.

A34. SCRUTINEERS

(a) Each Candidate may have only 1 scrutineer exercising a right under this rule.

(b) A Candidate may:

(i) act personally as a scrutineer; or

(ii) appoint another person (an “appointee”) as a scrutineer for the Candidate.

(c) An appointment must be in writing and signed by the Candidate.

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(d) A Candidate must notify the Manager of the name of the Candidate's appointee as soon as possible after the appointee is appointed.

(e) The Manager may refuse to allow an appointee to act as a scrutineer if:

(i) the Manager asks to inspect the appointment as a scrutineer; and

(ii) the appointee does not produce it.

(f) Subject to sub-rule (k), a scrutineer may be present when:

(i) ballot papers or other voting material for a ballot are prepared and given to Voters; and

(ii) votes are counted.

(g) Before votes are counted, a scrutineer may advise the Manager that the scrutineer considers an error has been made in conducting the ballot.

(h) When votes are counted, a scrutineer may:

(i) object to a ballot paper being admitted as formal or rejected as informal by the Manager; or

(ii) advise the Manager that the scrutineer considers an error has been made in conducting the ballot or counting votes.

(i) If a scrutineer advises the Manager under sub-rule (g) or (h), the Manager must:

(i) decide whether the error has been made; and

(ii) if appropriate—direct action to correct or mitigate the error.

(j) If a scrutineer objects under sub-rule (h), the Manager must:

(i) decide whether the ballot paper is to be admitted or rejected; and

(ii) note the decision on the ballot paper and initial the note.

(k) Direction by Manager to leave count

(i) The Manager may direct a person to leave the place where votes are being counted if the person:

(A) does not have the right to be present at the count; or

(B) interrupts the count, other than to exercise a scrutineer's right.

A35. TAKING OFFICE

(a) The persons declared elected by the Manager, within the meaning of the Union Election Procedure Rules, will hold office on, and from, 1 February in the year of their election.

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(b) A person elected to a Union Office will retain that office until a successor is duly elected unless the Union Officer dies, resigns or is otherwise removed from office in accordance with these Part A rules.

A36. CASUAL VACANCIES

(a) Should a casual vacancy occur in any of the offices of the Union and the unexpired portion of the term of office is more than twelve months, or three quarters of the term, which ever is the greater, the vacancy will be filled by election in accordance with the Union Election Procedure Rules.

(b) Should a casual vacancy occur in any of the offices of the Union and the unexpired portion of the term of office is less than twelve months or three quarters of the term, whichever is the greater, the vacancy will be filled by the MCQ.

(c) Where a casual vacancy is to be filled in accordance with sub-rule (b) then the MCQ will request of the respective Division to which the member of the MCQ, who has died, retired, resigned or been removed was attached, to provide a candidate, otherwise eligible in accordance with these Part A rules, suitable to fill the casual vacancy.

(d) The MCQ will appoint the candidate, provided in accordance with sub-rule (c) to the casual vacancy.

(e) Until the election to fill a casual vacancy pursuant to sub-rule (a) is held the MCQ has the power to appoint a Member of the respective Division to which the member of the MCQ, who has died, retired, resigned or been removed was attached to act in the casual vacancy until an election is held and a candidate elected.

(f) A Member appointed or elected to fill a casual vacancy pursuant to this rule only holds office for the same period as the officer that they have replaced could have held that office.

(g) A Member appointed pursuant to sub-rule (e) has the right to nominate in the election to fill the casual vacancy pursuant to this sub-rule.

(h) The Union Secretary will cause the necessary steps to be taken for the conduct of the election pursuant to the Union Election Procedure Rules.

A37. COUNTERPART FEDERAL BODY ELECTION EXEMPTION

(a) For this rule the words and phrases in column A have the meaning set out opposite in column B:

A	B
CFMEU	Construction, Forestry and Maritime Employees Union
MEU	Mining and Energy Union

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(b) The offices of the Union ('state office') that correspond with the offices of the counterpart federal body ('federal office'), due to the state office being similar to the federal office, are as follows:

federal office	state office
The MEU, Qld District Branch (for this rule the 'Qld District')	The Mining, Energy and Ports District
Qld District President	District President
Qld District Senior Vice- President	District Executive Vice- President
Qld District Vice- President	District Vice-President
Qld District Secretary	District Secretary
Qld District Central Councillor	District Councillor
Qld District Board Member	District Representative

The CFMMEU, C&G Division, Queensland Northern Territory Divisional Branch	The State Construction and General Division
Divisional Branch President	State Divisional President
Divisional Branch Senior Vice-President	State Divisional Senior Vice-President
Divisional Branch Vice-President	State Divisional Vice-President
Qld & NT Construction Workers Divisional Branch Vice- President	State Divisional Vice-President
Divisional Branch Secretary	State Secretary
Divisional Branch Assistant Secretary (Plasterers)	State Divisional Assistant Secretary (Plasterers)
Divisional Branch Assistant Secretary (Painters)	State Divisional Assistant Secretary (Painters)
Divisional Branch Assistant Secretary (General)	State Divisional Assistant Secretary (General)
Divisional Branch Management Committee Member – South East Queensland	State Divisional Council Member- South East Queensland
Divisional Branch Management Committee Member – Regional Queensland	State Divisional Council Member – Regional Queensland

(c) The offices of the State Construction and General Division ('state office') that correspond with the offices of the counterpart federal body ('federal office'), due to the state office being similar to the federal office, are as follows:

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The CFMEU, Manufacturing Division, Queensland Northern Territory Western Australian District	The State Construction and General Division
Divisional Branch President	State Divisional Council Member – elected by, and from, those members eligible for membership under rule A7 section A(e)

(d) The Union Secretary:

(i) will make application for exemption from holding an election as soon as practicable following the declaration of a relevant election held under the Fair Work (Registered Organisations) Act (Cth) (the 'federal election') for the counterpart federal body; and

(ii) will notify the membership of the Union or of a Division, as the case may be, of the making of the application for exemption, by means of a publication circulated to the relevant members free of charge;

(iii) will seek, in the making of an application for exemption, that a state office set out in sub-rule (b) be filled by a person elected in the relevant federal election to the federal office that corresponds, as provided by this rule, with the state office; and

(iv) if requested by the State Secretary of the State Construction and General Division to seek an exemption under sub-rule (e), will seek, in the making of an application for exemption, that the state office set out in sub-rule (c) be filled by a person elected in the relevant federal election to the federal office that corresponds, as provided by this rule, with the state office.

(e) The State Executive of the State Construction and General Division may:

(i) determine that an exemption will be sought in respect of the state office set out in sub-rule (c); and

(ii) if making a determination under paragraph (i), direct the State Secretary to request that the Union Secretary seek the application under sub-rule (d).

(f) In the event of the exemption not being granted, or being only partially granted, the Union Secretary will as soon as practicable proceed to file the prescribed material required to be filed in relation to the holding of an election, or a relevant election, as the case may be, pursuant to these Union rules.

(g) Without limitation to sub-rule (d), the Secretary of a Division may request that the Union Secretary take such steps as may be required in accordance with these Part A rules to make application for an exemption from election ballot.

(h) A Secretary of a Division will do the things reasonably required by the Union Secretary to assist the Union Secretary in making the application for exemption from election ballot.

(i) In the event of the exemption not being granted, or being only partially granted, a Secretary of a Division will promptly request the Union Secretary file the

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prescribed material required to be filed in relation to the holding of an election, or a relevant election, as the case may be, pursuant to the Part B or C rules and the Union Secretary will promptly file that material.

(j) The positions of the Mining, Energy and Ports District (the 'state position') that correspond with the positions of the Counterpart Federal Body of the respective Division (the 'federal position'), due to the state positions being similar to the federal positions, are as follows:

The MEU, Qld District Branch (for this rule the "Qld District")	The Mining, Energy and Port District
Qld District Lodge Delegates	District Lodge Delegates
Qld District Union Inspectors	District Union Inspectors
Qld District Lodge Committee Members Lodge Committee Members	Lodge Committee Members

(k) The persons who fills the federal position will fill the state position set out in sub-rule (j) on, and from, the date that they are declared elected to the federal position.

(l) The positions of the State Construction and General Division (the 'state position') that correspond with the positions of the Counterpart Federal Body of the respective Division (the 'federal position'), due to the state positions being similar to the federal positions, are as follows:

The CFMEU, C&G Division, Queensland Northern Territory Divisional Branch	The State Construction and General Division
Divisional Branch Organisers	State Divisional Organisers

(m) The State Executive of the State Construction and General Division may determine that the person who fills the federal position will fill the state position set out in sub-rule (l).

A38. UNION PRESIDENT

(a) The Union President will, subject to these Part A rules, preside at all meetings of the:

(i) MCQ; and

(ii) Union,

convened pursuant to these Part A rules.

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(b) The office of Union President is honorary.

(c) The Union President will work with the other members of the MCQ to achieve the:

(i) good government of the Union;

(ii) furtherance, or attainment, of the objects of the Union.

A39. UNION VICE-PRESIDENT

(a) The Union Vice-President will:

(i) in the absence of the Union President; or

(ii) on the written request of the Union President,

act as the President or discharge the functions of the office of President.

(b) The office of Union Vice-President is honorary.

(c) The Union Vice-President will work with the other members of the MCQ to achieve the:

(i) good government of the Union;

(ii) furtherance, or attainment, of the objects of the Union.

A40. UNION SECRETARY

(a) The Union Secretary will:

(i) keep all records of the Union required to be kept in accordance with these Part A rules;

(ii) collect fees and levies owing to the Union in accordance with these Part A rules;

(iii) collect all rents and other monies owing to the Union in accordance with these Part A rules;

(iv) promptly deposit all monies received on behalf of the Union in accordance with these Part A rules;

(v) administer the Union on a day to day basis in accordance with these Part A rules;

(vi) submit to each ordinary meeting of the MCQ an abstract of:

(A) monies received by the Union in accordance with these Part A rules; and

(B) accounts for payment to be made by the Union in accordance with these Part A rules;

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(vii) prepare the Union's annual financial statement;

(viii) on leaving office, deliver up all books, documents, and property of the Union held in accordance with these Part A rules to their successor;

(ix) be the officer to sue on behalf of the Union for any matters arising in accordance with these Part A rules;

(x) perform such other duties and functions as the MCQ may direct;

(xi) appoint, and terminate, employees, contractors and/or agents to, and of, the Union required for the purposes of fulfilling the obligations of the Union that arise in accordance with these Part A rules;

(xii) manage and co-ordinate the activities of the employees, contractors and/or agents to, or of, the Union in accordance with these Part A rules;

(xiii) ensure that notice of meetings is provided and minutes are maintained in accordance with these Part A rules; and

(xiv) maintain the Union Register.

(b) The Union Secretary will ensure the Union is represented, as required by these Part A rules, in relation to all relevant hearings before:

(i) Commissions;

(ii) Tribunals;

(iii) Boards; and/or

(iv) Courts.

(c) The Union Secretary will work with the other members of the MCQ to achieve the:

(i) good government of the Union;

(ii) furtherance, or attainment, of the objects of the Union.

A41. UNION ASSISTANT SECRETARY

(a) The Union Assistant Secretary will carry out the duties of the Union Secretary during the Union Secretary's absence.

(b) The Union Assistant Secretary will assist the Union Secretary in performing the Union Secretary's duties and will perform such duties as the Union Secretary delegates.

(c) The Union Assistant Secretary will perform such other duties and functions as the MCQ may direct.

(d) The Union Assistant Secretary will work with the other members of the MCQ to achieve the:

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(i) good government of the Union;

(ii) furtherance, or attainment, of the objects of the Union.

A42. RETURNING OFFICER

(a) The MCQ will, at its first meeting held immediately following Union Officers taking office in the Quadrennial Elections, appoint a Returning Officer.

(b) The Returning Officer will not be:

(i) a member of; or

(ii) the holder of any office in; or

(iii) be an employee of,

the Union.

(c) In the event of a Returning Officer being unable to discharge the duties of the office, or becoming a Candidate in any election under these rules, the MCQ will terminate the appointment, and appoint a replacement for the balance of the term to which the Returning Officer who is being replaced was appointed.

(d) The Returning Officer will be responsible for the conduct of all ballots for the Union held pursuant to these Part A rules, except where an election for an office must be conducted by the Electoral Commission Queensland.

A43. CAPITATION FEES

(a) For the purpose of this rule:

(i) "Capitation Rate" is the rate determined by the MCQ;

(ii) "Capitation Fee", in relation to the relevant financial year and in relation to each Division, will be the amount calculated in accordance with sub-rule (b); and

(iii) "Capitation Number" is the number of financial members of a Division, determined in accordance with the rules of that Division, as at the 1st January in each year.

(b) The Capitation Fee for each Division is calculated by multiplying the Capitation Number by the Capitation Rate.

(c) Divisions will pay the Capitation Fee on at least a quarterly basis.

(d) A Division that has Capitation Fees in arrears for more than 2 years is unfinancial and:

(i) Union Officers elected by, and from, that Division are not entitled to continue to exercise the function of the Office to which they have been elected and the remaining members of the MCQ will exercise all the powers provided by these Part A rules;

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(ii) a member of Union Council elected by, and from, that Division is not entitled to continue to exercise the functions of the Office to which they have been elected and the remaining members of the Union Council will exercise all the powers provided by these Part A rules;

(iii) rules A21(j) and A24(h) do not apply and quorum will be comprised of 50% of the members of respectively the Union Council and the MCQ who remain entitled pursuant to this rule to exercise the function of the respective office.

A44. EXECUTION OF DOCUMENTS / CHEQUES / NOTIFICATION OF DISPUTES

(a) Documents required to be executed by an officer of the Union pursuant to these Part A rules will, subject to these Part A rules, be executed by any 2 of the Union Officers.

(b) Any two of the Union Officers, may:

(i) sign cheques; or

(ii) authorise payments by electronic funds transfer.

(c) In all circumstances where an Industrial Dispute, within the meaning of the Act, exists and where such dispute remains unresolved despite attempts by the Union for its part to genuinely attempt a settlement of the Industrial Dispute in the manner required by the Act:

(i) for any Industrial Dispute arising from the Part A rules, then the Union Secretary will forthwith give notification of the Industrial Dispute in the manner required by the Act;

(ii) for any Industrial Dispute arising from either the Part B rules or any member attached to the State Construction and General Division then the State Secretary of the State Construction and General Division will forthwith give notification of the Industrial Dispute in the manner required by the Act and in accordance with rule B75; and

(iii) for any Industrial Dispute arising from either the Part C rules or any member attached to the Mining, Energy and Ports District, then the District Secretary of the Mining, Energy and Ports District will forthwith give notification of the Industrial Dispute in the manner required by the Act and in accordance with rule C80.

A45. FINANCIAL PERIOD

(a) The financial year of the Union will be from the 1st of July in any year to the 30th of June in the year next following.

(b) Sub-rule (a) does not prevent a Division from adopting a different financial year.

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A46. UNION FUND

(a) The Union Fund will consist of:

(i) real, or personal property, of which the Union by:

(A) these Part A rules; or

(B) any established practice not inconsistent with these Part A rules,

has, or in the absence of any limited term, lease, bailment or arrangement, would have, the right of custody, control or management;

(ii) entrance fees, subscriptions, levies or fines received by the Union in accordance with these Part A rules;

(iii) capitation fees paid by the Divisions in accordance with these Part A rules;

(iv) interest, rents, dividends or other income derived from the investment of the Union Fund;

(v) benefit funds administered by the Union in accordance with these Part A rules for the benefit of the Members;

(vi) property acquired by expenditure from, or derived from, the assets of the Union Fund; and

(vii) proceeds of any disposal of parts of the Union Fund.

(b) All expenditure from the Union Fund must occur in accordance with these Part A rules.

(c) The Union Fund will only be used for the:

(i) carrying out of the objects of the Union; and

(ii) necessary expenses of management of the Union incurred in accordance with these Part A rules.

(d) All expenditure incurred pursuant to sub-rule (b) will be placed before the MCQ for consideration and ratification.

(e) The MCQ may, in relation to a particular account of the Union Fund, determine to maintain an account at a particular level.

A47. AUDIT OF UNION ACCOUNTS

(a) The MCQ will appoint, in accordance with the provisions of the Act, an auditor who will hold the qualification required for a competent person under the Act.

(b) The auditor will:

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(i) audit the Financial Statements of the Union, excluding its Divisions at the end of each financial year and at such other times as the MCQ directs;

(ii) have access to and examine all registers, books, papers, deeds, documents, Financial Statements and accounts of the Union held in accordance with the provisions of these Part A rules;

(iii) have the discretion to examine any Union Officer in regard to the registers, books, papers, deeds, documents, Financial Statements and accounts of the Union held in accordance with the provisions of these Part A rules; and

(iv) obtain from any financial facility, in which the Union Fund is deposited and/or invested, a written statement of balances held.

(c) The auditor will furnish a written statement that all Financial Statements are certified in accordance with the Act and these Part A rules, or, if unable to certify to the correctness of any of them, promptly report to the MCQ in relation to defects.

(d) The auditor will have power to place before the MCQ any suggestions concerning the financial affairs of the Union.

(e) In the event of an auditor so appointed being unable to act or refusing to act or resigning, the MCQ will appoint an auditor qualified in accordance with this rule as a replacement.

A48. BANKING/DISBURSEMENT

(a) The MCQ may determine in relation to the Union Fund to:

(i) deposit it on current account in the financial facility that the MCQ determines;

(ii) deposit it on fixed deposit with any:

(A) bank; or

(B) financial institution carrying on business in the Commonwealth or elsewhere;

(iii) mortgage any;

(A) real; or

(B) personal,

property;

(iv) subscribe for, or purchase, shares in any Company registered in the Commonwealth or elsewhere.

(b) The name of any the account in any financial facility, in relation to which any monies comprising the Union Fund are deposited, must include the words:

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(i) *"Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland, [insert account name]".*

(c) Monies attributed to the Union Fund will be promptly banked by the Union Secretary.

(d) All disbursements of the Union made in accordance with these Part A rules will be made by cheque, direct debit, bank transfer, credit card or other convenient method of payment provided that:

(i) it has been authorised in writing by the Union Secretary and another Union Officer; and

(ii) the expenditure:

(A) is of a type that has been authorised by the MCQ;

(B) the expenditure is within an authorised amount determined by the MCQ and to be applied for a particular purpose determined by the MCQ; or

(C) the particular transaction has been authorised the MCQ.

A49. DIVISIONAL AUTONOMY

(a) A Division will, unless these Part A rules otherwise provide, be autonomous in relation to:

(i) matters which do not directly affect the members of another Division;

(ii) its management;

(iii) its investment and use of its Divisional Fund;

(iv) furthering, and attaining, the objects of the Union;

(v) the entrance fees, subscriptions, levies and fines that it requires members of the Division to pay;

(vi) its affiliations;

(vii) its policy;

(viii) the discipline of its members and officers;

(ix) the election of its officers;

(x) the creation of its sub-divisions; and

(xi) the appointment of its workplace delegates.

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A50. DISPUTE BETWEEN DIVISIONS

(a) Disputes between Divisions as to the attachment of members to Divisions will be determined by the MCQ, and the determination of the MCQ will be final.

(b) Disputes between Divisions, other than disputes referred to in sub-rule (a), where the parties to the dispute have, together with the Union Secretary, attempted and failed to resolve it will in the first instance be referred to a meeting of the Union Council which may recommend to the MCQ as to the resolution of such disputes.

A51. LOANS, GRANTS AND DONATIONS

(a) Loans, grants and donations of any amount exceeding $1,000 will not be made by the Union Officers to any one member, pursuant to these Part A rules, unless the MCQ has satisfied itself that:

(i) the making of the loan, grant or donation is in accordance with the rules;

(ii) in relation to a loan, that in the circumstances the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory, and

has approved the making of the loan, grant or donation.

A52. COMMON SEAL

(a) The common seal of the Union will be kept at the Principal Office in the custody of the Union Secretary.

(b) The common seal will be affixed by the Union Secretary to any instrument which is required, or permitted, to be executed under seal.

A53. INSPECTION OF RECORDS AND BOOKS

(a) A Member of the Union may inspect the records of the Union in accordance with the provisions of the Act.

A54. AFFILIATION

(a) The Union may affiliate to become a member of:

(i) the Queensland Council of Unions;

(ii) a political party representing the interests of the Members;

(iii) industrial bodies which can promote the interests of the Members; and/or

(iv) community bodies which can promote the interests of the Members.

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(b) Despite sub-rule (a) nothing prevents a Division from separately affiliating, in the name of the Union and the Division, to such bodies as are provided for in sub-rule (a) or otherwise provided for in the Divisional rules.

(c) In determining to affiliate the MCQ will ensure that the Unions rules are complied with.

(d) All affiliations of the Union must occur so as to ensure that there is no overlap in the payment of affiliation fees where those fees are calculated on a capitation basis.

A55. SUSPENSION OR REMOVAL OF UNION OFFICERS

(a) A Union Officer may be removed from office where that officer has:

(i) been found guilty under these Part A rules of:

(A) misappropriation of funds of the Union; or

(B) a substantial breach of the rules of the Union; or

(C) gross misbehaviour or gross neglect of duty;

(ii) ceased, under these Part A rules, to be eligible to hold office.

(b) Any Member of the Union may charge a Union Officer with any of the matters referred to in sub-rule (a).

(c) The Member making a charge will provide the officer charged and the Union Secretary with particulars in writing of the charge.

(d) The charge will be heard and determined by the members of the MCQ, with the exception of the officer who is the subject of the charge.

(e) When dealing with a charge the MCQ will take all reasonable care to ensure that it is carefully, and fully, dealt with and, in particular, that a reasonable opportunity is provided to the officer concerned to present their defence or response to the charge.

(f) The MCQ may determine that the charge is to be dealt with by written submissions including such documents as it may require.

(g) The decision as to whether the officer is liable as charged will be made by resolution passed by a majority of the members of the MCQ at the meeting called to deal with the matter.

(h) The MCQ, where it finds an officer guilty of a charge made in accordance with sub-rule (a)(i), as an alternative to removal from office, may:

(i) determine to censure the officer concerned;

(ii) suspend that officer from that office for a period not exceeding 90 days; and/or

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(iii) impose any of the penalties provided for in rule A56 other than expulsion.

(i) The Union Secretary will inform the officer charged of the charge and the particulars of the charge by notices in writing by certified mail in sufficient time to enable the officer to be in a position to properly defend the charge.

(j) In the event that the Union Secretary is charged, the Union President will act in the Union Secretary's place for the purposes of this rule.

(k) The provisions of rule A56 apply to the hearing of any charge or allegation (under this rule).

A56. OFFENCES AND PENALTIES

(a) Charges by Members

(i) Any Member may charge any other member with:

(A) failing to observe any or all of these Union rules;

(B) knowingly failing to observe any resolution of the Union binding upon them;

(C) giving false or misleading information to:

(1) the MCQ; or

(2) a Union Officer,

on any matter;

(D) obstructing:

(1) the MCQ; or

(2) a Union Officer,

in any way in the performance of any the functions of the Union;

(E) obstructing any Union Officer in the course of the Union Officer's duties;

(F) wrongfully holding themself out as occupying any office or position in the Union, or as being entitled to represent the Union in any capacity provided that it will be a defence to this charge that the member honestly believed on reasonable grounds that they were entitled to act in that office or capacity;

(G) bringing the Union into disrepute;

(H) aiding or encouraging any other member or person to breach these Union rules.

(b) Processing of Charges

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(i) Any charge will be made in writing to the Union Secretary and will be accompanied by the sum of $1,000.00 which, subject to sub-rule (e), will be refundable.

(ii) The Union Secretary may, and will, if directed by the MCQ, summon the member charged before the MCQ and in the case of the Union Secretary being charged the Union President will, if directed by the MCQ, summon the Union Secretary before the MCQ.

(iii) The summons will:

(A) be in writing; and

(B) set out the time and place of the hearing; and

(C) set out the name of the person laying the charge; and

(D) set out the particulars of the charge.

(iv) If the member charged requests it the member will be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is charged.

(v) The member charged will be given such notice, in writing, of the hearing as may be reasonable, having regard to all the circumstances and if required to attend at a place more than 80 kilometres from the member's address as shown in the Union Register, the member will be given their return fare (by suitable means of transport) so as to permit the member to be in attendance at the meeting at which the MCQ will consider the charge made against the member.

(vi) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be heard, whether or not the person charged is present, provided that if the member charged provides an explanation satisfactory to the MCQ for their absence then the MCQ will adjourn the hearing of the matter to another time and/or place.

(vii) If the member charged attends the member will be informed of the substance and source of any information adverse to them on which the MCQ relies.

(viii) At any hearing of the charges, including the hearing of matters relating to penalty, the member will be given a reasonable opportunity to defend themself and may, if the member wishes, provide written submissions to the MCQ.

(c) Power to Hear Charges

(i) The MCQ will have power to hear and determine charges under this rule.

(d) Findings of the MCQ

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(i) If the MCQ finds the member guilty, it may subject to rule A55 do one or more of the following:

(A) impose no penalty;

(B) fine the member any sum not exceeding $1000.00;

(C) suspend the member from membership or deprive the member of any right or benefit of membership for any specified period or until the happening of any specified event or until the performance of any specified act, provided that whilst suspension from membership will deprive a member of the benefits of membership it will not relieve the member of the obligations of membership and such suspension will not exceed 6 months for any offence and provided further that if the specified event has not occurred or the specified act has not been done at the expiration of 6 months from the date of suspension, the suspension will then lapse;

(D) expel the member from the Union.

(e) Frivolous Charges

(i) If upon investigation the charge is found to be frivolous the $1,000.00 will be forfeited to the Union.

(f) Payment of Fines

(i) Where a member is fined in accordance with this rule, the member will be required to pay such fine within 10 days of having been notified, in writing, of the imposition of the fine.

A57. MAKING OR ALTERATION OF UNION RULES

(a) The MCQ has, subject to this rule, power to amend these Part A rules by resolution carried by a ¾ majority of the members of the MCQ.

(b) Despite sub-rule (a) an amendment to the Part A rules cannot occur unless each Division, by its management committee, consents to the amendment concerned.

(c) Notice of a proposal to amend the Part A rules must be given in writing to each member of the MCQ at least 10 days prior to the meeting of the MCQ that considers the resolution, unless each member of the MCQ consents to waive notice.

(d) Notwithstanding the provisions of sub-rule (a), the MCQ does not have the power to amend the Part A rules providing for attachment of members of the Union to a Division unless each of the Divisions, by a ¾ majority, vote of the management committees of the respective Divisions approves the amendment.

(e) The Part B and C rules may only be amended by the respective Division in accordance with the rules of that Division.

(f) When advised of an amendment of the rules of a Division by the Divisional Secretary of the Division concerned, the Union Secretary will promptly make application to the Registrar for certification of that amendment.

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A58. PLEBESCITE

(a) The Union Secretary will, on receipt of a request in writing signed by 10 per cent of the Members, direct the conduct of a plebiscite of the Members on a matter concerning the Union.

(b) The MCQ may direct the conduct of a plebiscite of the Members on a matter concerning the Union.

(c) A plebiscite to be held in accordance with sub-rules (a) and (b) will be conducted by secret ballot by the Union Returning Officer in accordance with this rule and will be completed, in the case of a plebiscite under sub-rule (a) within 60 days of the receipt by the Union Secretary of the request and in the case of a plebiscite under sub-rule (b) within 40 days of the direction of the MCQ.

(d) Where a request has been received under sub-rule (a) or a direction given under sub-rule (b), the MCQ will not, so far as is practicable, until the completion of the plebiscite, act in relation to the matter the subject of the plebiscite.

(e)

(i) Where a majority of Members voting at a plebiscite approve the matter submitted to plebiscite, the matter will be carried out and the MCQ will, as far as is practicable, implement the decision of the plebiscite.

(ii) In the event of a tied plebiscite the proposal is declared lost.

(f) Where a request is received under sub-rule (a) or a direction given under sub-rule (b), the Union Secretary will advise the Union Returning Officer and the Union Returning Officer will direct the conduct of the plebiscite and take all necessary steps to ensure the secrecy of the ballot.

(g) The Union Returning Officer will determine the opening and closing dates of the ballot.

(h) The MCQ and, where the plebiscite is held following a request pursuant to sub-rule (a) of this rule, the Members who requested the plebiscite may each appoint 2 scrutineers for the conduct of the plebiscite and will, before the opening of the ballot, advise the Union Returning Officer of the name of each scrutineer they appoint.

(i) The Union Returning officer will:

(i) on the opening of the ballot forward or cause to be forwarded by prepaid post or otherwise to such Member, a ballot paper bearing the Union Returning Officer's signature together with a reply paid return envelope addressed to the Union Returning Officer at the Union Returning Officer's address for the purpose of the conduct of the plebiscite;

(ii) give directions to voters as the Union Returning Officer considers necessary;

(iii) give a direction that a voter must not make any mark on the ballot paper which will identify them and that any mark of that type will render the vote invalid;

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(iv) provide for a method of permitting Members to vote whilst preserving the secrecy of the ballot.

(j) Subject to sub-rule (k) a scrutineer appointed under sub-rule (h) may be present during the conduct of the ballot by the Union Returning Officer including the counting of ballot papers returned in the plebiscite and may object to a ballot paper being counted on the ground that it does not clearly express the voter's attitude to the question to which the plebiscite is directed.

(k) A scrutineer must observe a direction given by the Union Returning Officer during the conduct of the ballot and will comply with any decision given by the Union Returning Officer as to whether a ballot paper is to be counted as sufficiently expressing a voter's attitude to the question which is the subject of the plebiscite.

(l) A voter will cast a vote in a ballot under this rule by completing the ballot paper forwarded to the voter under sub-rule (i) in accordance with the directions to voters and forwarding the ballot paper to the Union Returning Officer so as to reach the Union Returning Officer no later than the closing date of the ballot.

(m) A vote cast in the ballot will be informal if the intention of the voter is not clear.

(n) On completion of the counting of ballot papers returned in a plebiscite the Union Returning Officer will declare the result of the plebiscite by advising the Union Secretary in writing of the number of ballot papers forwarded to voters, the numbers approving the matter or the subject of the plebiscite, the number not approving and the number of informal votes.

(o) The outcome of the plebiscite is binding on the MCQ.

(p) Provided that upon the MCQ receiving a request in writing for a plebiscite it may, where the proposal contained in the request in writing for a plebiscite is capable of adoption by it, of its own motion adopt the proposal contained in the request in writing for a plebiscite and the adoption of the proposal contained in the request in writing for a plebiscite means that no plebiscite is required.

A59. DISSOLUTION OF THE UNION

(a) The Union will not be dissolved unless all of the existing Divisions agree.

(b) A Division will be dissolved if the number of financial members of that Division is reduced to 21 Members or less.

(c) Where a Division is dissolved and the Union continues, the property of that defunct Division is to be vested in the Divisions to which the members of the defunct Division are allocated.

(d) Whilst 7 members remain, the Union will not be dissolved.

(e) Should the number of members at any time fall below 7, the Union will be dissolved.

(f) In the event of a dissolution, all monies and property, after payment of all debts, will be held in trust by the Union Officers in a separate fund until a new union

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containing, 7 or more members can be formed, and the monies and property held in trust will then be applied to the new union.

A60. STANDING ORDERS

(a) The following procedures will be adhered to as far as practicable at all meetings of the Union held in accordance with these Part A rules.

(b) The chair will take the chair for the meeting and upon ascertaining that a quorum is present will then declare the meeting open for the transaction of business, provided that if no quorum is present within 15 minutes, the meeting will not proceed to business.

(c) The standing order for meetings will be:

(i) attendance and apologies;

(ii) business as notified;

(iii) minutes will be presented for confirmation, but no discussion will be allowed except as to their accuracy as a record of the proceedings;

(iv) correspondence;

(v) financial statements and accounts;

(vi) reports;

(vii) general business on notice.

(d) A motion on notice will be required to suspend the standing orders at a meeting.

(e) Any person seeking to suspend the standing order will give notice, in accordance with these rules, to the Union Secretary.

(f) A person, having relevant rights pursuant to these rules, may 5 days prior to a meeting give notice of a motion to be moved at that meeting by handing a copy of the motion to the Union Secretary.

(g) A notice of motion will be dealt with in the order in which it stands in the agenda, in relation to other similar notices, provided that a motion to adjourn the standing order will be dealt with prior to the agenda item of concern being dealt with.

(h) No notice of motion entered on the notice paper will be proceeded with unless the person who has given such notice is present when the business is called in its order.

(i) No notice of motion will proceed unless it is seconded.

(j) Notices of motion not proceeded with will be struck out.

(k) No new business will be taken later than 3 hours after the commencement of a meeting unless an extension of time is granted by the meeting.

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(l) Any person engaging in misconduct during a meeting or obstructing the business of the meeting will be called to order by the chair and if, after being called to order, the person persists in the misconduct or obstruction or otherwise refuses or fails to comply with the chair's direction, that person may be excluded from taking any further part in the business of the meeting and may be physically expelled from the meeting.

A61. RULES OF DEBATE

(a) The following rules of debate will be adhered to as far as practicable at all meetings of the Union held in accordance with these Part A rules.

(b) No discussion will be allowed except on a motion or amendment, duly proposed and seconded.

(c) A call for a seconder will only be put twice at which time if the motion or amendment has not been seconded it will lapse.

(d) Any Member desiring to propose a motion or amendment or to discuss any matter under consideration must address the chair.

(e) No Member will address the meeting unless, and until, called upon by the chair.

(f) When the chair speaks during a meeting the Member then speaking, or offering to speak, will cease so that the chair may be heard without interruption.

(g) The chair will call to order any speaker who departs from the question or who violates the courtesies or rules of debate.

(h) If the chair determines to participate in a debate at any meeting then the chair will vacate the chair whilst participating, which will be taken by the person who acts, in accordance with these rules, in the absence of the chair.

(i) All motions will be determined in the following manner:

(i) the mover of the motion will have 5 minutes at the time of moving the motion to present argument in support of the motion and 3 minutes to reply, where the reply is limited to the answering of arguments advanced against the motion;

(ii) the seconder of a motion and all other speakers will be limited to 3 minutes;

(iii) the meeting, on motion without debate, may extend the time of any speaker but an extension of time must not exceed 3 minutes and the meeting may agree to further extensions on the same basis;

(iv) the chair will call attention to the time of all speakers 1 minute before their time expires and motions for extensions may be made when the chair so calls, but not later;

(v) after the motion has been moved and seconded, no more than 2 members will speak in succession on one side, either for or against any question before the meeting and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the

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motion or amendment will at once be put to the meeting, subject to part (i) of this sub-rule.

(j) All votes at meetings will be subject to the following:

(i) the chair will read the motion and determine the question on the voices, provided that the chair may call for a show of hands;

(ii) every question submitted to a meeting will be decided by a show of hands, unless a poll is demanded by 5 Members;

(iii) the chair will then declare the motion carried or lost.

(k) In the event of a motion being carried or lost by a narrow majority, any 3 Members may demand a division and on a division being called for, those in favour will go to the side of the room on the chair's right and those against to the chair's left and the number on each side will be counted and the number of voters, for and against, will be recorded in the minutes.

(l) At any time during debate on any motion it will be competent for any Member who has not spoken to the motion to move an amendment, which will be subject to the following:

(i) all amendments must be seconded;

(ii) motions may be amended by adding words, by deleting words, or by deleting words and inserting others in their place;

(iii) the effect of any proposed amendment cannot be to establish a direct negative to the question contained in the motion;

(iv) only one amendment will be received at a time and that amendment must be disposed of before any further amendment may be considered or moved;

(v) all amendments will be put before the original motion;

(vi) the mover of an amendment will not have a right of reply;

(vii) should an amendment be carried it becomes the substantive motion and thereon a further amendment may be proposed, however, if no further amendment is proposed, the amendment which has become the substantive motion, will be put without further debate subject to part (v) of sub-rule (h) .

(m) Where a motion is considered by a meeting without any amendments being proposed no member except for the mover of the motion will speak more than once on the motion, unless by way of personal explanation or with the consent of the meeting.

(n) Where an amendment is proposed a member may speak for or against the proposed amendment.

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(o) Any member who considers they have been misrepresented by a speaker may, with the indulgence of the chair, interrupt the speaker to correct the misrepresentation, but the member interrupting must not enter into argument.

(p) It will be competent at any time during a debate for a Member who has not spoken to a motion under consideration, to rise and move, "that the question be now put" but no discussion will be allowed and if this motion is seconded and carried, the chair will immediately call upon the Member (if any) who may have the right of reply, and then, immediately following the reply, the chair will put the motion which will include the amendments (if any) that have been moved and accepted.

(q) No motion upon any other subject will be submitted until the one before the chair is disposed of in accordance with this rule.

(r) Should any question have occupied the attention of the meeting for 20 minutes, the discussion on such question will be closed and the chair will then call on the mover to reply, unless the meeting decides by resolution to continue the discussion of the matter in question.

(s) A motion may be dealt with by:

(i) adoption as moved;

(ii) rejection as moved;

(iii) adoption after amendment of the subject matter.

(t) Any of the following motions, will be in order despite a motion (or motion with amendments) being before the meeting:

(i) "The Order of the Day", i.e., that the next business in order be now taken;

(ii) postponement of the question, either to a definite time or a time to be fixed;

(iii) reference to a committee;

(iv) adjournment:

(A) of the debate;

(B) of the meeting.

(u) A motion for adjournment:

(i) may be moved and seconded at any time during the meeting;

(ii) may be debated, provided that not more than 4 speakers be allowed both for and against the motion, inclusive of the mover and seconder;

(iii) provides no right of reply for the mover of the motion;

(iv) will be successful if carried by a majority of Members present.

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(v) A second motion for adjournment will not be moved until the subject under discussion at the time of the first motion for adjournment has been disposed of.

(w) Questions of order will be decided by the chair, whose ruling will be final unless challenged by a formal motion submitted to the meeting.

(x) Any Member may rise to a point of order when the member considers the rules of debate to have been violated provided that the member must submit the "point of order" to the chair, who will decide the question as prescribed in sub-rule (w).

(y) Upon the point of order being raised, the Member addressing the meeting at the time will take their seat and will remain seated until the point of order has been decided.

(z) A ruling given by the chair on any question may be subject to a motion of dissent calling the meeting to disagree with the ruling.

(aa) On the motion of dissent being seconded, the chair will vacate the chair which will be taken by the person who acts, in accordance with these Part A rules, in the absence of the chair.

(bb) No motion of dissent from the chair's ruling will be permitted unless it is made before any other business has been proceeded to.

(cc) The procedure to determine a motion of dissent will be as follows:

(i) the Member moving the motion of dissent will be given 5 minutes to support the motion;

(ii) the chair will be given 5 minutes to defend their ruling;

(iii) the acting chair will then put the question and on the question being determined the chair will resume the chair.

(dd) A report of a Committee officially presented will be received without motion, but the adoption of such report either absolutely, or by clauses, will be moved and seconded.

(ee) It will be competent for any Member to move the reconsideration of a resolution that has been passed by a meeting, provided that the Member will have given notice at a previous meeting.

(ff) It will be competent for any Member to propose that any subject will be considered in a committee of the whole meeting.

(gg) The vote on such proposition when seconded will then be taken without discussion.

A62. TRANSITIONAL – AMALGAMATION CFMEUQ, FEDFAQ AND QCEUE

(a) The purpose of this rule is to provide for:

(i) the amalgamation of the CFMEUQ, the FEDFAQ and the QCEUE to constitute the amalgamated union;

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(ii) the conduct of the first election for the offices of the Division and District in the year 2016;

(iii) the conduct of the first election for the offices of the amalgamated union in the year 2016;

(b) In this rule the following words have the meaning assigned:

(i) "**Amalgamation Day**" means the date prescribed by the Industrial Relations Commission as the day of amalgamation for the CFMEUQ, the FEDFAQ and the QCEUE;

(ii) "**Amalgamated Union**" means the union formed by the amalgamation of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland ("CFMEUQ"), the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees ("FEDFAQ") and the Queensland Colliery Employees Union of Employees ("QCEUE");

(iii) "**CFMEUQ** means the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland;

(iv) "**Coal and Metalliferous Division**" means the Queensland Coal, Metalliferous and Energy Division of the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees;

(v) "**District**" means the Mining, Energy and Ports District of the Amalgamated Union;

(vi) "**FEDFAQ**" means the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees;

(vii) "**inaugural election**" means the first quadrennial elections to be conducted in accordance these Union rules in 2016;

(viii) "**QCEUE**" means the Queensland Colliery Employees Union of Employees;

(ix) "**State Division**" means the State Construction and General Division of the Amalgamated Union;

(x) "**the Construction and General Division**" means the Construction and General Division of the Federated Engine Drivers' and Firemens' Association of Queensland, Union of Employees;

(xi) "**Workplace Representative**" means members appointed as workplace representatives in accordance with the Part B and C rules.

(c) This rule will apply notwithstanding any other provisions of these rules.

(d) The Part A, B and C rules will commence to operate on, and from, Amalgamation Day.

(e) The Amalgamated Union and its members will comply with the rule changes effected on Amalgamation Day severably as provided for in this rule.

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(f) All persons who were, on the day immediately preceding Amalgamation Day, members of the CFMEUQ will on Amalgamation Day be members of the Amalgamated Union without the payment of a further fee, attached to the State Division.

(g) All persons who were, on the day immediately preceding Amalgamation Day, Honorary members of the CFMEUQ will on Amalgamation Day be Honorary members of the Amalgamated Union without the payment of a further fee, attached to the State Division.

(h) All persons who were, on the day immediately preceding Amalgamation Day, Retired members of the CFMEUQ will on Amalgamation Day be Retired members of the Amalgamated Union without the payment of a further fee, attached to the State Division.

(i) All persons who were, on the day immediately preceding Amalgamation Day, members of the FEDFAQ attached to the Construction and General Division will on Amalgamation Day be a Member of the Amalgamated Union without the payment of a fee attached to the State Division.

(j) All persons who were, on the day immediately preceding Amalgamation Day, members of the FEDFAQ attached to the Construction and General Division who had been granted a life membership will on Amalgamation Day be Life Members of the Amalgamated Union without the payment of a fee attached to the State Division.

(k) All persons who were, on the day immediately preceding Amalgamation Day, members of the FEDFAQ attached to the Coal and Metalliferous Division on Amalgamation Day be members of the Amalgamated Union without the payment of a fee attached to the District.

(l) All persons who were, on the day immediately preceding Amalgamation Day, Life Members of the FEDFAQ attached to the Coal and Metalliferous Division on Amalgamation Day be Life Members of the Amalgamated Union without the payment of a fee attached to the District.

(m) All persons who were, on the day immediately preceding Amalgamation Day, members of the QCEUE will on Amalgamation Day be members of the Amalgamated Union without the payment of a further fee, attached to the District.

(n) A member of the Amalgamated Union who becomes a member pursuant to sub-rules (f) – (m), will:

(i) without the payment of a further subscription be a financial member of the Amalgamated Union for the same period as they would, but for the amalgamation, have been a financial member of respectively the CFMEUQ, the FEDFAQ or the QCEUE as the case may be; and

(ii) following the period referred to in part (i), be obliged to make payment of subscriptions, as these rules require.

(o) A member of the Amalgamated Union, who becomes a member, on or following Amalgamation Day, other than pursuant to sub-rules (f) – (m), is liable to pay subscriptions and fees in accordance with the Part B and C rules.

(p) A member of the Amalgamated Union on, and from, Amalgamation Day is liable to pay levies and fines in accordance with the Part B and C rules.

(q) The subscriptions and fees to be paid by members of the Amalgamated Union subsequent to Amalgamation Day will be:

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(i) for members who were members of the CFMEUQ on the day prior to Amalgamation Day at the level of subscription fees paid by that member on the day prior to Amalgamation Day;

(ii) for members who were members of the FEDFAQ attached to the Construction and General Division on the day prior to Amalgamation Day at the level of subscription fees paid by that member on the day prior to Amalgamation Day;

(iii) for members who were members of the FEDFAQ attached to the Coal and Metalliferous Division on the day prior to Amalgamation Day at the level of subscription fees paid by that member on the day prior to Amalgamation Day; and

(iv) for members who were members of the QCEUE on the day prior to Amalgamation Day at the level of subscription fees paid by that member on the day prior to Amalgamation Day.

(r) For entrants to the Amalgamated Union, who were not members of the CFMEUQ or the FEDFAQ on the day prior to Amalgamation Day, and who are attached to the State Division, an amount equivalent to the level of fees of members of the CFMEUQ on the day prior to Amalgamation Day.

(s) For entrants to the Amalgamated Union, who were not members of the FEDFAQ or the QCEUE on the day prior to Amalgamation Day, and who are attached to the District, an amount equivalent to the level of fees of members of the FEDFAQ attached to the Coal and Metalliferous Division on the day prior to Amalgamation Day.

(t) This rule does not prevent the State Divisional Executive being able to determine the level of subscription fees in relation to members attached to the State Division in accordance with the Part B rules.

(u) This rule does not prevent the District Board being able to determine the level of subscription fees in relation to members, attached to the District, in accordance with the Part C rules.

(v) A member of the Amalgamated Union who was on the day preceding Amalgamation Day an unfinancial member of the CFMEUQ, the FEDFAQ or the QCEUE will remain unfinancial until the member becomes financial in accordance with the Part B or C rules, whichever of the Part B or C rules is applicable to the member.

(w) The MCQ will on Amalgamation Day attach entrants to the Amalgamated Union, who were not members of the CFMEUQ, the FEDFAQ or the QCEUE on the day prior to Amalgamation Day to the respective Industry Division to which they are to be attached in accordance with rule 9 of these Part A rules.

(x) On and from Amalgamation Day and up to the date members take office at the Inaugural Election the offices set out in column A will be held by the Members set out in column B:

A	B
Union President	District President of the District
Union Vice-President	State Divisional President of the State Division

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Union Secretary	State Secretary of the State Division
Union Assistant Secretary	District Secretary of the District
Members of Union Council	Members of the State Divisional Executive of the State Division And Members of the District Board of the District
Part B – State Division	
State Divisional President	State President of the CFMEUQ on the day immediately preceding Amalgamation Day.
State Divisional Vice-President	State Vice President of the CFMEUQ on the day immediately preceding Amalgamation Day.
State Secretary	State Secretary of the CFMEUQ on the day immediately preceding Amalgamation Day.
State Divisional Assistant Secretary	Assistant State Secretary of the CFMEUQ on the day immediately preceding Amalgamation Day.
State Divisional Council Members	Members of the State Management Committee of the CFMEUQ on the day immediately preceding Amalgamation Day And Members of the Management Committee of the Construction and General Division on the day immediately preceding Amalgamation Day.
State Divisional Executive Members	Members of the State Executive of the CFMEUQ on the day immediately preceding Amalgamation Day.
Part C –District	
District President	Divisional President of the QCEUE on the day immediately preceding Amalgamation Day.
District Executive Vice-President	Divisional Executive-Vice President of the QCEUE on the day immediately preceding Amalgamation Day.
District Vice-Presidents	Divisional Vice Presidents of the QCEUE on the day immediately preceding Amalgamation Day.

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District Secretary	Divisional Secretary of the QCEUE on the day immediately preceding Amalgamation Day.
District Board	State Board of Management of the QCEUE on the day immediately preceding Amalgamation Day And any other Divisional Representative elected to the Coal and Metalliferous Division on the day immediately preceding Amalgamation Day
District Executive	State Executive of the QCEUE on the day immediately preceding Amalgamation Day
Members of the District Convention	Members of the State Convention on the day immediately preceding Amalgamation Day.

(y)

(i) The Members of the CFMEUQ who were on the day prior to Amalgamation Day attached to a sub-branch of the CFMEUQ as set out in column A will on, and from, Amalgamation Day and subject to the Part B rules be attached to the sub-branch of the State Division as set out in column B.

(ii) The Members of the Construction and General Division who were on the day prior to Amalgamation Day attached to a sub-branch of the FEDFAQ Construction and General Division as set out in column A will on, and from, Amalgamation Day subject to the Part B rules be attached to the sub-branch of the State Division as set out in column B.

(iii) The Members of the Coal and Metalliferous Division who were on the day prior to Amalgamation Day attached to a sub-branch of the Coal and Metalliferous Division, as set out in column A, will on and from Amalgamation Day subject to the Part C rules be attached to the Lodge of the District as set out in column B.

(iv) The Members of the QCEUE who were on the day prior to Amalgamation Day attached to a Lodge of the QCEUE, as set out in column A, will on, and from, Amalgamation Day subject to the Part A rules be attached to the Lodge of the Mining, Energy and Ports Division as set out in column B.

A	B
CFMEUQ	
Brisbane	Brisbane
Cairns	Cairns

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Dalby	Dalby
Fraser Coast	Fraser Coast
Gladstone	Gladstone
Gold Coast	Gold Coast
Gympie	Gympie
Ipswich	Ipswich
Mackay	Mackay
Roma	Roma
Sunshine Coast	Sunshine Coast
Toowoomba	Toowoomba
Townsville	Townsville
Warwick	Warwick
Construction and General Division	
Brisbane	Brisbane
Cairns	Cairns
Dalby	Dalby
Fraser Coast	Fraser Coast
Gladstone	Gladstone
Gold Coast	Gold Coast
Gympie	Gympie
Ipswich	Ipswich
Mackay	Mackay
Roma	Roma
Sunshine Coast	Sunshine Coast
Toowoomba	Toowoomba
Townsville	Townsville
Warwick	Warwick
Coal and Metalliferous Division	
No current Sub-branches	
QCEUE	
Burton Downs	Burton Downs
Collinsville	Collinsville
Coppabella	Coppabella
Eaglefield	Eaglefield
Millennium	Millennium

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Moorvale	Moorvale
Newlands Opencut	Newlands Opencut
Newlands Underground	Newlands Underground
North Goonyella	North Goonyella
Sonoma Leighton	Sonoma Leighton
South Walker Creek	South Walker Creek
Boom Logistics	Boom Logistics
Broadmeadow BMA	Broadmeadow BMA
Carborough Downs	Carborough Downs
Goonyella Riverside BMA	Goonyella Riverside BMA
MacMahons Goonyella Riverside	MacMahons Goonyella Riverside
Moranbah North	Moranbah North
Peak Downs	Peak Downs
Blair Athol	Blair Athol
Bundoora	Bundoora
Foxleigh	Foxleigh
German Creek Open Cut	German Creek Open Cut
Grasstree	Grasstree
Norwich Park	Norwich Park
Oaky Creek No 1	Oaky Creek No 1
Oaky North	Oaky North
Saraji	Saraji
Callide Valley	Callide Valley
Crinum	Crinum

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Gregory	Gregory
Moura	Moura
RUS Mining Crinum	RUS Mining Crinum
Yongala (Ensham)	Yongala (Ensham)
Blackwater No 1	Blackwater No 1
Curragh	Curragh
Curragh North	Curragh North
Jellinbah	Jellinbah
Commodore Open Cut	Commodore Open Cut
Kogan Creek Coal Mine	Kogan Creek Coal Mine
Kogan Creek Power Station	Kogan Creek Power Station
New Acland	New Acland
Tarong Coal Mine	Tarong Coal Mine
West Moreton	West Moreton
Wilkie Creek	Wilkie Creek
Abbot Point Bulk	Abbot Point Bulk
Callide Power	Callide Power
Gladstone Port Authority	Gladstone Port Authority
Gladstone Power Station	Gladstone Power Station
Hay Point	Hay Point
Orica Queensland	Orica Queensland
Qld Bulk Handling	Qld Bulk Handling
State Member	State Member
Swanbank Power	Swanbank Power
Tarong Power Station	Tarong Power Station
Valley Longwall	Valley Longwall
Weipa	Weipa

(z) If on Amalgamation Day a person holds an office provided for by this rule is not available for any reason to hold an office referred to in this rule that operates on

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and from Amalgamation Day or has declined to hold an office that operates on and from Amalgamation Day referred to in this rule, then the MCQ is empowered to fill the vacancy, subject to the Act, by an appointment of a person otherwise qualified by these rules to hold the office.

(aa) Quadrennial elections will occur in respect of all offices of the Amalgamated Union in:

(i) Part A – 2012;

(ii) Part B – 2016;

(iii) Part C - 2016,

, and every four years thereafter.

(bb) On, and from, Amalgamation Day the rules that apply to the sub-branches of the Construction and General Division will, subject to the Part B rules, be those rules set out in Schedule 1 to the Part B rules.

(cc) As soon as is practicable following amalgamation day the Union Secretary, the State Secretary and the District Secretary will call meetings of their respective bodies in accordance with the Part A, Part B or Part C rules, as the case may be.

(dd) A person who, on the day immediately prior to Amalgamation Day, is a financial member of the CFMEUQ, the FEDFAQ or the QCEUE will remain a financial member of the Amalgamated Union for the same period of time that they would have been, but for the Amalgamation, a financial member of the CFMEUQ, the FEDFAQ or the QCEUE, as the case may be.

(ee) For the purpose of the rules of the Amalgamating Union, financial membership of the CFMEUQ will be continuous with the period the person was a financial member, respectively of the CFMEUQ, the FEDFAQ or the QCEUE, as the case may be.

(ff) Workplace Representatives of the CFMEUQ, the FEDFAQ or the QCEUE will on Amalgamation Day be Workplace Representatives of the Amalgamated Union.

(gg) The funds held in the Funds identified in column A on the day immediately prior to Amalgamation Day will on, and from, Amalgamation Day be held in the Funds identified in column B as provided for in the Part A, B or C rules referred to in column B.

A	B
FEDFAQ Union Fund	A Union Fund
FEDFAQ Queensland Coal, Metalliferous and Energy Division Divisional Fund	C District Fund
FEDFAQ Construction and General Division Divisional Fund	B Divisional Fund
CFMEUQ Union Find	B Divisional Fund

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QCEUE Union Fund	C District Fund
QCEUE Mortuary Benefit Fund	C Mortuary Benefit Fund

(hh) The liabilities of the CFMEUQ on the day preceding Amalgamation Day will become the liabilities of the State Division on Amalgamation Day.

(ii) The liabilities of the Construction and General Division on the day preceding Amalgamation Day will become the liabilities of the State Division on Amalgamation Day.

(jj) The liabilities of the Coal and Metalliferous Division will become the liabilities of the District on Amalgamation Day.

(kk) The liabilities of the QCEUE will become the liabilities of the District on Amalgamation Day.

(ll) Any affiliation to a state or national organisation by the CFMEUQ, the FEDFAQ or the QCEUE will be maintained by the Amalgamated Union subject to these rules.

(mm) Any proceedings commenced, prior to Amalgamation Day, in the name of the CFMEUQ, the FEDFAQ or the QCEUE will on, and from, Amalgamation Day be continued in the name of the Amalgamated Union.

(nn) Any proceedings commenced pursuant to the CFMEUQ rules prior to Amalgamation Day, against a member of the CFMEUQ will on, and from, Amalgamation Day continue to be dealt with pursuant to these rules.

(oo) Any proceedings commenced pursuant to the FEDFAQ rules prior to Amalgamation Day, against a member of the FEDFAQ will on, and from, Amalgamation Day continue to be dealt with pursuant to these rules.

(pp) Any proceedings commenced pursuant to the QCEUE rules prior to Amalgamation Day, against a member of the QCEUE will on, and from, Amalgamation Day continue to be dealt with pursuant to these rules.

(qq) Any member of the CFMEUQ suspended prior to Amalgamation Day from membership for a period of time, pursuant to the rules of the CFMEUQ, will continue to be suspended from membership of the Amalgamated Union until the total period of suspension given by way of penalty pursuant to the rules of the CFMEUQ, has elapsed.

(rr) Any member of the FEDFAQ suspended prior to Amalgamation Day from membership for a period of time, pursuant to the rules of the FEDFAQ, will continue to be suspended from membership of the Amalgamated Union until the total period of suspension given by way of penalty pursuant to the rules of the FEDFAQ, has elapsed.

(ss) Any member of the QCEUE suspended prior to Amalgamation Day from membership for a period of time, pursuant to the rules of the QCEUE, will continue to be suspended from membership of the Amalgamated Union until the total period of suspension given by way of penalty pursuant to the rules of the QCEUE, has elapsed.

(tt) The Returning Officer of the CFMEUQ on the day immediately preceding Amalgamation Day will on, and from, Amalgamation Day be the Returning Officer of the Amalgamated Union.

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(uu) The Auditor of the CFMEUQ on the day immediately preceding Amalgamation Day will on, and from, Amalgamation Day be the Auditor of the State Division.

(vv) The Auditor of the QCEUE on the day immediately preceding Amalgamation Day will on, and from, Amalgamation Day be the Auditor of the District.

(ww) The books, papers, accounts, financial statements, records, documents, computer records and registers of the CFMEUQ as they existed on the day immediately preceding Amalgamation Day become, on Amalgamation Day, the property of the Amalgamated Union.

(xx) The books, papers, accounts, financial statements, records, documents, computer records and registers of the FEDFAQ as they existed on the day immediately preceding Amalgamation Day become, on Amalgamation Day, the property of the Amalgamated Union.

(yy) The books, papers, accounts, financial statements, records, documents, computer records and registers of the QCEUE as they existed on the day immediately preceding Amalgamation Day become, on Amalgamation Day, the property of the Amalgamated Union.

(zz) Except as otherwise provided for in this rule, this rule may be altered by resolution of the MCQ provided that of the votes cast ¾ of the total vote are cast in favour of any alteration.

A63. TRANSITIONAL – AMALGAMATION CFMEUQ AND BLF

(a) The purpose of this rule is to provide for:

(i) the amalgamation of the CFMEUQ and the BLF to constitute the amalgamated union; and

(ii) the conduct of the first election for the offices of the SCG Division in the year 2016.

(b) In this rule the following words have the meaning assigned:

(i) "**Amalgamation Day**" means the date prescribed by the Industrial Relations Commission as the day of amalgamation for the CFMEUQ and the BLF;

(ii) "**Amalgamated Union**" means the union formed by the amalgamation of the CFMEUQ and the BLF;

(iii) "**BLF**" means the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees;

(iv) "**CFMEUQ** means the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland on the day preceding Amalgamation Day;

(v) "**District**" means the Mining, Energy and Ports District of the Amalgamated Union;

(vi) "**inaugural election**" means the first quadrennial elections of the SCG Division to be conducted in accordance these Union rules in 2016;

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(vii) **"SCG Division"** means the State Construction and General Division of the Amalgamated Union on, and from, Amalgamation Day;

(viii) **"State Division"** means the State Construction and General Division of the Amalgamated Union on the day preceding Amalgamation Day.

(c) This rule will apply notwithstanding any other provisions of these rules.

(d) The rules of the Amalgamated Union will commence to operate on, and from, Amalgamation Day.

(e) The Amalgamated Union and its members will comply severably with the rule changes effected on Amalgamation Day as provided for in this rule.

(f) All persons who were, on the day immediately preceding Amalgamation Day, members of the State Division will on Amalgamation Day be members of the Amalgamated Union without the payment of a further fee, attached to the SCG Division.

(g) All persons who were, on the day immediately preceding Amalgamation Day, Life or Honorary members of the State Division will on Amalgamation Day be Life or Honorary members of the Amalgamated Union without the payment of a further fee, attached to the SCG Division.

(h) All persons who were, on the day immediately preceding Amalgamation Day, members of the CFMEUQ attached to the District will on Amalgamation Day be a Member of the Amalgamated Union without the payment of a fee attached to the District.

(i) All persons who were, on the day immediately preceding Amalgamation Day, members of the CFMEUQ attached to the District who had been granted a life membership will on Amalgamation Day be Life Members of the Amalgamated Union without the payment of a fee attached to the District.

(j) All persons who were, on the day immediately preceding Amalgamation Day, members of the BLF will on Amalgamation Day be members of the Amalgamated Union without the payment of a further fee, attached to the SCG Division.

(k) All persons who were, on the day immediately preceding Amalgamation Day, honorary members of the BLF will on Amalgamation Day be members of the Amalgamated Union without the payment of a further fee, attached to the SCG Division.

(l) A member of the Amalgamated Union who becomes a member pursuant to sub-rules (f) – (i), will:

(i) without the payment of a further subscription be a financial member of the Amalgamated Union for the same period as they would, but for the amalgamation, have been a financial member of the CFMEUQ; and

(ii) following the period referred to in part (i), be obliged to make payment of subscriptions, as these rules require.

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(m) A member of the Amalgamated Union who becomes a member pursuant to sub-rule (j), will:

(i) without the payment of a further subscription be a financial member of the Amalgamated Union for the same period as they would, but for the amalgamation, have been a financial member of the BLF; and

(ii) following the period referred to in part (i), be obliged to make payment of subscriptions, as these rules require.

(n) A member of the Amalgamated Union, who becomes a member, on or following Amalgamation Day, other than pursuant to sub-rules (f) (h) or (k), is liable to pay subscriptions and fees in accordance with the Part B or C rules, as the case may be.

(o) A member of the Amalgamated Union on, and from, Amalgamation Day is liable to pay levies and fines in accordance with the Part B or C rules, as the case may be.

(p) Subject to this transitional rule the subscriptions and fees to be paid by members of the Amalgamated Union on Amalgamation Day will be for:

(i) members who were members of the CFMEUQ on the day prior to Amalgamation Day at the level of subscription fees paid by that member on the day prior to Amalgamation Day; and

(ii) members who were members of the BLF on the day prior to Amalgamation Day at the level of subscription fees paid by a member to the State Division on the day prior to Amalgamation Day.

(q) This rule does not prevent the State Divisional Executive being able to determine, on and from Amalgamation Day, the level of subscription fees in relation to members attached to the SCG Division in accordance with the Part B rules.

(r) This rule does not prevent the District Board being able to determine, on and from Amalgamation Day, the level of subscription fees in relation to members, attached to the District in accordance with the Part C rules.

(s) A member of the Amalgamated Union who was, on the day preceding Amalgamation Day, an unfinancial member of the CFMEUQ or the BLF will remain unfinancial until the member becomes financial in accordance with the Part B or C rules, as the case may be.

(t) The MCQ will on Amalgamation Day attach entrants to the Amalgamated Union, who were not members of the CFMEUQ or the BLF on the day prior to Amalgamation Day to the respective Division to which they are to be attached in accordance with rule 9 of the Part A rules.

(u) On and from Amalgamation Day and up to the date members take office at the Inaugural Election the offices set out in column B will be held by the Members set out in column A:

A	B

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Secretary - BLF	State Divisional President – SCG Division; • State Divisional Council – SCG Division • State Divisional Executive – SCG Division
President - BLF	State Divisional Senior Vice President - SCG Division • State Divisional Council – SCG Division • State Divisional Executive – SCG Division
Assistant Secretary - BLF	State Divisional Executive member - SCG Division • State Divisional Council – SCG Division • State Divisional Executive – SCG Division
Vice President - BLF	State Divisional Vice President - SCG Division • State Divisional Council Member – SCG Division
Trustees – BLF	State Divisional Council Member - SCG Division • State Divisional Council Member – SCG Division
Treasurer – BLF	State Divisional Council Member – SCG Division • State Divisional Council Member – SCG Division
Guardian – BLF	State Divisional Council Member – SCG Division • State Divisional Council Member – SCG Division
Executive Member - BLF	State Divisional Council Member - SCG Division

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	• State Divisional Council Member – SCG Division
State Divisional President – State Division	State Divisional Senior Vice President - SCG Division • State Divisional Council Member – SCG Division • State Divisional Executive Member – SCG Division
State Divisional Vice President – State Division	State Divisional Vice President (State Division) - SCG Division • State Divisional Council Member – SCG Division • State Divisional Executive Member – SCG Division
State Secretary – State Division	State Secretary - SCG Division • State Divisional Council Member – SCG Division • State Divisional Executive Member – SCG Division
State Divisional Assistant Secretary (Plasterers) – State Division	State Divisional Assistant Secretary (Plasterers) - SCG Division • State Divisional Council Member – SCG Division • State Divisional Executive Member – SCG Division
State Divisional Assistant Secretary (Painters) – State Division	State Divisional Assistant Secretary (Painters) - SCG Division • State Divisional Council Member – SCG Division • State Divisional Executive Member – SCG Division
State Divisional Assistant Secretary (General) – State Division	State Divisional Assistant Secretary (General) - SCG Division • State Divisional Council Member – SCG Division • State Divisional Executive Member – SCG Division

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State Divisional Executive Member	State Divisional Executive member - SCG Division • State Divisional Council Member - SCG Division • State Divisional Executive Member – SCG Division
State Divisional Council Member	State Divisional Council Member - SCG Division

and the persons referred to in Column A will, subject to these rules, continue to hold the office in the SCG Division as described in Column B herein, until their successor takes office following the 2016 elections.

(v) The officers of the State Divisional Council of the SCG Division are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the State Divisional Council of the State Division, will be entitled to exercise collectively 73% of the total votes at a meeting of the State Divisional Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were on the day preceding the commencement day, members of the BLF Executive Committee, will be entitled to exercise collectively 27% of the total votes at a meeting of the Divisional Branch Council such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(w) The officers of the State Divisional Executive of the SCG Division are entitled to exercise votes as follows:

(i) each of the officers who were, on the day preceding the commencement day, members of the State Divisional Council of the State Division, will be entitled to exercise collectively 73% of the total votes at a meeting of the State Divisional Executive such votes to be exercised in equal proportions as between those officers in attendance at the meeting;

(ii) each of the officers who were on the day preceding the commencement day, members of the BLF Executive Committee, shall be entitled to exercise collectively 27% of the total votes at a meeting of the State Divisional Executive

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such votes to be exercised in equal proportions as between those officers in attendance at the meeting.

(x) There will be an inaugural meeting of the State Divisional Council of the SCG Division held within two (2) months of the commencement day.

(y) There will be an inaugural meeting of the State Divisional Executive of the SCG Division held within one (1) month of the commencement day.

(z) Financiality for the purposes of these Divisional rules is inclusive of the period of financial membership of the State Division contiguous with periods of financial membership with the SCG Division.

(aa) Financiality for the purposes of these Divisional rules is inclusive of the period of financial membership of the BLF contiguous with periods of financial membership with the SCG Division.

(bb) At meetings of the State Divisional Council, quorum will be as provided by rule B17(h), provided further that for the purposes of quorum at least one (1) member in attendance must be a person who was a member of the BLF on the day immediately preceding amalgamation day and at least one (1) member in attendance must be a person who was a member of the State Division on the day immediately preceding amalgamation day.

(cc) At meetings of the State Divisional Executive, quorum will be as provided by rule B21(h), provided further that for the purposes of quorum at least one (1) member in attendance must be a person who was a member of the BLF on the day immediately preceding amalgamation day and at least one (1) member in attendance must be a person who is was member of the State Division on the day immediately preceding amalgamation day.

(dd) If on Amalgamation Day a person holds an office, provided for by this rule, is not available for any reason to hold that office or has declined to hold that office, then the MCQ is empowered to fill the vacancy, subject to the Act, by an appointment of a person otherwise qualified by these rules to hold that office.

(ee)

(i) The Members of the State Division who were on the day prior to Amalgamation Day attached to a sub-branch of the State Division set out in Column A will on, and from, Amalgamation Day and subject to the Part B rules be entitled to participate in the Regional Rank and File Meetings of the SCG Division set out in column B;

(ii) the Members of the District who were on the day prior to Amalgamation Day attached to a Lodge of the District will on and from Amalgamation Day subject to the Part C rules remain attached to the equivalent Lodge; and

(iii) The Members of the BLF who were on the day prior to Amalgamation Day attached to a Branch of the BLF, set out in column A, will on, and from, Amalgamation Day subject to the Part B rules be entitled to participate in the Regional Rank and File Meetings of the SCG Division set out in column B:

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A	B
State Division	
Brisbane	South East Queensland
Cairns	Cairns
Dalby	Dalby
Fraser Coast	Fraser Coast
Gladstone	Gladstone
Gold Coast	South East Queensland
Gympie	Gympie
Ipswich	South East Queensland
Mackay	Mackay
Roma	Roma
Sunshine Coast	Sunshine Coast
Toowoomba	South East Queensland
Townsville	Townsville
Warwick	Warwick
BLF	
Brisbane	South East Queensland

(ff) Quadrennial elections will occur in respect of all offices of the Amalgamated Union in:

(i) Part A – 2016;

(ii) Part B – 2016;

(iii) Part C - 2016,

, and every four years thereafter.

(gg) As soon as is practicable following amalgamation day the Union Secretary, the State Secretary and the District Secretary will call meetings of their respective

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bodies in accordance with the Part A, Part B or Part C rules and this rule, as the case may be.

(hh) Workplace Representatives (howsoever called) of the CFMEUQ or the BLF will on Amalgamation Day be Workplace Representatives of the Amalgamated Union of the Division to which they are respectively attached.

(ii) The funds held in the Funds identified in column A on the day immediately prior to Amalgamation Day will on, and from, Amalgamation Day be held in the Funds identified in column B as provided for in the Part A, B or C rules referred to in column B.

A CFMEUQ FUND	B CFMEUQ FUND
B Divisional Fund	B Divisional Fund
C District Fund	C District Fund
BLF Union Fund	B Divisional Fund

For the purposes of this sub-rule funds are inclusive of real and personal property.

(jj) The liabilities of the State Division on the day preceding Amalgamation Day will be the liabilities of the SCG Division on Amalgamation Day.

(kk) The liabilities of the District will be the liabilities of the District on Amalgamation Day.

(ll) The liabilities of the BLF will become the liabilities of the SCG Division on Amalgamation Day.

(mm) The liabilities of the CFMEUQ and the BLF will become the liabilities of the Amalgamated Union on Amalgamation Day.

(nn) Any affiliation to a state or national organisation by the CFMEUQ or the BLF will be maintained by the Amalgamated Union subject to these rules.

(oo) Any proceedings commenced, prior to Amalgamation Day, in the name of the CFMEUQ or the BLF will on, and from, Amalgamation Day be continued in the name of the Amalgamated Union.

(pp) Any proceedings commenced pursuant to the CFMEUQ rules prior to Amalgamation Day, against a member of the CFMEUQ will on, and from, Amalgamation Day continue to be dealt with pursuant to these rules.

(qq) Any proceedings commenced pursuant to the BLF rules prior to Amalgamation Day, against a member of the BLF will on, and from, Amalgamation Day continue to be dealt with pursuant to these rules.

(rr) Any member of the CFMEUQ suspended prior to Amalgamation Day from membership for a period of time, pursuant to the rules of the CFMEUQ, will

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continue to be suspended from membership of the Amalgamated Union until the total period of suspension given by way of penalty pursuant to the rules of the CFMEUQ, has elapsed.

(ss) Any member of the BLF suspended prior to Amalgamation Day from membership for a period of time, pursuant to the rules of the BLF, will continue to be suspended from membership of the Amalgamated Union until the total period of suspension given by way of penalty pursuant to the rules of the BLF, has elapsed.

(tt) The Returning Officer of the CFMEUQ on the day immediately preceding Amalgamation Day will on, and from, Amalgamation Day be the Returning Officer of the Amalgamated Union.

(uu) The Auditor of the State Division on the day immediately preceding Amalgamation Day will on, and from, Amalgamation Day be the Auditor of the SCG Division and be the auditor of the Amalgamated Union.

(vv) The Auditor of the District on the day immediately preceding Amalgamation Day will on, and from, Amalgamation Day be the Auditor of the District.

(ww) The books, papers, accounts, financial statements, records, documents, computer records and registers of the CFMEUQ as they existed on the day immediately preceding Amalgamation Day become, on Amalgamation Day, the property of the Amalgamated Union.

(xx) The books, papers, accounts, financial statements, records, documents, computer records and registers of the BLF as they existed on the day immediately preceding Amalgamation Day become, on Amalgamation Day, the property of the Amalgamated Union.

(yy) Despite rule B15 full time officials may during the period commencing on Amalgamation Day and ending on the 1st day of January, 2016, hold the office of State Division Senior Vice-President and State Division Vice-President.

(zz) Except as otherwise provided for in this rule, this rule may be altered by resolution of the MCQ provided that of the votes cast ¾ of the total vote are cast in favour of any alteration.

A64

(a) For this rule the words and phrases in column A have the meaning set out opposite in column B:

A	B
Certification Date	The date of registration of the MEU or the certification of the change of name of the CFMMEU to the CFMEU whichever is the later

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CFMEU	Construction, Forestry and Maritime Employees Union
CFMMEU	Construction, Forestry, Maritime, Mining and Energy Union
MEU	Mining and Energy Union

(b) The purpose of this rule is to provide for the transition of the State Construction and General Division and the Mining, Energy and Ports District as respective sections of the CFMMEU to respectively becoming a section of the CFMEU and MEU.

(c) Rule A37 will have effect up to the day immediately preceding the Certification Date with References to the CFMEU and to the MEU being references to the CFMMEU.

(d) Rule A37 will have effect according to its terms on, and from, the Certification Date.

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STATE CONSTRUCTION & GENERAL DIVISION

PART B RULES

B1. NAME

(a) The name of the State Division is the State Construction and General Division.

B2. PRINCIPAL OFFICE

(a) The principal office of the State Division is 14-16 Campbell Street, Bowen Hills, or such other place as the State Divisional Council may determine.

(e) The principal office is the place of meeting for the purposes of conducting the business of the State Division except where the State Division Executive directs otherwise.

(f) The principal office of the State Division will be open during business hours.

(g) The State Secretary will keep the registers that must be kept in accordance with these State Divisional rules, the Union's rules or the Act at the principal office of the State Division.

B3. DEFINITIONS

(a) In these Part B rules, unless the contrary intention appears:

(i) "Act" will mean the Industrial Relations Act 2016;

(ii) "CFMEU" means the Construction, Forestry and Maritime Employees Union;

(iii) "counterpart federal body" means the CFMEU, Construction and General Division, Queensland and Northern Territory Divisional Branch;

(iv) "direct debit scheme" means a scheme where a member provides written authority for contributions payable to the State Division to be deducted, on such regular basis as the State Secretary agrees, from the member's financial institution, similar debit account or credit card;

(v) "election procedures" means the procedures provided by rules B29 to B60 of these State Divisional rules;

(vi) "full time" means employed in relation to the State Division for 36 hours or more in any week;

(vii) "Honorary Member" means a Member of the State Division who has applied for and been granted honorary membership pursuant to these State Divisional rules;

(viii) "Life Member" means a member of the State Division who has been appointed as a Life Member pursuant to these State Divisional rules;

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(ix) "Member" will mean a member of the State Division who is financial, unless the context clearly provides otherwise, in accordance with rule B7 and includes Honorary Members;

(x) "Office" means, the office of:

(A) State Divisional President;

(B) State Divisional Senior Vice-President;

(C) State Divisional Vice-President;

(D) State Secretary;

(E) State Divisional Assistant Secretary;

(xi) "Officers Register" means the register kept in accordance with rule B12(d);

(xii) "payroll deduction scheme" means a scheme where a member provides written authority to their employer for contributions payable to the State Division to be deducted, on such regular basis as the State Secretary agrees, from the member's salary;

(xiii) "Policy" means policy determined by the State Division;

(xiv) "principal office" means the place of business provided for by rule B2;

(xv) "Quadrennial Elections" means an election held each 4 years in accordance with the election procedures;

(xvi) "Register" means the register of members maintained by the State Secretary in accordance with rule B12(a);

(xvii) "State Division" means the State Construction and General Division;

(xviii) "State Divisional Assistant Secretary" means any or all, as the case may be, of the State Divisional Assistant Secretaries unless a rule expressly provides otherwise;

(xix) "State Divisional Executive" means the committee of management of the State Division as provided by rule B19;

(xx) "State Divisional Journal" means a publication produced, or adopted, by the State Division and which is provided free of charge to the Members by means of print or electronic media;

(xxi) "State Secretary" means the secretary of the State Division;

(xxii) "Union" means the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland.

(h) In these Part B rules:

(i) a reference to the performance of a duty by an officer is inclusive of a reference to the officer causing the duty to be discharged and/or

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inclusive of the duty being discharged by any other officer holding the written delegation of the relevant officer or the State Executive;

(ii) where any period of time, dating from a given day, act or event is prescribed or allowed for any purpose, the period, unless the contrary intention appears, is reckoned exclusive of such day or the day of such act or event;

(iii) where the last day of any period prescribed or allowed by these Part B rules for the doing of anything falls on a Saturday or a Sunday or on a day which is a public holiday or a bank holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following which is not a Saturday, Sunday or a public holiday or a bank holiday in that place;

(iv) the singular includes the plural and the plural includes the singular;

(v) a reference to the State Division's callings is a reference to those callings contained in part "A" of the Union's registered callings;

(vi) a reference to a statute includes any:

(A) statute amending, consolidating or replacing the statute; and

(B) regulation made under the statute as that regulation is in force from time to time;

(vii) a reference to an award or other instrument includes the replacement of the award or the other instrument if it is replaced;

(viii) headings will not be taken into account in interpreting these Part B rules;

(ix) a reference to a "rule" is, unless the context clearly indicates otherwise, a reference to a rule of these Part B rules;

(x) a reference to a "sub-rule" means, unless the context clearly indicates otherwise, a sub-rule of the rule in which the reference to the sub-rule is made;

(xi) a reference to a "part" means, unless the context clearly indicates otherwise, a part of the sub-rule in which the reference to the part is made;

(xii) a reference to a "Schedule", unless the context clearly indicates otherwise, is to a schedule to these Part B rules and that schedule is a part of these Part B rules;

(xiii) a reference to "administrative regulations", unless the context clearly indicates otherwise, is a reference to administrative regulations to these Part B rules and those administrative regulations are a part of these Part B rules;

(xiv) a reference to "financial year" is a reference to the period provided for in sub-rule B18(a);

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(xv) a reference to a "day" is a reference to the days Monday to Friday, public holidays excluded;

(xvi) a reference to "business hours" is a reference to the hours of 9.00am to 5.00pm.

(i) A reference in a Schedule to these Part B rules to the "rules" is a reference to these Part B rules and all words and phrases in the Schedule have the same meaning as those words and phrases have in these Part B rules.

(j) Without limitation to sub-rules (a) and (b) the rules of the Union are to be interpreted as follows:

(i) Part A – the rules that provide for the operation of the Union inclusive of its Divisions;

(ii) Part B – the rules that provide for the C&G Division;

(iii) Part C – the rules that provide for the ME&P District,

and a reference to one of those parts is a reference respectively to parts (i) to (iii);

(iv) a reference in the Part A rules to "these Union rules" is a reference to rules as they apply in relation to the Union inclusive of its Divisions;

(v) a reference in the Part A rules to "these Part A rules" is a reference to a rule of Part A that does not have application to the Divisions;

(vi) a reference in the Part A rules to "a rule of a Division" is a reference to the rules of the Divisions;

(vii) a reference to Divisional rules is a reference to the rules of the Divisions;

(viii) a reference in a rule of a Division to "these Divisional rules" or to "these District rules" is respectively a reference to the Part B and Part C rules;

(ix) a reference in the Part A, B or C rules to a rule with the prefix A, B or C before it is a reference to the rule of that number located respectively in the Part A, B or C rules.

B4. APPLICATION FOR MEMBERSHIP

(a) Applications for membership of the State Division will be:

(x) in the form determined by the State Divisional Executive (for this rule the "application form"); and

(xi) signed by the applicant.

(k) The State Division may publish the application form, determined pursuant to sub-rule (a), by the means it considers appropriate.

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(l) The State Division may, without limitation to sub-rule (b), publish, and accept, applications for membership by means of the internet, and in relation to any applications received by means of the internet the provisions of the Electronic Transactions (Queensland) Act 2001 apply and an applicant for membership will be taken to have signed the application form if the requirements of s14 of the Electronic Transactions (Queensland) Act 2001 are met.

(m) No omission, irregularity or want of form will invalidate an application for membership provided that:

(i) the applicant for membership intended the document they submitted to the State Division to be an application for membership; and

(ii) the State Division treated the document submitted as an application form for membership.

(n) An applicant for membership will, on the membership application form, state which classification the applicant for membership considers to be their appropriate classification.

(o) All applications for membership are to be delivered to the State Secretary, provided that they may be lodged by means of the internet.

(p) An applicant for membership is accepted, subject to sub-rule (h), when the application is received by the State Secretary.

(q) The State Secretary may refer an application for membership, where the State Secretary has concerns in relation to:

(i) the applicant's bona fides; and/or

(ii) their stated classification,

to the State Divisional Executive for its determination.

(r) Applications for membership, referred in accordance with sub-rule (h) will be considered by the State Divisional Executive, who will, if satisfied with the bona-fides and/or classifications of the applicant for membership, admit the applicant for membership to membership of the State Division.

(s) The State Divisional Executive may reject an application for membership if they do not accept the applicant is bona fide and/or the classifications do not permit membership of the State Division, provided that where an application for membership is rejected any monies paid by the applicant for membership will be reimbursed to the applicant for membership.

(t) The State Divisional Executive may, when considering an application for membership pursuant to sub-rule (l) make a determination as to the classification of the applicant for membership.

(u) The classification determined in accordance with sub-rule (k), will:

(i) be for the purpose of determining the eligibility of each member to nominate for election to any office within the State Division where

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election to an office is dependent upon members having a particular classification;

(ii) be conclusive; and

(iii) bind the State Divisional Returning Officer.

(v) Applicants for membership will, when admitted to membership in accordance with this rule, enjoy all the advantages of membership of the State Division so long as they comply with these State Divisional rules and the Union's rules.

(w) The State Secretary will promptly advise the Union Secretary of:

(i) admission to membership of new members of the State Division; and

(ii) particulars relating to the new members admitted which are required for completion of the Union Register.

B5. ENTRANCE FEE

(a) The State Division may require the payment of an entrance fee in such amount as the State Divisional Executive determines.

(x) The State Division may require the payment of a re-entrance fee in such amount as the State Divisional Executive may determine, provided that:

(i) an applicant for membership who has no arrears of contributions, levies, fines or fees standing against them from a previous period of membership may be required to pay an entrance fee, but not more than 3 months contributions; or

(ii) an applicant who has arrears of contributions, levies, fines or fees standing against them from a previous period of membership may be required to pay an entrance fee, but not more than the equivalent of 12 months contributions.

B6. SUBSCRIPTIONS

(a) The annual subscription payable by each member will be fixed by the State Divisional Council on the recommendation of the Divisional Executive.

(y) All members over 65 years of age who have had 25 years' continuous membership in the State Division, who through physical infirmities are unable to work continuously in the State Division's callings, may become an Honorary Member by:

(i) making application to the State Secretary; and

(ii) paying a fee of $50, or other amount as may be determined by the State Divisional Executive.

(z) An Honorary Member has, subject to rule B11, the rights provided to financial members pursuant to rule B8.

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(aa) A member who was more than 50 years of age when admitted to membership of the State Division, is not entitled to the benefit of sub-rule (c) but will, on the payment of the application fee to the State Secretary be entitled to receive the State Divisional Journal.

(bb) Half year terms begin on the first day of April and October, respectively.

(cc) An applicant admitted to membership of the State Division during the currency of any half-year will be credited in the subsequent half-year for such period of the half-year as had elapsed before the applicant was admitted, with the credit being calculated on a monthly basis.

B6A. LEVIES

(a) The State Divisional Council may, subject to sub-rule (d) set a levy for payment by members:

(i) of the State Division; or

(ii) entitled to participate in a particular Regional Rank and File Meeting; or

(iii) who follow a particular calling of the State Division,

provided that any levies set pursuant to parts (ii) or (iii) may only be utilised, respectively, for the benefit of the Members in the Sub-Branch or who follow the callings concerned.

(dd) Levies are to be paid at the same time as subscriptions and may be paid by the following means:

(i) cash;

(ii) cheque/money order;

(iii) credit card;

(iv) payroll deduction scheme; or

(v) direct debit scheme.

(ee) Despite sub-rule (b) where the levy is an amount of less than $50.00 it will be paid as a single payment by the following means:

(i) cash;

(ii) cheque/money order;

(iii) credit card;

(iv) payroll deduction scheme; or

(v) direct debit scheme.

(ff) The State Divisional Council will determine whether or not members who are apprentices or trainees must pay any levy set pursuant to sub-rule (a).

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B7. FINANCIAL MEMBERSHIP

(a) A member who fails to pay Membership Contributions in advance of the half year terms, ending 31 March and 30 September respectively, for the half year term immediately following will, subject to this rule and rule B9, be unfinancial.

(gg) Notwithstanding sub-rule (a), a member who:

(i) Has paid the entrance fee; and

(ii) commenced on, and makes payment in accordance with, a Scheme; and

(iii) either:

(A) has made payment of all Membership Contributions immediately prior to commencing on a Scheme; or

(B) has authorised the deduction of an amount that will result in the payment of all Membership Contributions within six (6) months of commencing on a Scheme or within such longer period as the State Secretary permits,

will be a financial member.

(hh) A member making payment of their Membership Contribution in accordance with:

(I) a payroll deduction scheme will be unfinancial if in arrears for a period of three (3) months after the last payment under the payroll deduction scheme was received; or

(ii) a direct debit scheme will be unfinancial if in arrears of two (2) Periodic Payments.

(ii) A member who fails to pay a fine within 10 days of having been notified, in writhing, of the imposition of the fine will, subject to rule B9, be unfinancial.

(jj) The State Divisional Executive may purge from the Register of Members unfinancial members from the members of the Division.

(kk) The State Secretary will advise the Union Secretary of the name of any member purged from membership and the date of the member being purged.

(ll) For the purposes of this rule:

(i) 'Membership Contribution' means entrance fees, subscriptions and levies in accordance with these State Divisional Rules;

(ii) 'Periodic Payment' means a payment required to be made by a member at the frequency authorised in their written authority; and

(iii) 'Scheme' means a payroll deduction scheme or a direct debit scheme.

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B8. RIGHTS OF MEMBERS

(a) Only Members, being financial, are entitled to any of the benefits and privileges of membership.

(mm) Only Members are entitled to:

(i) attend meetings of the State Division;

(ii) move, or second, resolutions of the State Division;

(iii) speak at any meeting of the State Division;

(iv) vote in any ballot, or plebiscite, of the State Division;

(v) nominate, or second, nominations for office of the State Division;

(vi) hold office in the State Division;

(vii) receive the State Divisional Journal, or any other publication of the State Division, free of charge;

(viii) receive the Union Journal, or any other publication of the Union, free of charge; and/or

(ix) participate in the business of the State Division or the Union.

(nn) Life Members are entitled to:

(i) attend meetings of the State Division;

(ii) move, or second, resolutions of the State Division;

(iii) speak at any meeting of the State Division; and/or

(iv) receive the State Divisional Journal, or any other publication of the State Division, free of charge.

B9. WAIVER OF FEES

(a) The State Divisional Executive may determine to waive the whole, or any part, of:

(v) entrance fees;

(vi) re-entrance fees;

(vii) subscriptions;

(viii) contributions;

(ix) fines;

(x) levies; and/or

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(xi) arrears,

for a member, or group of members, where the State Divisional Executive considers it is appropriate, and to the benefit of the State Division, to do so.

B10. RESIGNATION OF MEMBERS

(a) A member may terminate membership of the State Division by written notice addressed and delivered to the State Secretary.

(oo) Notification of resignation is given if it is:

(i) left at the principal office of the State Division; or

(ii) it is addressed to the State Division, or any officer of the State Division, and is sent to the office of the State Division.

(pp) If a member specifies in their notification a day or time at which the resignation from the State Division is to be effective, being a day or time subsequent to the time when notification is duly given, the membership of the member terminates on the day, or at the time, specified and not before, unless membership is sooner terminated by the State Division in accordance with these State Divisional rules.

(qq) Termination of membership by resignation does not affect the liability of the member, or former member, to pay any:

(i) entrance fees;

(ii) re-entrance fees;

(iii) subscriptions;

(iv) contributions;

(v) fines;

(vi) levies; or

(vii) fines,

owing to the State Division at the date of resignation.

(rr) Moneys owed to the State Division may, subject to the Act and the Union's rules, be sued for and recovered in the name of the Union.

(ss) The State Secretary will promptly advise the Union Secretary of the name of any member resigning and the date the member resigns.

B11. MEMBERS' OBLIGATIONS TO NOTIFY

(a) A member, being aware of the death of any other member, will promptly notify the State Secretary.

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B12. REGISTER OF MEMBERS / REGISTER OF OFFICERS

(a) The State Secretary will keep a State Divisional membership register containing, as far as the State Secretary is able to determine the following information in relation to members, their:

(i) name;

(ii) residential address;

(iii) phone numbers;

(iv) email address;

(v) place of employment;

(vi) classification;

(vii) date of admission;

(viii) date of resignation; and

(ix) and any other information required by the Act.

(tt) A member changing their member information will notify the State Secretary who will promptly amend the Register.

(uu) The Register is, in the event of a member failing to notify any change of their member information pursuant to this rule, conclusive proof for the purposes of these State Divisional rules and the Union's rules of the matters set out in the Register.

(vv) The State Secretary will keep a register of officers of the State Division.

(ww) The State Secretary will keep a register of officers of the State Division which will contain:

(i) the names;

(ii) the offices held; and

(iii) the addresses,

of the officers of the Union.

(xx) A member of the State Division, or a person with a State Divisional member's written authority, may during business hours inspect the Register and the register of officers of the State Division.

(yy) The State Secretary will, at the time of changing member information on the State Divisional membership register, advise the Union Secretary of the change in information.

(zz) The State Secretary will, at the time of entering an Officers' information on the register of officers, advise the Union Secretary and provide any information that

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the Union Secretary may reasonably require to ensure that the Union's Register of Officers is maintained.

(aaa) The State Secretary will, at the time of changing officer information on the Officers Register, advise the Union Secretary of the change in information.

(bbb) The State Secretary will advise the Union Secretary of the names of any member who has resigned from the District.

B13. RECOVERY OF ARREARS

(a) If any member is in arrears to amount to the subscriptions to be paid for 3 half year terms, the State Secretary will:

(i) cause a notice to be sent to the members last known address; and

(ii) take the necessary steps, inclusive of legal proceedings, to recover the arrears.

(ccc) Despite Sub-rule (a) the State Secretary may, or the State Divisional Executive from directing the State Secretary to, take other steps to recover arrears of:

(i) entrance fees;

(ii) re-entrance fees;

(iii) subscriptions;

(iv) fines; or

(v) levies.

(for the purpose of this rule "arrears")

(ddd) The State Secretary may place the collection of arrears in the hands of a solicitor or agent for collection.

(eee) Any arrears owing by a member to the State Division for more than one and a half years will be waived by the State Division.

B14. OFFICERS

(a) The officers of the State Division consist of the:

(i) State Divisional President;

(ii) two (2) State Divisional Senior Vice-Presidents;

(iii) two (2) State Divisional Vice-President

(iv) State Secretary;

(v) State Divisional Assistant Secretaries (the total number of which will be determined in accordance with rule 15) and which will include a State

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Divisional Assistant Secretary (Plasterers) and may include a State Divisional Assistant Secretary (Painters);

(vi) two (2) State Divisional Executive members; and

(vii) State Divisional Council members;

B15. STATE DIVISIONAL COUNCIL

(a) For the purposes of this rule:

(i) "North Queensland" means the Local Authority areas of:

(A) Shire of Carpentaria;

(B) Tablelands Region;

(C) City of Townsville;

(D) Shire of Hinchinbrook;

(E) Cassowary Coast Region;

(F) Shire of Yarrabah;

(G) Cairns Region;

(H) Shire of Wujal Wujal;

(I) Shire of Hope Vale;

(J) Shire of Cook;

(K) Shire of Lockhart River;

(L) Shire of Kowanyama;

(M) Shire of Pompuraaw;

(N) Shire of Aurukun;

(O) Napranum Shire;

(P) Shire of Mapoon;

(Q) Northern Peninsula Area Region;

(R) Palm Island Regional Council;

(S) Torres Strait & Torres Strait Regional Council;

(T) Shire of Mareeba; and

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(U) Shire of Douglas.

(ii) "Regional Queensland" means all of the local authorities of Queensland other than those that comprise South East Queensland.

(iii) "South East Queensland" means the Local Authority areas of:

(A) Brisbane;

(B) Gold Coast;

(C) Ipswich;

(D) Lockyer Valley;

(E) Logan;

(F) Moreton Bay;

(G) Noosa;

(H) Redland;

(I) Scenic Rim;

(J) Somerset; and

(K) Sunshine Coast.

(b) The State Divisional Council will, subject to this rule, consist of:

(i) the State Divisional President;

(ii) two (2) State Divisional Senior Vice-Presidents;

(iii) two (2) State Divisional Vice-Presidents;

(iv) the State Secretary;

(v) three (3) State Divisional Assistant Secretaries;

(vi) two (2) State Divisional Executive Members;

(vii) one (1) member on the State Divisional Council who shall be elected by, and from, those members eligible for membership under rule A7 section A(e); and

(viii) 11 members on the State Divisional Council who will be elected by, and from, the following two (2) groups of members:

(A) Eight (8) State Divisional Council members who will be elected by, and from, the members who reside in South East Queensland; and

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(B) Three (3) State Divisional Council members who will be elected by, and from, the members who reside in Regional Queensland, provided that at least one (1) of those State Divisional Council members will be elected from the members who reside in North Queensland,

subject to:

1. the State Divisional Council member/s to be elected under:

    a. paragraph (viii)(A) being reduced by one (1) if the State Divisional President resides in South East Queensland;

    b. paragraph (viii)(B) being reduced by one (1) if the State Divisional President resides in Regional Queensland; or

    c. paragraph (vii) being reduced by one (1) if the State Divisional President is eligible for membership under rule A7 section A(e);

2. the State Divisional Council member/s to be elected under:

    a. paragraph (viii)(A) being reduced by one (1) or more if one (1) or more, as the case may be, of the State Divisional Senior Vice-Presidents resides in South East Queensland;

    b. paragraph (viii)(B) being reduced by one (1) or more if, one (1) or more, as the case may be, of the State Divisional Senior Vice-Presidents resides in Regional Queensland; and/or

    c. paragraph (vii) being reduced by one (1) if a State Divisional Senior Vice-President is eligible for membership under rule A7 section A(e);

3. the State Divisional Council members to be elected under:

    a. paragraph (viii)(A) being reduced by one (1) or more if, one (1) or more as the case may be, of the State Divisional Executive Members resides in South East Queensland;

    b. paragraph (viii)(B) is to be reduced by one (1) or more if, one (1) or more as the case may be, of the State Divisional Executive Members resides in Regional Queensland; and/or

    c. paragraph (vii) being reduced by one (1) if a State Divisional Executive Member is eligible for membership under rule A7 Section A(e).

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(c) The offices of:

(i) State Divisional President;

(ii) State Secretary; and

(iii) State Divisional Assistant Secretary;

are the only offices which may, subject to the provisions of this rule, be held by full time, or part time officers.

(d) A full time officer or person employed on behalf of the State Division is not nominate for, or hold, the office of:

(i) State Divisional Senior Vice-President; or

(ii) State Divisional Vice-President.

(e) The membership of the State Divisional Council must not be comprised or more than a total of 30% of the State Division's full-time elected officers or persons employed on behalf of the State Division.

(f) Subject to these State Divisional rules:

(i) the:

(A) State Secretary; and

(B) State Divisional President;

(C) State Divisional Senior Vice-Presidents;

(D) State Divisional Vice-Presidents; and

(E) State Executive Member,

will, be elected by, and from Members of the State Division, who are eligible to vote;

(ii) the State Divisional Assistant Secretary (Plasterers) will be elected by, and from, the Members of the State Division who are eligible for membership of the State Division under rule A7 Section A(a) and who are eligible to vote;

(iii) the State Divisional Assistant Secretary (Painters) (if any) will be elected by, and from, the Members of the State Division who are eligible for the membership of the State Division under rule A7 Section A(b) and who are eligible to vote; and

(iv) the State Divisional Assistant Secretary (General) will be elected from Members of the State Division who are eligible to vote.

(g) The State Divisional Council will, at its first meeting held following a quadrennial election, elect from its members two (2) State Divisional Vice-Presidents who will not, apart from holding the office of State Divisional Council member, hold any other office in the State Division.

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(h) The State Divisional Council will, not less than 3 months prior to the opening of nominations as prescribed by the election procedures for a Quadrennial Election, determine, subject to this rule, the number and designation of State Divisional Assistant Secretaries to be elected.

(i) The State Divisional Council will, not less than 3 months prior to the opening of nominations as prescribed by the election procedures, determine which (if any) of the State Divisional Assistant Secretaries are to be honorary.

(j) The State Divisional Council may also determine that:

(i) a full time office of State Divisional Assistant Secretary, will, with the consent of the incumbent in that office, revert to an honorary office; or

(ii) where a casual vacancy arises in an office of State Divisional Assistant Secretary, the State Divisional Council of Management may, prior to filling the vacancy pursuant to these rules, resolve whether the office will be abolished or whether it is to be filled on an honorary or full-time basis.

(k) The State Divisional Council may, not less than 3 months prior to the opening of nominations as prescribed by the election procedures for a Quadrennial Election, determine whether the office of State Divisional President is to be held on an honorary or full time basis following the Quadrennial Election.

(l) The State Divisional Council may where the office of State Divisional President is full time determine that:

(i) the office of State Divisional President will, with the consent of the incumbent in that office, be held on an honorary basis; or

(ii) prior to filing a casual vacancy in the office of State Divisional President that the office is, on being filled, to be held on an honorary basis.

(m) The State Divisional Council may, prior to filling a casual vacancy in the office of State Divisional President, where the office has been held on a honorary basis, determine that the office be held on a full time basis, provided that on making a determination under this sub-rule the casual vacancy will be subject of an election under the election procedures.

(n) Where a determination has been made under sub-rule (k), that determination remains in effect unless a further determination is made under sub-rule (k) or a subsequent determination is made under sub-rules (l) or (m).

(o) For the purposes of the Quadrennial Election to be held in 2020, and without subsequent limitation to sub-rules (k), (l) or (m), the office of State Divisional President is to be honorary.

B16. POWERS OF THE DIVISIONAL COUNCIL

(a) The State Divisional Council will exercise:

(i) all the powers of the State Division;

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(ii) the power to determine the policy of the State Division;

(iii) the power to amend these State Divisional rules;

(iv) the power to seek amendment to the Union's rules; and

(v) powers expressly provided to it by these State Divisional rules.

(b) Despite sub-rule (a)(i) the State Divisional Council will not exercise any powers that are expressly provided to the State Divisional Executive.

B17. MEETINGS OF DIVISIONAL COUNCIL

(a) The State Divisional Council will meet not less than 3 times per year.

(b) The State Secretary will give 10 days notice of a meeting to be held pursuant to sub-rule (a).

(c) A meeting summonsed in accordance with sub-rule (a) will be conducted in person and by means which permit State Divisional Council members to be able to communicate with each other without being physically present.

(d) The State Secretary will, upon the request of the State Divisional President, or at least one quarter of the State Divisional Council members, summon a meeting of the State Divisional Council to be held within 5 days of the receipt of the request by the State Secretary.

(e) The State Secretary must, subject to this rule, give at least 24 hours notice when summoning State Divisional Council members to meetings of the State Divisional Council (pursuant to sub-rule (d)).

(f) A meeting summonsed in accordance with sub-rule (d) will be conducted in person and by means which permit State Divisional Council members to be able to communicate with each other without being physically present.

(g) Where the State Divisional President, the State Secretary or 6 members of the State Divisional Council, by requisition in writing, consider that a matter requires urgent attention then the State Secretary :

(i) will summon a special meeting of the State Divisional Council; and

(ii) will give such notice, to the State Divisional Council members, of the meeting as is practicable in the circumstances; and

(iii) a meeting, summonsed in accordance with part (i), may be conducted by:

(A) telephone; and/or

(B) radio; and/or

(C) video; and/or

(D) skype, and/or

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(E) or any other method by which State Divisional Council members are able to communicate with each other without being physically present; or

(iv) ballot the State Divisional Council members by means of post, facsimile, E-mail or by such other electronic or telegraphic means as may be available; and

(v) a ballot conducted in accordance with part (iv) will be open for 10 days; and

(vi) a ballot will be declared when more than ½ plus 1 of the members of State Divisional Council have voted for or against, as the case may be, the resolution balloted.

(h) One half plus one of the number of the State Divisional Council members elected to, and holding office, constitutes quorum.

(i) The State Divisional President may, when the State Divisional President considers it is appropriate to do so and on the request of a State Divisional Council member, grant a State Divisional Council member a leave of absence from attending a meeting of the State Divisional Council.

(j) Where leave of absence is granted pursuant to sub-rule (f), quorum will be one half plus one of the number of the State Divisional Council members elected to, and holding office less the number of State Divisional Council members who have been granted a leave of absence.

(k) If at any meeting of the State Divisional Council no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting the meeting will be adjourned for not less than 5 days nor more than 10 days.

(l) Members will be given two clear days notice of the date, time and place to which the meeting has been adjourned.

(m) If at the meeting adjourned pursuant to sub-rule (k) no quorum is present, those present will be deemed to be quorum for the purpose of the business to be determined.

(n) A State Divisional Council member absent from three consecutive meetings of the State Divisional Council without satisfactory explanation may be charged and dealt with in accordance with rule B68.

B18. FINANCIAL YEAR

(a) The financial year of the State Division is the 12 month period commencing on 1St April and ending the 31st of March or such other period as the State Divisional Executive determines.

B19. STATE DIVISIONAL EXECUTIVE

(a) There will be a State Divisional Executive comprised of the following:

(i) the State Divisional President; and

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(ii) the State Divisional Senior Vice-Presidents; and

(iii) the State Divisional Vice-President (State Division); and

(iv) the State Divisional Vice-President; and

(v) the State Secretary; and

(vi) all the State Divisional Assistant Secretaries; and

(vii) the State Divisional Executive Member .

(b) The Divisional Executive is the management committee for the Division.

B20. POWERS OF THE DIVISIONAL EXECUTIVE

(a) Between meetings of the State Divisional Council the State Divisional Executive will exercise the powers of the State Division.

(b) All accounts paid by the State Division will be submitted to the State Divisional Executive for ratification.

(c) The State Divisional Executive has control of the State Divisional Fund.

(d) The State Divisional Executive may disburse moneys as provided by these State Divisional rules.

(e) The State Divisional Executive may invest the State Divisional Fund as provided by these State Divisional rules.

(f) The State Divisional Executive may delegate authority to the State Secretary to authorise payments, provided that such delegation can relate to:

(i) recurrent expenditure; and/or

(ii) budgeted expenditure; and/or

(iii) specific expenditure; and/or

(iv) expenditure to a limit.

(g) The State Divisional Executive may make donations not exceeding $500, or such other sum as the State Divisional Council may determine.

(h) The State Divisional Executive has the powers as may otherwise be provided by these State Divisional rules, the Union's rules or as may be delegated by the State Divisional Council.

B21. MEETINGS OF THE DIVISIONAL EXECUTIVE

(a) The State Divisional Executive will meet not less than 6 times per year at the times its members determine.

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(b) The State Secretary will, upon the request of the State Divisional President, or at least 2 other members of the State Divisional Executive, summon a meeting of the State Divisional Executive to be held within 5 days of the receipt of the request by the State Secretary.

(c) The State Secretary must, subject to this rule, give at least 24 hours notice when summoning members to meetings of the State Divisional Executive.

(d) Where the State Divisional President or the State Secretary consider that a matter requires urgent attention then the State Secretary will:

(i) summon a special meeting of the State Divisional Executive; and

(ii) give notice of the special meeting as is practicable in the circumstances; and

(iii) conduct the meeting by:

(A) telephone; and/or

(B) radio; and/or

(C) video; and/or

(D) skype; and/or

(E) any other method by which members of the State Divisional Executive are able to communicate with each other without being physically present; or

(F) a ballot of the State Divisional Executive members by means of post, facsimile, E-mail, SMS or by such other electronic or telegraphic means as may be available provided that this ballot will be open for 5 days and will be declared when ½ plus 1 of the members of the State Divisional Executive have voted for or against, as the case may be, the resolution balloted.

(e) If at any meeting of the State Divisional Executive no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting the meeting will be adjourned for not less than 5 days nor more than 10 days.

(f) Members will be given 2 clear days notice of the date, time and place to which the meeting, adjourned pursuant to sub-rule (e), has been adjourned.

(g) If at the meeting, adjourned pursuant to sub-rule (e), when it is reopened no quorum be present, those present will be deemed to be quorum for the purpose of the business to be determined.

(h) One half plus one of the number of the Members of the State Divisional Executive holding office constitutes a quorum.

(i) A member of the State Divisional Executive absent from three consecutive meetings of the State Divisional Executive without satisfactory explanation may be charged and dealt with in accordance with rule B68.

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B22. DUTIES OF THE STATE DIVISIONAL PRESIDENT

(a) The State Divisional President will preside at all meetings:

(i) of the State Divisional Council; and

(ii) of the State Divisional Executive; and

(iii) of the State Divisional Convention; and
(iv) of the State Divisional Delegates; and

(v) convened by the State Divisional Delegates Convention; and

(vi) convened by the State Divisional Council.

(b) The State Divisional President has a deliberative vote only.

(c) The State Divisional President will carry out duties as may be assigned to the State Divisional President by the State Divisional Council or the State Divisional Executive.

B23. DUTIES OF THE STATE DIVISIONAL SENIOR VICE-PRESIDENTS

(a) The State Divisional Senior Vice-Presidents will assist the State Divisional President in the discharge of the State Divisional President's duties pursuant to these State Divisional rules.

(b) In the absence of the State Divisional President, one of the State Divisional Senior Vice-Presidents, approved by the State Divisional Executive, will chair meetings.

(c) In the absence of the State Divisional President, one of the State Divisional Senior Vice-Presidents, approved by the State Divisional Executive, will act as the State Divisional President.

B24. DUTIES OF THE STATE DIVISIONAL VICE-PRESIDENTS

(a) There will be two (2) State Divisional Vice-Presidents.

(b) One of the State Divisional Vice-Presidents will, in accordance with rule A63, have been a member of the State Division prior to Amalgamation Day and fill the office of State Divisional Vice-President (State Division) until their successor takes office in accordance with these State Divisional rules.

(c) The Divisional Branch Vice-Presidents will have such duties and responsibilities as may be determined from time to time by the Divisional Branch Executive.

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B25. DUTIES OF THE STATE SECRETARY

(a) The State Secretary is the Chief Executive Officer of the State Division and will conduct and manage the affairs of the State Division, subject to these State Divisional rules, between meetings of the State Divisional Executive.

(b) The State Secretary will:

(i) manage and control the State Divisional fund; and

(ii) acquire, manage and control all property, effects, records and documents necessary for the proper conduct of the business and affairs of the State Division; and

(iii) sell or otherwise dispose of such property and effects as are no longer necessary for the proper conduct of the business and affairs of the State Division; and

(iv) receipt all moneys payable to the State Divisional fund; and

(v) cause to be kept statements of account in relation to the receipts and expenditure of the State Division; and

(vi) submit to each meeting of the State Divisional Executive an interim statement of account current to the end of the week that immediately precedes the State Divisional Executive meeting; and

(vii) cause the preparation of a yearly statement of account, and for the audit of the statement of account in accordance with the Act, and will present the auditors report to the State Divisional Executive and to the State Divisional Council for approval; and

(viii) once the audited report is approved by the State Divisional Council publish it to the members and file it with the Registrar; and

(ix) incur, or authorise the incurring of, expenditure on behalf of the State Division; and

(x) comply with all lawful directions given by State Divisional Council and the State Divisional Executive; and

(xi) comply with Policy; and

(xii) take all reasonable steps to attain the objects of the Union and to carry out these State Divisional rules; and

(xiii) promptly on being directed by the State Divisional Council to do so, deliver any funds, money, property, effect, record or document of the State Division in the State Secretary's possession, custody or control to the person as directed; and

(xiv) keep up-to-date the State Division membership register; and

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(xv) keep up-to-date the officers register; and

(xvi) advise the Union Secretary as required; and

(xvii) keep records which show any amounts which a member owes to the State Division; and

(xviii) summon all meetings of the State Divisional Council and the State Divisional Executive; and

(xix) prepare, and circulate to the respective members, an agenda for each meeting of the State Divisional Council and State Divisional Executive; and

(xx) will wherever practicable attend all meetings of the State Division, the State Divisional Council and State Divisional Executive; and

(xxi) keep, in accordance with these State Divisional rules, minutes of meetings; and

(xxii) send and receive correspondence on behalf of the State Division; and

(xxiii) upon request supply to Members, free of charge, a copy of these State Divisional rules; and

(xxiv) be the sole public spokesperson of the State Division, unless:

(A) the State Divisional Executive otherwise directs; or

(B) the State Secretary otherwise delegates.

(c) The State Secretary may make demand for any part of the State Divisional fund or any record or document from any officer of the State Division, the State Divisional Returning Officer or member of the State Division who is in possession, custody or control of the part of the State Divisional fund, record or document concerned.

(d) All expenditure incurred pursuant to sub-rule (b) will be placed before the State Divisional Executive for ratification.

(e) The State Secretary may issue and defend proceedings in the name of the Union, on behalf of the State Division, in regard to any matter relating to the State Division and/or that affects the Members.

(f) The State Secretary will ensure the State Division is represented in relation to all relevant hearings before:

(i) Commissions; and/or

(ii) Tribunals; and/or

(iii) Boards; and/or

(iv) Courts.

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(g) The State Secretary will direct, subject to these State Divisional rules, the duties of all full time officers and employees of the State Division and will be able, to the extent permitted by these State Divisional rules to delegate the State Secretary's functions.

B26. DUTIES OF THE STATE DIVISIONAL ASSISTANT SECRETARIES

(a) The State Divisional Assistant Secretaries will work under the direction of the State Secretary.

(b) The State Divisional Assistant Secretaries will assist the State Secretary in the discharge of the State Secretary's duties pursuant to these State Divisional rules.

(c) In the temporary absence of the State Secretary one of the State Divisional Assistant Secretaries will be appointed by the State Divisional Executive as the Acting State Secretary and will act with the powers, and have the same obligations, as the State Secretary.

B27. STATE DIVISIONAL ORGANISERS

(a) The State Divisional Executive will:

(i) not less than two months prior to the closing of nominations as prescribed in the election procedures, determine the number of State Divisional organisers to be elected; and

(ii) determine the area of the State Division in which State Divisional organisers will reside and operate and may appoint additional State Divisional organisers.

(b) The State Divisional organisers will be under the control of the State Secretary and the State Divisional Executive.

(c) State Divisional organisers will:

(i) when required, attend meetings of the:

(A) State Divisional Council; and

(B) State Divisional Executive; and

(ii) perform organising duties as may be directed by the State Secretary; and

(iii) visit workplaces where members of the State Division, and other workers eligible to join, are employed; and

(iv) make every effort to encourage persons eligible to be members of the State Division to apply for membership of the State Division; and

(v) co-operate with all:

(A) Site Delegates; and

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(B) chairs of Regional Rank and File Meetings.

(d) State Divisional organisers may be elected and remain in office for a period of four years, provided that if the income is insufficient to meet the half-yearly expenditure, their services may be dispensed with at the discretion of the State Divisional Executive.

(e) The State Divisional Executive may appoint temporary organisers for a period not exceeding 6 months.

(f) Temporary organisers will be subject to the direction of the State Secretary.

B28. NOMINATION

(a) A Member who:

(i) is financial at the time nominations close; and

(ii) has been a financial member of the State Division for the continuous period required for candidates for particular offices as provided for, relevantly, in sub-rule (d); and

(iii) is otherwise, in accordance with these State Divisional rules, entitled to nominate for a particular office,

may nominate for that office.

(b) Provided that any Member, otherwise entitled to nominate for an office, who has:

(i) ceased to work in the classifications that made the person eligible for membership of the State Division; and

(ii) reached the age of 65 years,

cannot nominate for any office.

(c) Provided further that a Member, otherwise entitled to nominate for an office, who has reached the age of 65 years cannot nominate for a full time position.

(d) The continuous period of financial membership required for candidates for election to the State Divisional offices set out in column A, is the respective period set out in column B:

A	B
State Secretary	Three years financial membership
Assistant State Divisional Secretaries	Three years financial membership
State Divisional President	Three years financial membership
State Divisional Senior Vice-President	Three years financial membership

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State Divisional Vice-President	Three years financial membership
State Divisional Council Members	One years' financial membership
State Divisional Organisers	One years' financial membership
State Divisional Executive Member	One years' financial membership

(e) The term of office for the positions set out in column A of sub-rule (d):

(i) is, subject to these State Divisional rules four years; and

(ii) commences on, and from, the 2 January in the year following the quadrennial election in 2012 for the offices held in accordance with these State Divisional rules;

(iii) the members elected will hold those offices, subject to death, resignation, or removal from office pursuant to these State Divisional rules or the rules of the Union, until their successors take office in accordance with these State Divisional rules.

(f) A Member wishing to nominate for an office must nominate in the form approved by the State Divisional Executive and which is made available at the principal office and on the State Divisional website.

(g) A member may only nominate for one office.

(h) A nomination form must be signed by the Member nominating and by two other Members and forwarded to the Returning Officer:

(i) by facsimile;

(ii) by email (PDF);

(iii) by registered post; or

(iv) delivered,

prior to the time determined by the Manager of the Election as the closing time for nominations.

(i) The provisions of sub-rule (h) do not apply to the offices of the State Divisional Vice-President and the State Divisional Executive Member.

(j) The State Divisional Vice-President and State Divisional Executive Member will:

(i) commence to hold office from the declaration of results at the 1st meeting of the State Divisional Council following the taking of office by the members of the State Divisional Council following a quadrennial election;

(ii) hold those offices, subject to:

(A) the death; or

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(B) resignation; or

(C) removal from the office, or from the office they hold on the State Divisional Council, pursuant to these State Divisional rules or the of the Union's rules,

until their successors take office in accordance with these State Divisional rules.

(k) The quadrennial elections for all offices, set out in column A of sub-rule (d), other than the office of State Divisional Executive Member, will be conducted in accordance with the Election Procedures.

(l) The quadrennial offices of:

(i) State Divisional Vice-President; and

(ii) State Divisional Executive Member,

will be conduced in accordance with rules B27-60.

B29. ELECTION PROCEDURES DEFINITIONS

(a) Definitions in these election procedures are:

(i) "ballot box" means a ballot box kept under rule B42.

(ii) "candidate", for an election, means a person:

(A) who has nominated as a candidate for the office the election is about; and

(B) whose nomination has been accepted under rule B33; and

(C) whose nomination has not been withdrawn.

(iii) "days" has the meaning provided by the Act.

(iv) "eligible member" means a person who was a Member 30 days before the starting time for nominations.

(v) "initialled" by the Manager of an election includes being marked with a facsimile of the Manager's initials.

(vi) "Manager of an election" means:

(A) the electoral officer conducting the election or ballot; or

(B) if an exemption has been given pursuant to the Act the returning officer then appointed pursuant to the Act to conduct the election.

(vii) "member" means a member of the State Division.

(viii) "preferential voting" will mean:

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(A) a system of voting in which the voter will place a number 1 in the square opposite the name of the candidate for whom he/she votes as his/her first preference, and will place the number 2, 3, 4 (and so on as the case required) in the squares opposite the names of all the remaining candidates so as to indicate the order of the preference for them; and

(B) a ballot by the preferential system the valid ballot papers will be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate; and

(C) if on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast he/she will be declared elected; and

(D) if no candidate receives an absolute majority the preferences of the candidate receiving the lowest number of votes will be distributed;

(E) the step provided by sub-part (D) will be repeated until a candidate or candidates, as the case may be, are elected.

(ix) "return envelope" see rule B41(a)(ii).

(x) "roll", for an election, means the roll of voters prepared for the election under rule B37.

(xi) "scrutineer" means:

(A) a candidate who acts personally as a scrutineer; or

(B) a person appointed as a scrutineer for a candidate under rule B48.

(xii) "State Secretary" means:

(A) the person holding office as the State Division's State Secretary; or

(B) another officer of the Union, however described, who has the functions of the State Division's State Secretary.

(xiii) "voter" means a person:

(A) who is an eligible member; and

(B) whose name is on the roll.

(xiv) "voting material" see rule B41(a).

B30. MANAGER OF ELECTION—FUNCTIONS AND POWERS

(a) The Manager of an election:

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(i) must not influence, or attempt to influence, the outcome of the election; and

(ii) must conduct the election under these election procedures except where the rules expressly provide otherwise; and

(iii) may take the action, and give the directions, the Manager considers reasonably necessary to ensure that the processes under which the election is conducted are transparent; and

(iv) must ensure suitable arrangements are made with Australia Post for the return of ballot papers to a box or locked bag at a post office.

(b) The Manager of an election other than an electoral officer may take the action, and give the directions, the Manager considers reasonably necessary:

(i) to ensure no irregularities happen in the election; or

(ii) to remedy a procedural defect that appears to the Manager to exist about the election.

(c) To ensure the integrity of an election, the address for return of ballot papers must not be the State Division's usual postal address.

B31. CLOSING DAY AND TIME FOR NOMINATIONS

(a) The Manager of the election must fix the opening day and closing day for nominations for office.

(b) The closing day must be at least 28 days after notice is given under rule B32.

(c) Nominations open at midday on the opening day and close at midday on the closing day.

B32. STARTING AND FINISHING DAYS OF BALLOT

(a) If a ballot becomes necessary under rule B35, the Manager of the election must fix the start and finish days for the ballot to decide the result of the election.

(b) The start day must not be before the closing day for nominations for the offices to be filled at the election.

B33. CALLING FOR NOMINATIONS

(a) The Manager of the election must call for nominations for the offices to be filled by notice given to members in 1 of the following ways:

(i) by post to each member at the address recorded in the members register;

(ii) if the State Division publishes a journal or newsletter that it gives to its members free of charge, by advertisement in the State Divisional Journal or newsletter; or

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(iii) in a daily newspaper circulating in the area where the State Division's members live or work.

(b) The notice must state:

(i) the opening day for nominations; and

(ii) the closing day for nominations; and

(iii) that nominations for office:

(A) open at midday on the opening day; and

(B) close at midday on the closing day; and

(iv) who may nominate as a candidate in the election; and

(v) that nominations for office must be written, signed by the nominee and given to the Manager before nominations close; and

(vi) the starting and finishing days for a ballot to decide the result of the election if a ballot becomes necessary under rule 35; and

(vii) that only a person who was a financial member 30 days before the opening time for nominations may Vote in the election; and

(viii) that the ballot will be decided by a preferential system of voting.

B34. NOMINATION PROCEDURE

(a) A nomination for office must be written, signed by the nominee, otherwise comply with these State Divisional rules and be given to the Manager of the election before nominations close.

(b) A person may not nominate for more than 1 office.

(c) The Manager of the election must accept a nomination if:

(i) it complies with sub-rule B33(a) and (b); and

(ii) the nominee is an eligible member and is otherwise entitled pursuant to these rules to nominate; and

(iii) the nominators are entitled pursuant to these rules to nominate the nominee; and

(iv) these rules, in so far as they expressly provide in relation to the nomination process, are complied with.

(d) A candidate may withdraw the candidate's nomination by written notice given to the Manager of the election no later than 5 days after nominations close.

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B35. WHAT HAPPENS IF A NOMINATION IS DEFECTIVE

(a) The Manager of the election must reject a nomination given to the Manager of the election after nominations have closed.

(b) If a nomination for an office is defective, other than because the nominee is not qualified to hold the office or because the nomination was made after the closing time, the Manager of the election must:

(i) reject it; and

(ii) give the nominee notice of the defect; and

(iii) if practicable, give the nominee an opportunity to remedy the defect.

(c) If practicable, the notice must be given before nominations close.

(d) Failure to give the notice does not invalidate the election.

B36. WHEN A BALLOT MUST BE HELD

(a) If there are more candidates for election to an office than the number to be elected, the Manager of the election must conduct a secret postal ballot pursuant to these election procedures.

B37. ELECTION WITHOUT BALLOT

(a) The Manager of the election must declare a candidate elected to an office if:

(i) nominations have closed; and

(ii) the candidate does not hold another office; and

(iii) the candidate has:

(A) not nominated for a higher office; or

(B) nominated for a higher office and is not elected to the higher office; and

(iv) if the election is for State Divisional President or Secretary—the candidate is the only candidate; or

(v) if the election is for another type of office—the number of candidates for the office is not more than the number of offices of the same type to be elected at the same time.

B38. ROLL—PREPARATION

(a) A roll for a ballot must be prepared at the direction of the Manager of the election.

(b) The Manager of the election must ensure the roll:

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(i) states:

(A) the name of each person who is an eligible member of the Union in alphabetical order; and

(B) each eligible member's address, opposite their name; and

(C) the Industry Sub-group to which they are allocated pursuant to these rules; and

(ii) is completed when nominations for the election close.

(c) The State Division must give the Manager of the election:

(i) a copy of its members register; and

(ii) access to the Union's records reasonably necessary for the Manager to ensure the roll is accurate.

B39. ROLL—INSPECTION

(a) The Manager of the election must make the roll for the election available for inspection:

(i) in the period that:

(A) starts on the day after the roll must be completed under rule B37; and

(B) ends 30 days after the result of the election is declared; and

(ii) at the Manager's office when it is open for business.

(b) A candidate, member or a person authorised by the Manager of the election may inspect the roll, free of charge.

(c) If, during the period stated in sub-rule (a), a candidate or member asks for a copy of the roll or a stated part of the roll, the Manager must give the person the copy, free of charge.

B40. WHEN SOMEONE CAN CLAIM A RIGHT TO VOTE

(a) Despite rule B37(b), if an eligible member's name does not appear on the roll, the member may apply to the Manager of the election to have the member's name included on the roll.

(b) If the Manager of the election is satisfied the applicant is an eligible member, the Manager must include the applicant's name on the roll.

(c) An eligible member is only able to vote in such ballots as is permitted pursuant to these rules.

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B41. BALLOT PAPERS

(a) A ballot paper for the election must:

(i) have a watermark or other distinctive pattern that prevents it from being reproduced other than by the Manager of the election or a person authorised by the Manager; and

(ii) be of paper that will hide a vote marked on it from view when it is folded once; and

(iii) be a different colour from the colour used for ballot papers at the 2 previous elections held for the Union; and

(iv) list the names of each candidate once only for each office the election is for, with the surname first, followed by the candidate's other names; and

(v) state how the voter may vote; and

(vi) state that the voter must fill in and sign the voting declaration or the vote will not be counted; and

(vii) state that the voter must return the ballot paper to the Manager of the election so it is received on or before the finish day of the ballot.

(b) The order of names on the ballot paper must be decided by lot.

(c) If 2 or more candidates have the same surname and first names, the candidates must be distinguished in an appropriate way.

Example—

The occupation of each candidate may be added to the ballot paper.

B42. DISTRIBUTING VOTING MATERIAL

(a) The Manager of the election must post the following things (the "voting material") to each voter:

(i) a ballot paper initialled by the Manager;

(ii) an unsealed reply paid envelope (a "return envelope") addressed to the Manager;

(iii) a ballot envelope and a voting declaration;

(iv) other material the Manager considers appropriate for the ballot including, for example, directions or notes to help the eligible member to comply with these rules and cast a valid vote.

(b) Voting material must be posted to each voter:

(i) in a sealed envelope to the voter's address on the roll; and

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(ii) as soon as practicable, but no earlier than 2 days before the starting day of the ballot.

(c) The voting declaration must state:

(i) 'I certify that I am the person whose name appears on this envelope and I have voted on the ballot paper enclosed.';

(ii) provide for the voter to fill out the voter's name and other identifying factor i.e. membership number;

(iii) a place for the voter to sign the declaration.

(d) If a voter gives the Manager of the election a notice that the voter will be at an address other than the address stated on the roll when voting material is to be given, the Manager must post the material to the other address.

(e) A ballot paper or ballot envelope must not be marked in a way that could identify the voter.

B43. MANAGER MUST KEEP A BALLOT BOX

(a) The Manager of the election must get a ballot box and:

(i) keep the box in a safe place; and

(ii) seal the box in a way that:

(A) allows voting material to be put in it until the ballot finishes; and

(B) prevents voting material from being taken from it until votes for the ballot are to be counted.

B44. DUPLICATE VOTING MATERIAL

(a) This rule applies if voting material posted to a voter:

(i) has not been received by the voter; or

(ii) has been lost or destroyed; or

(iii) if the document is a ballot paper—has been spoilt.

(b) The voter may apply to the Manager of the election for a duplicate of the document.

(c) The application must:

(i) be received by the Manager of the election on or before the finish day of the ballot; and

(ii) state the grounds on which it is made; and

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(iii) if practicable, be substantiated by evidence verifying or tending to verify the grounds; and

(iv) state that the voter has not voted at the ballot; and

(v) if the document is a spoilt ballot paper be accompanied by the ballot paper.

(d) If the application complies with sub-rule (c), the Manager of the election must:

(i) if the document is a spoilt ballot paper:

(A) mark 'spoilt' on the paper; and

(B) initial the paper beside that marking and keep the paper; and

(C) give a fresh ballot paper to the voter; or

(ii) otherwise—give a duplicate of the document to the voter.

B45. HOW LONG BALLOT IS OPEN

(a) A ballot must remain open for:

(i) at least 21 days; and

(ii) no longer than 49 days.

B46. HOW TO VOTE

(a) A voter may vote only by completing the following steps:

(i) completing a ballot paper by:

(A) writing a number in order of preference in the square opposite the name of the candidates the voter may vote for under rule B46; and

(B) complying with the instructions on the paper about how to vote;

(ii) putting the ballot paper in a ballot envelope;

(iii) sealing the ballot envelope;

(iv) filling in and signing the voting declaration for the ballot paper;

(v) putting the voting declaration and the ballot envelope in the return envelope;

(vi) sealing the return envelope;

(vii) complying with any direction given under rule B41(a)(iv);

(viii) returning the return envelope to the Manager of the election so that the envelope is received on or before the finish day for the ballot.

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B47. HOW MANY VOTES MAY BE CAST

(a) A voter will express a preference for each candidate for which the voter is entitled to vote.

B48. HOW MANAGER MUST DEAL WITH VOTING MATERIAL

(a) The Manager of the election must put all voting material returned to the Manager in the ballot box until voting has ended.

(b) If, after the finishing day for the election, the Manager of the election receives a return envelope apparently containing a ballot paper for the election, the Manager must:

(i) keep the envelope sealed; and

(ii) mark the envelope 'Received by the Manager after the finishing day for the ballot'; and

(iii) keep the envelope in safe custody, but separately from return envelopes received before or on the finishing day.

B49. SCRUTINEERS—APPOINTMENT

(a) A candidate may:

(i) act personally as a scrutineer; or

(ii) appoint another person (an "appointee") as a scrutineer for the candidate.

(b) An appointment must be in writing and signed by the candidate.

(c) A candidate must notify the Manager of the election of the name of the candidate's appointee as soon as possible after the appointee is appointed.

(d) The Manager of the election may refuse to allow an appointee to act as a scrutineer if:

(i) the Manager asks to inspect the appointment as a scrutineer; and

(ii) the appointee does not produce it.

B50. SCRUTINEERS' RIGHTS

(a) Subject to rule B50, a scrutineer may be present when:

(i) ballot papers or other voting material for a ballot are prepared and given to voters; and

(ii) voting material is received and put in safe custody under rule B47; and

(iii) votes are counted.

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B51. SCRUTINEERS—NUMBERS ATTENDING

(a) Each candidate may have only 1 scrutineer exercising a right under rule B49 for each official present where the ballot is being conducted.

(b) In sub-rule (a):

(i) "official" means:

(A) if the ballot is being conducted by the electoral commission—an electoral officer; or

(B) if the ballot is not being conducted by the electoral commission:

(1) the Manager of the election; or

(2) any other person appointed by the Manager to exercise the Manager's powers for the election.

B52. INITIAL SCRUTINY OF VOTING MATERIAL

(a) As soon as possible after the ballot finishes, the Manager of the election must:

(i) seal the ballot box in a way that prevents voting material from being put in it; and

(ii) take the ballot box to the place where votes are to be counted.

(b) The Manager of the election must then:

(i) unseal the ballot box; and

(ii) take out the return envelopes; and

(iii) open each return envelope and take out the ballot envelope and the voting declaration; and

(iv) examine the declaration and mark off the voter's name on the roll; and

(v) check the ballot number on the declaration against the ballot number marked against the voter's name on the roll; and

(vi) ensure the declaration is signed.

(c) After complying with rule B51(b), the Manager of the election must put the ballot envelopes in a container and the declarations into another container if satisfied:

(i) each declaration is signed; and

(ii) the declaration corresponds with the voter's name and/or the identifying factor on the roll.

(d) However, the Manager of the election must not put a ballot envelope or declaration in the containers mentioned in rule B51(c) if:

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(i) the Manager of the election reasonably believes the voter to whom it was sent did not sign the declaration; or

(ii) the person named on the declaration is not the person to whom it was sent.

(e) Sub-rule (d) does not apply if the Manager of the election is satisfied the person who filled in and signed the declaration:

(i) is a voter; and

(ii) has not previously voted in the ballot; and

(iii) has a reasonable explanation for using someone else's ballot material.

(f) The Manager of the election must keep ballot envelopes and declarations excluded under sub-rule (d) separate from other ballot envelopes and declarations.

(g) A declaration is valid only if:

(i) it complies with sub-rules (c) and (e); and

(ii) sub-rule (d) does not apply.

(h) A valid declaration must be accepted as valid, and an invalid declaration must be rejected, by the Manager of the election.

(i) If a declaration is accepted as valid by the Manager of the election the Manager must:

(i) note the acceptance of validity on the declaration; and

(ii) record the correct ballot number on the roll against the name of the voter who signed the declaration.

(j) After separating the ballot envelopes and declarations, the Manager of the election must, in the following order:

(i) seal the container holding declarations;

(ii) open the ballot envelopes not excluded under sub-rule (d) and take out the ballot papers;

(iii) if a ballot envelope contains more than 1 ballot paper for each office the election is for—mark each of the ballot papers from the envelope 'informal under rule B52(b)';

(iv) put all of the ballot papers in the ballot box.

B53. COUNTING VOTES

(a) To count votes the Manager of the election must:

(i) admit the formal votes and reject the informal votes; and

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(ii) count the formal votes; and

(iii) count the informal votes.

(b) A vote is informal only if:

(i) the ballot paper is not initialled by the Manager of the election and the Manager is not satisfied the paper is authentic; or

(ii) the ballot paper is marked in a way that allows the voter to be identified; or

(iii) the ballot paper is not marked in a way that makes it clear how the voter meant to vote; or

(iv) the ballot paper does not comply with a direction given under rule B41(a)(iv); or

(v) the ballot paper was taken from a ballot envelope that contained another ballot paper for the office the election is for.

B54. SCRUTINEERS' OBJECTIONS

(a) Before votes are counted, a scrutineer may advise the Manager of the election that the scrutineer considers an error has been made in conducting the ballot.

(b) When votes are counted, a scrutineer may:

(i) object to a ballot paper being admitted as formal or rejected as informal by the Manager of the election; or

(ii) advise the Manager of the election that the scrutineer considers an error has been made in conducting the ballot or counting votes.

(c) If a scrutineer advises the Manager of the election under sub-rules (a) or (b), the Manager must:

(i) decide whether the error has been made; and

(ii) if appropriate—direct action to correct or mitigate the error.

(d) If a scrutineer objects under sub-rule (b)(i), the Manager of the election must:

(i) decide whether the ballot paper is to be admitted or rejected; and

(ii) note the decision on the ballot paper and initial the note.

B55. DIRECTION BY MANAGER TO LEAVE COUNT

(a) The Manager of the election may direct a person to leave the place where votes are being counted if the person:

(i) does not have the right to be present at the count; or

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(ii) interrupts the count, other than to exercise a scrutineer's right.

B56. HOW RESULT IS DECIDED

(a) The method of deciding the result of a ballot is by a preferential system.

(b) The Manager of the election will arrange the ballot papers by placing in a separate parcel all those on which a first preference is indicated for the same candidate:

(i) the manager will count the first preference votes given for each candidate respectively;

(ii) the candidate who has received the greatest number of first preference votes if that number constitutes an absolute majority of first preference votes will be declared elected;

(iii) if no candidate has an absolute majority of first preference votes the manager will:

(A) treat the candidate who has obtained the fewest first preference votes as a defeated candidate and such of the ballot papers counted to such defeated candidate indicated by the voter's next preference will be distributed amongst non-defeated candidates next in order of the voter's preference, and after such distribution, the number of votes given to each non-defeated candidate will again be counted;

(B) if no candidate then has an absolute majority of votes, the process of treating the candidate who has the fewest votes as defeated and distributing such of that candidate's ballot papers indicated by the voter's next preference amongst the non-defeated candidates next in order of the voter's preference will be repeated and the votes recounted after every such redistribution until one candidate has obtained an absolute majority of votes and such candidate will be declared elected;

(C) where there is a multiple office then the count will continue until the number of candidates less the defeated candidates equals the number of offices to be filled in the multiple office and such persons will be declared elected.

(c) This rule is subject to rules B56 and 57.

B57. WHAT HAPPENS IF VOTES FOR 2 OR MORE CANDIDATES ARE EQUAL

(a) If the Manager of the election can not decide which candidate is elected to an office because the votes cast for 2 or more candidates are equal, the Manager of the election must decide which candidate is elected by drawing lots.

(b) A decision under sub-rule (a) must be made in the presence of any scrutineer who wishes to attend.

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B58. WHAT HAPPENS IF MULTIPLE NOMINEE ELECTED

(a) If a candidate is elected to an office, and the candidate is also elected to a higher office, the Manager of the election may only declare the candidate elected to the higher office.

B59. COUNTERPART FEDERAL BODY ELECTION EXEMPTION

(a) The State Secretary may request that the Union Secretary take such steps as may be required in accordance with the Part A rules to make application for an exemption from election ballot.

(b) The State Secretary will take such steps and do the things reasonably required by the Union Secretary to assist the Union Secretary in making the application for exemption from election ballot in accordance with the Part A rules.

(c) In the event of the exemption not being granted, or being only partially granted, the State Secretary will promptly ensure the filing by the Union Secretary of the prescribed material required to be filed in relation to the holding of an election, or a relevant election, as the case may be, pursuant to the these Part B rules.

B60. ELECTIONS FROM STATE DIVISIONAL COUNCIL

(a) The two (2) State Divisional Vice-Presidents and one (1) member of the Executive will be elected by a collegiate electoral system.

(b) The electoral college will in relation to the election for the officers referred to in sub-rule (a) be the State Divisional Council.

(c) The outgoing State Secretary will appoint, in accordance with the Act, a manager of the election (for the purposes of this rule "the Manager"), and the Manager will be subject to the provisions of the Election Procedures.

(d) The Manager will call for nominations from among members of the electoral college subject to these State Divisional rules, by written notice to each member.

(e) Nominations will be in writing, signed by the candidate and seconded in accordance with these State Divisional rules and will be delivered to the Manager prior to the commencement of the first meeting of the State Divisional Council next following the election of members of the electoral college (for the purposes of this rule the "Meeting").

(f) If the Manager finds that a nomination is defective, the Manager will, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect.

(g) The Manager will notify each member of the electoral college of the opening and closing time of the ballot which will be conducted at the meeting.

(h) If at the close of nominations, only the required number of nominations have been received for the offices, the Manager will declare those candidates elected.

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(i) If there are more than the required number of candidates for an office, the Manager will conduct at the meeting an election for that office by secret ballot of the members of the electoral college and by means of a "first past the post system".

(j) The Election Procedures will apply to the count.

(k) Any candidates may appoint a scrutineer, and the Election Procedures in relation to scrutineers will apply.

(l) The Manager will arrange for the preparation of ballot papers on which the candidates names will appear in alphabetical order.

(m) The Manager will initial and hand to each member of the electoral college a ballot paper.

(n) Each member of the electoral college will cast a vote by completing the ballot paper by placing an "x" or other mark in the square against the name of the candidate the voter is voting for, and by placing the completed ballot paper in the ballot box in the control of the Manager.

(o) Any member who will not be present at the meeting at which the ballot is to be held may:

(i) lodge a request with the Manager for an absentee vote, together with an address where such member can receive communications, and, if any member has done so, the Manager will not declare the result of the ballot until such member has been given reasonable opportunity to vote; or

(ii) appoint another member of the electoral college to vote as their proxy and such appointed member will be entitled to vote in their own right and as proxy, provided that no member of the electoral college can exercise more than one proxy vote.

(p) The candidate or candidates securing the highest number of votes will be declared elected.

(q) The Manager will declare the result to the electoral college as soon as the count is completed and will provide a written report to the Division in relation to the declaration.

(r) The candidate or candidates elected will take office upon the declaration by the Manager of the result of the election and each will hold office until their successors are elected.

B61. CASUAL VACANCIES

(a) Should a casual vacancy occur in any of the offices of the State Division and the unexpired portion of the term of office is less than twelve months or three quarters of the term, whichever is the greater, the vacancy will be filled by the State Divisional Executive unless these State Divisional rules otherwise provide.

(b) Should a casual vacancy occur in any of the offices of the State Division and the unexpired portion of the term of office is more than twelve months, or three

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quarters of the term, which ever is the greater, the vacancy will be filled by election in accordance with the election procedures with any necessary modification.

B62. STATE DIVISIONAL DELEGATES CONVENTION

(a) The State Divisional Executive will convene at regular intervals of two years a State Divisional Delegates Convention commencing in 2012.

(b) Despite sub-rule (a) the State Divisional Executive may, it if it determines it appropriate to do so, convene a meeting of State Divisional Delegates Convention at an earlier interval.

(c) The delegates to the State Divisional Delegates Convention are:

(i) representatives from Regional Rank and File Meetings; and

(ii) worksite representatives from worksites of the State Division; and

(iii) State Divisional Council members; and

(iv) full-time officials of the State Division.

(d) The State Divisional Executive will determine the:

(i) method of financing the State Divisional Delegates Convention; and

(ii) number of delegates that:

(A) Regional Rank and File Meetings; and

(B) worksites of the State Division,

may elect to attend such convention.

(e) A member nominating as a delegate to the State Divisional Delegates Convention must be financial in accordance with these State Divisional rules at the time nominations are called.

(f) Items for the agenda of the State Divisional Delegates Convention:

(i) will be called for at least three months before the State Divisional Delegates Convention meeting commences; and

(ii) be in the hands of delegates to the State Divisional Delegates Convention at least seven days before the State Divisional Delegates Convention commences.

(g) The State Divisional Delegates Convention may recommend to the State Divisional Council proposals for rules and policy.

(h) The determinations of the State Divisional Delegates Convention do not bind the State Divisional Council or the State Divisional Executive, and are recommendatory only.

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B63. REGIONAL RANK AND FILE MEETINGS

(a) For the purposes of this rule:

(i) "area" means a geographical or administrative division in Queensland determined by the State Divisional Executive as being an appropriate division for the purposes of the organisation of the State Division.

(b) The State Division will be divided into areas.

(c) The State Divisional Executive may determine:

(i) upon receipt of a request, in writing, from at least 10 Members; or

(ii) on its own motion,

to establish a Regional Rank and File Meeting in an area to provide for the representation of Members in an area.

(d) The State Division Executive has the power in relation to a Regional Rank and File Meeting to:

(i) vary; or

(ii) merge; or

(iii) dissolve,

a Regional Rank and File Meeting to ensure the effective representation of the interests of the Members in the area concerned, and may attach the Members represented by a Regional Rank and File Meeting to another Regional Rank and File Meeting.

(e) Where a Regional Rank and File Meeting is established, or dissolved, the State Divisional Executive may alter the area to be represented by other Regional Rank and File Meetings to accommodate the formation of a Regional Rank and File Meeting or the dissolution of a Regional Rank and File Meeting.

(f) The State Secretary must, when the State Divisional Executive determines to establish or dissolve a Regional Rank and File Meeting, promptly inform all affected Members of:

(i) the determination; and

(ii) the effect that that determination has on the areas of any other Regional Rank and File Meeting; and

(iii) where Members are to be transferred the Regional Rank and File Meeting to which they are to be transferred.

(g) A Regional Rank and File Meeting will be bound by any administrative regulation made for that purpose.

(h) A Regional Rank and File Meeting will have a Steering Committee.

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(i) Members who are entitled to attend a Regional Rank and File Meeting are entitled to be nominated for, be elected to and hold an office on the Steering Committee of the Regional Rank and File Meeting.

(j) A Regional Rank and File Meeting will have such general meetings as:

(i) the Steering Committee may determine; or

(ii) as may be requisitioned by not less than 1/3 of the Members of the Regional Rank and File Meeting,

provided that where a meeting is requisitioned by the Members of the Regional Rank and File Meeting in accordance with this sub-rule then the requisition for the meeting, which will be addressed to the State Secretary, will clearly state the matters to be dealt with at the general meeting and no other matters, or business, are to be dealt with at that meeting.

(k) All necessary books, stationery and postage will be supplied to a Sub-branch upon application made to the State Secretary.

(l) Regional Rank and File Meetings will be bound by Policy.

(m) Each Regional Rank and File Meeting will appoint a State Divisional Delegate from amongst the Members of the Regional Rank and File Meeting to attend the State Divisional Delegates Conference.

B64. THE DIVISIONAL FUND

(a) All monies paid to the account of the State Division will:

(i) be used to administer the State Division in accordance with these State Divisional rules;

(ii) be banked by the State Secretary in the financial facility that the State Divisional Executive determines; and

(iii) for the purpose of these State Divisional rules will be called the State Divisional Fund.

(b) All expenditure from the State Divisional Fund must occur in accordance with these State Divisional rules.

(c) The State Divisional Fund will be used only for the:

(i) carrying out of the objects of the union in respect of the Members of the State Division;

(ii) necessary expenses of management of the State Division; and

(iii) payment of capitation as determined pursuant to the Part A rules.

(d) The surplus funds, or other property, held in the State Divisional Fund will be invested as:

(i) permitted by law; and

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(ii) determined by the State Divisional Executive.

(e) All expenditure for ordinary purposes, including the following purposes, maybe disbursed by direction of the State Divisional Executive:

(i) the ordinary expenses of management;

(ii) recurrent expenditure;

(iii) budgeted expenditure; and/or

(iv) expenditure by direction of the State Divisional Executive.

(f) The State Secretary may be authorised by the State Divisional Executive to incur expenditure on behalf of the State Division, provided that the State Divisional Executive may withdraw such authorisation at any time or for any period it sees fit.

(g) All expenditure incurred pursuant to this rule will be placed before the State Divisional Executive for consideration and ratification.

(h) The credit balance of any special fund will be maintained at a level determined by the State Divisional Executive.

(i) The name of any account in any financial facility, in relation to which any monies comprising the State Divisional Fund are banked, must include the words:

"Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland, Construction & General State Division – [insert account name]".

B65. SITE DELEGATES

(a) There will be Site Delegates appointed, in accordance with this rule, in the workplaces of the State Division.

(b) The State Divisional Executive has the power to appoint, from the Members, Site Delegates.

(c) The State Divisional Executive has the power to determine procedures for the election of Site Delegates.

(d) A majority of Members employed in any area of membership may, in accordance with any procedures determined by the State Divisional Executive pursuant to sub-rule (c), and subject to the approval of the State Divisional Executive, elect from amongst their number a person to act as a Site Delegate.

(e) The Member elected in accordance with sub-rule (d) must promptly advise the State Secretary of the election, who will place the matter before the State Divisional Executive for the State Divisional Executive's approval of the appointment.

(f) The State Divisional Executive may at any time terminate the appointment of a Site Delegate who fails to comply with:

(i) the State Division's rules; and/or

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(ii) the Union's rules; and/or

(iii) a direction of the State Divisional Executive.

(g) Site Delegates have the powers and obligations determined by the Queensland Branch Executive.

(h) The State Divisional Council has the power to determine the policy for how Site Delegates are to conduct themselves in the workplace.

(i) The State Divisional Executive will provide training and resources, as it considers appropriate, for Site Delegates.

B66. AUDIT OF DIVISIONAL ACCOUNTS

(a) The State Divisional Executive will appoint, in accordance with the provisions of the Act, an auditor who will hold the qualification required for a competent person under the Act.

(b) The auditor will:

(i) audit the financial statements of the State Division at the end of each financial year and at such other times as the State Divisional Executive directs; and

(ii) have access to and examine all registers, books, papers, deeds, documents, financial statements and accounts of the State Division; and

(iii) have the discretion to examine any officer of the State Division in regard to the registers, books, papers, deeds, documents, financial statements and accounts of the State Division; and

(iv) obtain from any financial facility, in which the State Divisional Fund is deposited and/or invested, a written statement of balances held.

(c) The auditor will furnish a written statement that all financial statements are certified in accordance with the Act and these State Divisional rules, or, if unable to certify to the correctness of any of them, promptly report to the State Divisional Executive in relation to defects.

(d) The auditor will have power to place before the State Divisional Executive any suggestions concerning the financial affairs of the Union.

(e) In the event of an auditor so appointed being unable to act or refusing to act or resigning, the State Divisional Executive will appoint an auditor qualified as aforesaid as a replacement.

B67. MEMBERS GRIEVANCES TO BE CONSIDERED BY THE STATE DIVISIONAL EXECUTIVE

(a) Any Member having a grievance with the actions and/or decisions of:

(i) the officers of the State Division; or

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(ii) a member of the State Division,

may notify the State Divisional Executive.

(b) The State Divisional Executive:

(i) may require the Member lodging the grievance, or the officer or member the subject of the grievance, to furnish evidence of the matters related to the grievance; and

(ii) will make inquiry into the grievance as it determines appropriate, and

(iii) will within one month of receiving a grievance, determine the grievance.

(c) The State Divisional Executive's decision, pursuant to sub-rule (b) will be final.

(d) The State Divisional Executive may, but is not obliged to, give reasons when determining grievances pursuant to this rule.

(e) This rule applies to any person who claims through a member.

B67A.MEMBER'S OBLIGATIONS

(a) A Member must:

(i) support the Objects;

(ii) comply with, and uphold, these rules;

(iii) comply with their respective obligations under these rules; and

(iv) abide by a Determination.

(b) Despite rule B68, a Life Member or an Honorary Member in breach of sub-rule (a) may be requested by the State Secretary to show cause as to why they should not be removed from membership, and may if failing to show cause to the satisfaction of the State Divisional Executive, be removed.

B68. MISCONDUCT OF MEMBERS

(a) Charges by Members

(i) Any Member may charge any other member with:

(A) failing to observe any or all these State Divisional rules;

(B) knowingly failing to observe any resolution of the State Division or of the Union binding upon them;

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(C) working in contravention of an award, order or agreement which binds the Union;

(D) giving false or misleading information to the State Divisional Executive, the State Divisional Council, the State Divisional Delegates Convention, a Sub-branch, an Officer or State Divisional Organiser, an employee of the State Division, an agent of the State Division or any other lawful representative of the State Division on any matter;

(E) obstructing the State Divisional Council, the State Divisional Executive, the State Divisional Delegates Convention, a Sub-branch, an Officer or State Divisional Organiser, an employee of the State Division, an agent of the State Division or any other lawful representative of the State Division in any way in the performance of any of the functions of the State Division;

(F) obstructing any officer or State Divisional Organiser in the course of the officer's or State Divisional Organiser's duties;

(G) after having been reasonably requested to assist, failing to assist the State Divisional Council, the State Divisional Executive, the State Divisional Delegates Convention, a Sub-branch, an Officer or State Divisional Organiser, an employee of the State Division, an agent of the State Division or any other lawful representative of the State Division in any way in the performance of any the functions of the State Division;

(H) after having been reasonably requested to assist, failing to assist any Officer or State Divisional Organiser in the course of the Officer's or State Divisional Organiser's duties;

(I) wrongfully holding themself out as occupying any office or position in the State Division, or as being entitled to represent the State Division in any capacity provided that it will be a defence to this charge that the member honestly believed on reasonable grounds that they were entitled to act in that office or capacity;

(J) lending or selling to some other person their contribution book, badge, OK Card or other document used to identify a person as a Member;

(K) aiding or encouraging any other member or person to breach the rules of the State Division.

(b) Processing of Charges

(i) Any charge will be made in writing to the State Secretary and will be accompanied by the sum of $100.00 which, subject to sub-rule (f), will be refundable.

(ii) The State Secretary may, and will, if directed by the State Divisional Executive, summon the member charged before the State Divisional Executive and in the case of the State Secretary being charged the

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State President will, if directed by the State Divisional Executive summon the State Secretary before the State Divisional Executive.

(iii) The summons will be in writing and will set out the time and place of the hearing, the name of the person laying the charge and the particulars of the charge.

(iv) If the member charged requests it the member will be supplied with any further particulars as may be necessary to indicate the precise matters with which the member is charged.

(v) The member charged will be given notice, in writing, of the hearing as may be reasonable, having regard to all the circumstances and if required to attend at a place more than 80 kilometres from the member's address as shown in the Register, the member will be given their return fare (by suitable means of transport) so as to permit the member to be in attendance at the meeting at which the State Divisional Executive will consider the charge made against the member.

(vi) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be heard, whether or not the person charged is present, provided that if the member charged provides an explanation satisfactory to the State Divisional Executive for their absence then the State Divisional Executive will adjourn the hearing of the matter to another time and/or place.

(vii) If the member charged attends the member will be informed of the substance and source of any information adverse to them on which the State Divisional Executive relies.

(viii) At any hearing of the charges, including the hearing of matters relating to penalty, the member will be given a reasonable opportunity to defend themself and may, if the member wishes, provide written submissions to the State Divisional Executive.

(c) Power to Hear Charges

(i) The State Divisional Executive has power to hear and determine charges under this rule.

(d) Finding of the State Divisional Executive

(i) If the State Divisional Executive finds the member guilty, it may do one or more of the following:

(A) impose no penalty; or

(B) fine the member any sum not exceeding $1,000.00; or

(C) suspend the member from membership or deprive the member of any right or benefit of membership for any specified period or until the happening of any specified event or until the performance of any specified act, provided that whilst suspension from membership will deprive a member of the benefits of membership

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it will not relieve the member of the obligations of membership and such suspension will not exceed 6 months for any offence and provided further that if the specified event has not occurred or the specified act has not been done at the expiration of 6 months from the date of suspension, the suspension will then lapse; or

(D) dismiss the member from any office or position in the State Division; or

(E) expel the member from the State Division.

(e) Grounds for Removal from Office

(i) Provided that the provisions of this rule do not provide for, or enable, the dismissal from office of a person elected to an office within the State Division unless the officer has been found guilty, pursuant to rule B68.

(f) Frivolous Charges

(i) If upon investigation the charge is found to be frivolous the $100.00 will be forfeited to the State Division.

(g) Payment of Fines

(i) Where a member is fined in accordance with this rule, the member is required to pay the fine within 10 days of having been notified, in writing, of the imposition of the fine.

(h) Appeals Against Charges

(i) An appeal will lie at the instance of the member charged from any decision under this rule from the State Divisional Executive to the State Divisional Council.

(ii) Notice of appeal must be given in writing within 10 days of the decision being communicated to the member charged and must set out all the matters that the member desires to be considered by way of appeal.

(iii) The notice of appeal will be given to the State Secretary, or in the case of an appeal by the State Secretary, to the State Divisional President.

(iv) The appeal will be dealt with at a meeting of the State Divisional Council to be held within 20 days.

B69. REMOVAL OF OFFICERS

(a) An officer of the State Division may be removed from office where that officer has been found guilty under the rules of the State Division, of:

(i) misappropriation of funds of the State Division or of the Union; or

(ii) a substantial breach of the rules of the State Division or of the Union; or

(iii) gross misbehaviour or gross neglect of duty; or

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(iv) where that officer has ceased, under the rules of the State Division to be eligible to hold that office.

(b) Any Member of the State Division may charge an officer with any of the offences referred to in sub-rule (a)(i), (ii) and/or (iii).

(c) The Member making a charge will provide the officer charged and the State Secretary with particulars in writing of the offences alleged.

(d) The charge will be heard and determined by the State Divisional Council.

(e) When dealing with any such charge or allegation the State Divisional Council will take all reasonable care to ensure that it is carefully, and fully, dealt with and, in particular, that a reasonable opportunity is provided to the officer concerned to present their defence or response to the charge or allegation.

(f) The State Divisional Council may determine that any such charge or allegation is to be dealt with by written submissions including such documents as it may require.

(g) The decision as to whether the officer is guilty or not as charged or has ceased, under the rules of the State Division, to be eligible to hold the office concerned will be made by resolution passed by a majority of the members of the State Divisional Council at the meeting called to deal with the matter.

(h) The State Divisional Council, where it finds an officer guilty of a charge made in accordance with this rule, as an alternative to removal from office, may determine to censure the officer concerned and/or suspend that officer from that office for a period not exceeding 90 days and/or impose any of the penalties provided for in rule B67.

(i) The State Secretary will inform the officer charged of the charges and the particulars of the charges, or the allegation and its particulars where it is alleged that the officer has ceased to be eligible to hold office, by notices in writing by certified mail in sufficient time to enable the officer to be in a position to properly defend himself or herself or respond to the allegation.

(j) In the event that a charge or allegation is made by or against the State Secretary, the State Divisional President will act in the State Secretary's place for the purposes of this rule.

(k) The provisions of rule B67 will apply to the hearing of any charge or allegation made under this rule.

B70. DONATIONS/LOANS/GRANTS

(a) The State Divisional Executive will have the power to grant donations when application has been made in accordance with the provisions of these State Divisional rules.

(b) Payments may be made for the purpose of relieving members who are in distress.

(c) No member who has been less than 3 months in the State Division will be eligible for assistance.

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(d) Requests for donations for purposes other than the relief of members will be forwarded to the State Divisional Executive and must contain full particulars of the purpose of the proposed donation.

(e) Notwithstanding anything contained elsewhere in these rules a loan, grant or donation of any amount exceeding $1,000.00 will not be made by the Union, unless the State Divisional Executive has satisfied itself:

(i) that the making of the loan, grant or donation would be in accordance with these State Divisional rules and the Union's rules; and

(ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory,

and has approved the making of the loan, grant or donation.

B71. INTERPRETATION OF DIVISIONAL RULES

(a) The State Divisional Council will interpret all rules of the State Division requiring interpretation.

B72. DIVISIONAL AFFILIATION

(a) The State Divisional Council has the power to affiliate with any industrial, educational or political organisations.

(b) Affiliation will not interfere with the personal rights of a member's political code.

B73. DELEGATES

(a) The State Divisional Executive will appoint delegates to all bodies to which the State Division is affiliated and to which it sends delegates.

B74. AMENDMENT OF DIVISIONAL RULES

(a) These State Divisional rules may, where 5 days notice to amend these State Divisional rules has been given by the State Secretary to the State Divisional Council, be amended by a two-thirds majority of the members of the State Divisional Council.

(b) Despite sub-rule (a) if State Secretary considers amendment of these State Divisional rules must occur urgently then the State Divisional Council may amend the rules without notice by:

(i) A postal ballot,

(ii) email ballot; or

(iii) ballot conducted by means of telephone, videolink, or other electronic means,

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of the State Divisional Council members to determine, on a simple majority of the members of the State Divisional Council voting, for or against the adoption of the amendments.

(c) Where a ballot is conducted under:

(i) subrule (b)(i) the ballot must remain open for 14 days; or

(ii) subrule (b)(ii) the ballot must remain open for a minimum of 3 days or following the receipt of more than 50% of the ballots of members of the State Divisional Council in favour or against the proposal for rule change, whichever is the earlier.

(d) The State Secretary is to promptly notify the Union Secretary of the rule change the State Divisional Council has proposed to be made to the Divisional rules.

B75. PLEBISCITES

(a) The State Secretary will, on receipt of a request in writing signed by 12 per cent of the Members, direct the conduct of a plebiscite of the Members on a matter concerning the State Division.

(b) The State Divisional Executive may direct the conduct of a plebiscite of the Members on a matter concerning the State Division.

(c) A plebiscite will be conducted by secret ballot by the Returning Officer in accordance with this rule and is to be completed, in the case of a plebiscite under sub-rule (a) within 40 days of the receipt by the State Secretary of the request and in the case of a plebiscite under sub-rule (b) within 40 days of the direction by the State Divisional Executive.

(d) Where a request has been received under sub-rule (a) or a direction given under sub-rule (b), the State Divisional Executive must not, so far as is practicable until the completion of the plebiscite, act in relation to the matter the subject of the plebiscite.

(e)

(i) Where a majority of Members voting at a plebiscite approve the matter submitted to plebiscite, the State Divisional Executive must, so far as is practicable, implement the decision of the plebiscite;

(ii) in the event of a tied plebiscite the proposal is to be declared lost.

(f) Where a request is received under sub-rule (a) or a direction given under sub-rule (b), the State Secretary will advise the Returning Officer and the Returning Officer will conduct the plebiscite and take all necessary steps to ensure the secrecy of the ballot.

(g) The Returning Officer will determine the opening and closing dates of the ballot.

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(h) The State Divisional Executive and, where the plebiscite is held following a request pursuant to sub-rule (a) the Members who requested the plebiscite, may each appoint 2 scrutineers for the conduct of the ballot and if appointing must advise the Returning Officer of the name of each such scrutineer prior to the close of the ballot.

(i) The Returning Officer is to:

(i) on the opening date of the ballot forward, or cause to be forwarded, by prepaid post or otherwise to each Member entitled to vote on the plebiscite, a ballot paper bearing the Returning Officer's signature together with a reply paid return envelope addressed to the Returning Officer; and

(ii) secure a locked facility for the return of the reply paid envelopes; and

(iii) give such directions to voters as the Returning Officer considers necessary; and

(iv) direct voters not to make any mark on the ballot paper which identifies them and that any such mark will render the vote invalid; and

(v) provide for a method of permitting financial members to vote whilst preserving the secrecy of the ballot.

(j) Subject to sub-rule (k) a scrutineer appointed under sub-rule (h) may be present during the conduct of the ballot by the Returning Officer including the counting of ballot papers returned in the plebiscite and may object to a ballot paper being counted on the ground that:

(i) it does not clearly express the voter's attitude to the question to which the plebiscite is directed; or

(ii) the ballot paper is in some other way irregular.

(k) A scrutineer must observe a direction given by the Returning Officer during the conduct of the ballot and must comply with any decision given by the Returning Officer.

(l) A voter will cast a vote in a ballot under this rule by completing the ballot paper forwarded to the voter in accordance with the directions to voters given pursuant to sub-rule (i) and returning the completed ballot paper to the Returning Officer in accordance with the Returning Officers' directions.

(m) A vote cast in the ballot is informal if the intention of the voter is not clear.

(n) On completion of the counting of ballot papers returned in a plebiscite the Returning Officer will declare the result of the plebiscite by advising the State Secretary in writing of the number of ballot papers forwarded to voters, the number approving the matter or the subject of the plebiscite, the number not approving and the number of informal votes.

(o) Provided that upon the State Divisional Executive receiving a request in writing for a plebiscite it may, where the proposal contained in the request in writing for a plebiscite is capable of adoption by it, of its own motion adopt the proposal

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contained in the request in writing for a plebiscite and the adoption of the proposal contained in the request in writing for a plebiscite means that no plebiscite is required.

B76. EXECUTION OF DOCUMENTS / NOTIFICATION OF DISPUTES

(a) Any cheque requiring to be signed will be signed by 2 members of the State Divisional Executive, one of whom must be the State Divisional President.

(b) Industrial agreements and other documents may be executed by, or on behalf of, the State Division by the State Secretary or a State Divisional Assistant Secretary who has the written delegation of the State Secretary.

(c) In all circumstances where an Industrial Dispute, within the meaning of the Act, exists and where such dispute remains unresolved despite attempts by the Division for its part to genuinely attempt a settlement of the Industrial Dispute, then the State Secretary will forthwith give notification of the Industrial Dispute in the manner required by the Act.

B77. ADMINISTRATIVE REGULATIONS

(a) The State Divisional Executive may create administrative regulations for the administration of the State Division.

(b) Administrative regulations may be amended by the State Divisional Executive and rule B73 does not apply to amendment of the administrative regulations.

B78. STANDING ORDERS

(a) The following procedures will be adhered to as far as practicable at all meetings of the State Divisional Council, State Divisional Executive and Sub-branches.

(b) Despite sub-rule (a) the standing order for the State Divisional Delegates Convention are as provided in sub-rule (e).

(c) The State Divisional President will preside as chair at every meeting, or if at any meeting the State Divisional President is not present within 10 minutes after the time appointed for holding the meeting, or if present is not willing to act, then the State Divisional Vice-President will be chair or if the State Divisional Vice-President is not present at the meeting, or if present is not willing to act, then members present may choose 1 of their number to be chair of the meeting and any such person will whilst so acting have, for the purposes of conducting the meeting, the authority and power of the State Divisional President.

(d) The standing order for meetings, other than special meetings, will be:

(i) attendance and apologies;

(ii) minutes will be presented for confirmation, but no discussion will be allowed except as to their accuracy as a record of the proceedings;

(iii) business arising out of minutes ;

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(iv) business as notified;

(v) correspondence;

(vi) financial statements and accounts;

(vii) reports;

(viii) general business on notice.

(e) The standing orders for the State Divisional Delegates Convention will be:

(i) attendance and apologies;

(ii) minutes will be presented for confirmation, but no discussion will be allowed except as to their accuracy as a record of the proceedings;

(iii) business arising out of minutes ;

(iv) business as notified.

(f) The standing order for special meetings, which cannot be suspended, will be:

(i) attendance and apologies;

(ii) business as notified.

(g) Any motion to suspend the standing orders requires a 2/3 majority to be passed.

(h) A notice of motion will be dealt with in the order in which it stands in the agenda, in relation to other similar notices, provided that a motion to adjourn the standing order will be dealt with prior to the agenda item of concern being dealt with.

(i) No notice of motion entered on the notice paper will be proceeded with unless the person who has given such notice is present when the business is called in its order.

(j) No notice of motion will proceed unless it is seconded.

(k) Notices of motion not proceeded with will be struck out.

(l) Any person engaging in misconduct during a meeting or obstructing the business of the meeting will be called to order by the chair and if, after being called to order, the person persists in the misconduct or obstruction or otherwise refuses or fails to comply with the chair's direction, that person may be excluded from taking any further part in the business of the meeting and may be physically expelled from the meeting.

B79. MINUTES

(a) The minutes of each meeting of the:

(i) State Divisional Delegates Convention; and

(ii) State Divisional Council; and

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(iii) State Divisional Executive,

will be prepared by the State Secretary and forwarded to each member of the State Divisional Delegates Convention, State Divisional Council or the State Divisional Executive, as the case may be.

(b) Upon confirmation, at the next meeting of the State Divisional Delegates Convention, State Divisional Council or the State Divisional Executive, as the case may be, the minutes will be signed by the State Divisional President.

(c) A copy of the minutes of each of the State Divisional Delegates Convention, State Divisional Council or the State Divisional Executive meeting, as the case may be, will, upon their being confirmed, be available for inspection by Members during business hours.

B80. RULES OF DEBATE

(a) No discussion will be allowed except on a motion or amendment, duly proposed and seconded.

(b) A call for a seconder will only be put twice at which time if the motion or amendment has not been seconded it will lapse.

(c) Any Member desiring to propose a motion or amendment or to discuss any matter under consideration must address the chair.

(d) No Member will address the meeting unless, and until, called upon by the chair.

(e) When the chair speaks during a meeting the Member then speaking, or offering to speak, will cease so that the chair may be heard without interruption.

(f) The chair will call to order any speaker who departs from the question or who violates the courtesies or rules of debate.

(g) If the chair determines to participate in a debate at any meeting then the chair will vacate the chair whilst participating, which will be taken by the person who acts, in accordance with these rules, in the absence of the chair.

(h) All motions will be determined in the following manner:

(i) the mover of the motion will have 5 minutes at the time of moving the motion to present argument in support of the motion and 3 minutes to reply, where the reply is limited to the answering of arguments advanced against the motion;

(ii) the seconder of a motion and all other speakers will be limited to 3 minutes;

(iii) the meeting, on motion without debate, may extend the time of any speaker but an extension of time must not exceed 3 minutes and the meeting may agree to further extensions on the same basis;

(iv) the chair will call attention to the time of all speakers 1 minute before their time expires and motions for extensions may be made when the chair so calls, but not later;

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(v) after the motion has been moved and seconded, no more than 2 Members will speak in succession on one side, either for or against any question before the meeting and if at the conclusion of the second speaker's remarks no Member rises to speak on the other side, the motion or amendment will at once be put to the meeting, subject to part (i) of this sub-rule.

(i) All votes at meetings will be subject to the following:

(i) the chair will read the motion and determine the question on the voices, provided that the chair may call for a show of hands;

(ii) every question submitted to a meeting will be decided by a show of hands, unless a poll is demanded by 5 Members;

(iii) the chair will then declare the motion carried or lost.

(j) In the event of a motion being carried or lost by a narrow majority, any 3 Members may demand a division and on a division being called for, those in favour will go to the side of the room on the chair's right and those against to the chair's left and the number on each side will be counted and the number of voters, for and against, will be recorded in the minutes.

(k) At any time during debate on any motion it will be competent for any Member who has not spoken to the motion to move an amendment, which will be subject to the following:

(i) all amendments must be seconded;

(ii) motions may be amended by adding words, by deleting words, or by deleting words and inserting others in their place;

(iii) the effect of any proposed amendment cannot be to establish a direct negative to the question contained in the motion;

(iv) only one amendment will be received at a time and that amendment must be disposed of before any further amendment may be considered or moved;

(v) all amendments will be put before the original motion;

(vi) the mover of an amendment will not have a right of reply;

(vii) should an amendment be carried it becomes the substantive motion and thereon a further amendment may be proposed, however, if no further amendment is proposed, the amendment which has become the substantive motion, will be put without further debate subject to part (v) of sub-rule (h).

(l) Where a motion is considered by a meeting without any amendments being proposed no Member except for the mover of the motion will speak more than once on the motion, unless by way of personal explanation or with the consent of the meeting.

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(m) Where an amendment is proposed a Member may speak for or against the proposed amendment.

(n) Any Member who considers they have been misrepresented by a speaker may, with the indulgence of the chair, interrupt the speaker to correct the misrepresentation, but the Member interrupting must not enter into argument.

(o) It will be competent at any time during a debate for a Member who has not spoken to a motion under consideration to rise and move "That the question be now put" but no discussion will be allowed and if this motion is seconded and carried, the chair will immediately call upon the Member (if any) who may have the right of reply, and then, immediately following the reply, the chair will put the motion which will include the amendments (if any) that have been moved and accepted.

(p) No motion upon any other subject will be submitted until the one before the chair is disposed of in accordance with this rule.

(q) Should any question have occupied the attention of the meeting for 20 minutes, the discussion on such question will be closed and the chair will then call on the mover to reply, unless the meeting decides by resolution to continue the discussion of the matter in question.

(r) A motion may be dealt with by:

(i) adoption as moved;

(ii) rejection as moved;

(iii) adoption after amendment of the subject matter.

(s) Any of the following motions, will be in order despite a motion (or motion with amendments) being before the meeting:

(i) "The Order of the Day", i.e., that the next business in order be now taken;

(ii) postponement of the question, either to a definite time or a time to be fixed;

(iii) reference to a committee;

(iv) adjournment:

(A) of the debate;

(B) of the meeting.

(t) A motion for adjournment:

(i) may be moved and seconded at any time during the meeting;

(ii) may be debated, provided that not more than 4 speakers be allowed both for and against the motion, inclusive of the mover and seconder;

(iii) provides no right of reply for the mover of the motion;

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(iv) will be successful if carried by a majority of Members present.

(u) A second motion for adjournment will not be moved until the subject under discussion at the time of the first motion for adjournment has been disposed of.

(v) Questions of order will be decided by the chair, whose ruling will be final unless challenged by a formal motion submitted to the meeting.

(w) Any Member may rise to a point of order when the member considers the rules of debate to have been violated provided that the member must submit the "point of order" to the chair, who will decide the question as prescribed in sub-rule (v).

(x) Upon the point of order being raised, the member addressing the meeting at the time will take their seat and will remain seated until the point of order has been decided.

(y) A ruling given by the chair on any question may be subject to a motion of dissent calling the meeting to disagree with the ruling.

(z) On the motion of dissent becoming seconded, the chair will vacate the chair which will be taken by the person who acts, in accordance with these rules, in the absence of the chair.

(aa) No motion of dissent from the chair's ruling will be permitted unless it is made before any other business has been proceeded to.

(bb) The procedure to determine a motion of dissent will be as follows:

(i) the Member moving the motion of dissent will be given 5 minutes to support the motion;

(ii) the chair will be given 5 minutes to defend their ruling;

(iii) the acting chair will then put the question and on the question being determined the chair will resume the chair.

(cc) A report of a Committee officially presented will be received without motion, but the adoption of such report either absolutely, or by clauses, will be moved and seconded.

(dd) It will be competent for any Member to move the reconsideration of a resolution that has been passed by a meeting, provided that the Member will have given notice at a previous meeting.

(ee) It will be competent for any Member to propose that any subject will be considered in a committee of the whole meeting.

(ff) The vote on such proposition when seconded will then be taken without discussion.

B81. DISSOLUTION OF THE DIVISION

(a) If the number of Members is 21 or less the Division will be dissolved.

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(b) If the Division is dissolved, the Divisional Fund of the Division will be vested in the Divisional Fund of the Division to which the Members become attached.

B82

(a) For this rule the words and phrases in column A have the meaning set out opposite in column B:

A	B
Certification Date	The date of registration of the change of name of the CFMMEU to the CFMEU
CFMEU	Construction, Forestry and Maritime Employees Union
CFMMEU	Construction, Forestry, Maritime, Mining and Energy Union

(b) The purpose of this rule is to provide for the transition of the State Construction and General Division as a section of the CFMMEU to becoming a section of the CFMEU.

(c) Rule B3(a)(ii) will have effect up to the day immediately preceding the Certification Date with references to the CFMEU being a reference to the CFMMEU.

(d) Rule B3(a)(ii) will have effect according to its terms on, and from, the Certification Date.

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MINING, ENERGY AND PORTS DISTRICT

PART C RULES

C1. NAME

(a) The name of the division is the Mining, Energy and Ports District.

C2. OFFICE

(b) The principal office of the District is the 2nd Floor, 61 Bowen Street, Spring Hill, or such other place as the District Board may determine.

C3. DEFINITIONS

(a) In these District rules, which are the Part C rules, the following words and phrases have the meaning set out as follows:

(i) "Act" means the *Industrial Relations Act 2016* (Qld);

(ii) "CFMEU" means the Construction, Forestry, Mining and Energy Union, Industrial Union of Employees, Queensland;

(iii) "Contractors" means entities who employ workers, falling within the eligibility of the Union and who would be attached to the District, at more than one location but which entity does not own and manage any relevant minesite or production facility;

(iv) (a) Prior to the date that the Mining and Energy Union is registered by the General Manager of the Fair Work Commission under the *Fair Work Registered Organisations Act 2009* (Cth) "counterpart federal body" means the Construction, Forestry, Mining and Energy Union, Mining and Energy Division, Queensland District Branch;
(b) On and from the date that the Mining and Energy Union is registered by the General Manager of the Fair Work Commission under the *Fair Registered Organisation Act 2009* (Cth) "counterpart federal body" shall mean the Mining and Energy Union, Queensland District Branch;

(v) "District" means this Division, the Mining, Energy and Ports District;

(vi) "District Fund" means the fund established in accordance with rule C94;

(vii) "District Executive Officers" are the:

(A) District President;

(B) District Executive Vice-President;

(C) District Vice Presidents; and

(D) District Secretary;

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(viii) "District Journal" means a journal produced, or caused to be produced, by the District which is provided free of charge to the Members;

(ix) "District Lodge Delegate" means the delegate of a District Lodge elected in accordance with rule C45(c);

(x) "District Officers" are all of the officers of the District including the District Executive Officers;

(xi) "District Policy" means policy of the District determined in accordance with rule C21;

(xii) "District Register" means the register kept in accordance with rule C6(a);

(xiii) "District Representative" means a representative of a Section;

(xiv) "District Section" means a section of District Lodges determined in accordance with rule C45;

(xv) "District Website" means a website established, or caused to be established, by the District that is accessible by Members free of charge;

(xvi) "Election Procedure Rules" means rules C46 to C75, inclusive;

(xvii) "financial member" means any member who has paid all subscriptions, fines, levies and dues in accordance with these District rules;

(xviii) "Financial Statements" means any financial documents that explain the methods and calculations about how the Districts accounts are made up and correctly record and explain the Districts transactions and financial position;

(xix) "Life Member" means a Member appointed in accordance with rule C13 as a life member;

(xx) "Member" means a financial member of the District;

(xxi) "Principal Office" means the location provided for in rule C2;

(xxii) "Quadrennial Elections" means an election held in accordance with rule C45;

(xxiii) "Retired Member" means a Member who has applied pursuant to rule C14 to be a retired member;

(xxiv) "Union" means the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland.

C4. INTERPRETATION

(a) In these Part C rules:

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(i) where any period of time, dating from a given day, act or event is prescribed or allowed for any purpose, the period, unless the contrary intention appears, is reckoned exclusive of such day or the day of such act or event;

(ii) where the last day of any period prescribed or allowed by these Part C rules for the doing of anything falls on a Saturday or a Sunday or on a day which is a public holiday or a bank holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following which is not a Saturday, Sunday or a public holiday or a bank holiday in that place;

(iii) the singular includes the plural and the plural includes the singular;

(iv) a reference to the District's callings is a reference to those callings contained in part "B" of the Union's registered callings;

(v) a reference to a statute includes any:

(A) statute amending, consolidating or replacing the statute; and

(B) regulation made under the statute as that regulation is in force from time to time;

(vi) a reference to an award or other instrument includes the replacement of the award or the other instrument if it is replaced;

(vii) headings will not be taken into account in interpreting these Part C rules;

(viii) a reference to a "rule" is, unless the context clearly indicates otherwise, a reference to a rule of these Part C rules;

(ix) a reference to a "sub-rule" means, unless the context clearly indicates otherwise, a sub-rule of the rule in which the reference to the sub-rule is made;

(x) a reference to a "part" means, unless the context clearly indicates otherwise, a part of the sub-rule in which the reference to the part is made;

(xi) a reference to a "Schedule", unless the context clearly indicates otherwise, is to a schedule to these Part C rules and that schedule is a part of these Part C rules;

(xii) a reference to "financial year" is a reference to the period commencing on 1 July in one year and ending on 30 June in the year next following;

(xiii) a reference to a "day" is a reference to the days Monday to Friday, public holidays excluded;

(xiv) a reference to "business hours" is a reference to the hours of 9.00am to 5.00pm.

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(b) A reference in a Schedule to these Part C rules to the "rules" is a reference to these Part C rules and all words and phrases in the Schedule have the same meaning as those words and phrases have in these Part C rules.

(c) Without limitation to sub-rules (a) and (b) the rules of the Union are to be interpreted as follows:

(i) Part A – the rules that provide for the operation of the Union inclusive of its Divisions;

(ii) Part B – the rules that provide for the Construction and General Division;

(iii) Part C – the rules that provide for the Mining, Energy and Ports District,

and a reference to one of those parts is a reference respectively to parts (i) to (iii);

(iv) a reference in the Part A rules to "these Union rules" is a reference to rules as they apply in relation to the Union inclusive of its Divisions;

(v) a reference in the Part A rules to "these Part A rules" is a reference to a rule of Part A that does not have application to the Divisions;

(vi) a reference in the Part A rules to "a rule of a Division" is a reference to the rules of the Divisions;

(vii) a reference to Divisional rules is a reference to the rules of the Divisions;

(viii) a reference in a rule of a Division to "these Divisional rules" or to "these District rules" is respectively a reference to the Part B and Part C rules;

(ix) a reference in the Part A, B or C rules to a rule with the prefix A, B or C before it is a reference to the rule of that number located respectively in the Part A, B or C rules.

C5. APPLICANTS FOR MEMBERSHIP

(a) An applicant for membership of the District must apply for membership to the District Secretary.

(b) Applications for membership of the District will be:

(i) in the form determined by the District Executive (for this rule the "application form"); and

(ii) signed by the person applying for membership (for this rule the "applicant").

(c) The District may publish the application form, determined pursuant to sub-rule (b)(i), by the means it considers appropriate.

(d) The District may, without limitation to sub-rule (c), publish and accept applications for membership by the internet.

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(e) The provisions of the Electronic Transactions (Queensland) Act 2001 apply to any applications received by means of the internet and an applicant for membership will be taken to have signed the application form if the requirements of s14 of the Electronic Transactions (Queensland) Act 2001 are met.

(f) No omission, irregularity or want of form will invalidate an application for membership provided that:

(i) the applicant intended the document they submitted to the District to be an application for membership; and

(ii) the State Division treated the document submitted as an application form for membership.

(g) An application for membership may be submitted at any office of the District.

(h) An applicant will become a member of the District from the date the District Secretary receives the application.

(i) The District Secretary may, or the District Secretary may require the District Secretary to refer any application to the District Administrative Committee for approval.

(j) Where an application for membership is referred pursuant to sub-rule (i) the applicant will not, despite sub-rule (h), become a member of the District until the District Board has approved the application and the applicant will become a member of the District from the date of approval.

(k) When an applicant is admitted to membership of the District pursuant to this rule the applicant's information will be entered in the District Register.

(l) The District Secretary will, at the time of entering an applicants name in the District Register, advise the Union Secretary of the acceptance of the applicant's membership and provide any information that the Union Secretary may reasonably require for the purposes of entering the applicant's name, residential address and date of admission to membership and divisional membership in the Union's Register.

(m) The District Secretary will promptly advise an applicant who has been admitted to membership of:

(A) their financial obligations as a member of the District and of the Union; and

(B) how, and when, they may resign from membership of the District and of the Union.

(n) The District Secretary will promptly advise the Union Secretary of:

(i) admission to membership of new members of the District; and

(ii) particulars relating to the new members admitted which are required for completion of the District Register.

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C6. DISTRICT REGISTER

(a) The District Secretary will keep a District Register containing, as far as the District Secretary is able to reasonably determine, the following information in relation to members, their:

(i) name;

(ii) residential address;

(iii) phone numbers;

(iv) email address;

(v) place of employment;

(vi) classification;

(vii) District Lodge;

(viii) date of admission;

(ix) date of resignation; and

(x) any other information required by the Act.

(b) The District Secretary will keep the District Register arranged according to the District Lodges to which members are attached.

(c) Any member changing the information required by sub-rule (a) will promptly notify the District Secretary who will promptly amend the District Register.

(d) The District Secretary will, at the time of changing member information in the District Register, advise the Union Secretary of the change in information and provide any information that the Union Secretary may reasonably require for the purposes of maintaining the Union Register.

(e) The District membership register is, in the event of a member failing to notify any change in their information pursuant to this rule, conclusive proof for the purposes of these District rules of the matters set out in the District Register.

(f) The District Secretary will keep a District Officers Register containing the following information, the:

(i) names of the District Officers; and

(ii) offices held by the District Officers; and

(iii) residential addresses of the District Officers.

(g) The District Secretary will, at the time of entering an officers information on the Officers Register, advise the Union Secretary and provide any information that the Union Secretary may reasonably require to ensure that the Unions Register of Officers is maintained.

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(h) The District Secretary will, at the time of changing officer information on the Officers Register, advise the Union Secretary of the change in information.

(i) The District Executive may purge an unfinancial member from the membership of the District and direct the District Secretary to remove the members name from the District Register.

(j) The District Secretary will advise the Union Secretary of the name of any member purged from the membership and the date of the member being purged.

(k) The District Secretary will advise the Union Secretary of the names of any member who has resigned from the District.

C7. PAYMENT OF ENTRANCE FEES, SUBSCRIPTIONS, LEVIES AND FINES

(a) Every member will pay entrance fees, subscriptions, levies and fines as required by these District rules.

(b) A member's entrance fees, subscriptions, levies and fines are to be paid to the District Secretary.

C8. ENTRANCE FEE

(a) An entrance fee is payable to the District on admission to membership.

(b) The amount of the entrance fee will be determined by the District Board.

(c) An entrance fee, subject to the Act, is payable to the District by an applicant for re-admission to membership.

(d) The amount of the entrance fee payable by an applicant for re-admission will be determined by the District Board.

C9. SUBSCRIPTIONS

(a) Subscriptions are to be paid to the District and will be at the annual rate determined annually by the District Board.

(b) District Lodge subscriptions, if any, are to be paid to the District Lodge will be at the annual rate determined by a majority vote of the District Lodge members of the District Lodge concerned.

(c) Apprentices or trainees who are members of the District and not in receipt of adult wages will pay one half of the annual subscription.

(d) Apprentices and trainees, financial in accordance with sub-rule (c), are entitled to all the privileges of membership in accordance with rule C12(a).

(e) Subscriptions are to be paid fortnightly in advance and may be paid by the following means:

(i) credit card; or

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(ii) direct debit.

C10. LEVIES

(a) The District Board may, subject to sub-rule (d) set a levy for payment by members:

(i) of the District;

(ii) of a District Lodge; or

(iii) who follow a particular calling of the District,

provided that any levies set pursuant to parts (ii) or (iii) may only be utilised, respectively, for the benefit of the Members in the District Lodge or who follow the callings concerned.

(b) Levies are to be paid fortnightly in advance and may be paid by the following means:

(i) credit card; or

(ii) direct debit.

(c) Despite sub-rule (b) where the levy is an amount of less than $50.00 it will be paid as a single payment by the following means:

(i) credit card; or

(ii) direct debit.

(d) Payment of levies is not compulsory for apprentices and trainees and an apprentice or trainee that is financial in accordance with rule C9(c) remains financial whether or not they pay a levy.

C11. MEMBERSHIP OF COUNTERPART FEDERAL BODY

(A) This subrule (C11(A)) shall apply prior to the date that the Mining and Energy Union is registered by the General Manager of the Fair Work Commission under the *Fair Work Registered Organisations Act* 2009 (Cth):

(a) Notwithstanding rule C9 a member of the District will not be required to pay subscriptions otherwise payable pursuant to these District rules and will be deemed for all purposes of these District rules to be a financial member of the District for the period during which the member is:

(i) in accordance with the registered rules of the CFMEU, a financial member of the CFMEU; and

(ii) attached to the Queensland District Branch of the Mining and Energy Division of the CFMEU.

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(b) If a member of the District, who is entitled to the benefit of sub-rule (a), ceases to be a financial member of the CFMEU or being a financial member of the CFMEU ceases to be assigned to the Queensland District Branch of the Mining and Energy Division of the CFMEU, then the member forthwith, from the happening of either event, becomes liable for the payment of all membership fees under these District rules as if the member had either joined the District on the date that:

(i) they had become unfinancial under the rules of the CFMEU; or

(ii) had ceased to be attached to the Queensland District Branch of the Mining and Energy Division of the CFMEU,

whichever is the earlier, however upon:

(iii) the payment of any arrears to the CFMEU and the member otherwise becoming a financial member of the CFMEU; and

(iv) the member again being attached to the Queensland District Branch of the Mining and Energy Division of the CFMEU,

any arrears or liability to pay membership fees and other fees arising under these District rules will be extinguished.

(B) This subrule (C11(B)) shall apply on and from the date that the Mining and Energy Union is registered by the General Manager of the Fair Work Commission under the *Fair Work Registered Organisations Act* 2009 (Cth):

(a) Notwithstanding rule C9 a member of the District will not be required to pay subscriptions otherwise payable pursuant to these District rules and will be deemed for all purposes of these District rules to be a financial member of the District for the period during which the member is:

(i) in accordance with the registered rules of the Mining and Energy Union, a financial member of the Mining and Energy Union; and

(ii) attached to the Queensland District Branch of the Mining and Energy Union.

(b) If a member of the District, who is entitled to the benefit of sub-rule (a), ceases to be a financial member of the Mining and Energy Union or being a financial member of the Mining and Energy Union ceases to be assigned to the Queensland District Branch of the Mining and Energy Union, then the member forthwith, from the happening of either event, becomes liable for the payment of all membership fees under these District rules as if the member had either joined the District on the date that:

(i) they had become unfinancial under the rules of the Mining and Energy Union; or

(ii)had ceased to be attached to the Queensland District Branch of the Mining and Energy Union,

whichever is the earlier, however upon:

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(v) the payment of any arrears to the Mining and Energy Union and the member otherwise becoming a financial member of the Mining and Energy Union; and

(vi) the member again being attached to the Queensland District Branch of the Mining and Energy Union,

any arrears or liability to pay membership fees and other fees arising under these District rules will be extinguished.

1. MEMBERS' ENTITLEMENTS

(a) Members are entitled to:

(i) attend meetings of their District Lodge or of the District;

(ii) move, or second, resolutions of their District Lodge or of the District;

(iii) speak at any meeting of their District Lodge or of the District;

(iv) vote in any ballot of their District Lodge or of the District;

(v) vote in any plebiscite of the District;

(vi) subject to these District rules nominate, or second, nominations for office of their District Lodge or of the District;

(vii) if a candidate in an election for any office in the District appoint a scrutineer;

(viii) subject to these Part C rules hold office in the their District Lodge or in the District;

(ix) receive the District Journal, or any other publication of the District, free of charge;

(x) inspect, in accordance with these Part C rules, the District Register;

(xi) inspect, in accordance with these Part C rules, the District Officers Register;

(xii) inspect, in accordance with these Part C rules, the minutes of the District;

(xiii) receive, subject to rule C20, a copy of these District rules or of the Union's rules; and

(xiv) access the District's services.

2. LIFE MEMBERS' ENTITLEMENTS

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(a) A Member, who has provided exemplary service to the District, may be appointed as a Life Member, and will remain a Life Member of the District following their retirement from the industry of the District.

(b) Life Members will be appointed by the District Convention on the recommendation of the District Board.

(c) Life Members who are employed in the industry of the District have the same entitlements as Members.

(d) Life Members, who are no longer employed in the industry of the District, are entitled to:

(i) receive the District Journal, or any other publication of the District, free of charge; and

(ii) access the District's non-industrial services.

(e) A Life member is exempt from the payment of:

(i) subscriptions; and

(ii) levies.

3. Retired Members ENTITLEMENTS

(a) A Member who has been a continuously financial member of the District for 5 years or more, may on retiring from the industry of the District through age or infirmity, apply to become a Retired Member of the District.

(b) Retired Members are entitled to:

(i) receive the District Journal, or any other publication of the District, free of charge; and

(ii) access the District's non-industrial services.

(c) A Retired Member is exempt from the payment of:

(i) subscriptions; and

(ii) levies.

4. UNEMPLOYED MEMBERS

(a) A member, who is unable to pay subscriptions and/or levies by reason of being unemployed may apply to the District Secretary for registration on the District Unemployed Members Register, and will, if registered, be entitled to all the privileges of membership in accordance with rule C12(a) without the payment of subscriptions or levies.

(b) The District Secretary will provide all applications for registration pursuant to sub-rule (a) to the District Executive for their approval.

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(c) Where an application is approved by the District Executive the District Secretary will enter the applicant's name, address and the date of approval in the District Unemployed Members Register.

(d) A member who has been registered pursuant to sub-rule (c) must advise the District Secretary in the event that they gain employment.

(e) The District Executive has the power to:

(i) remove the name of any member from the District Unemployed Members Register for any reason it considers appropriate; and/or

(ii) may prescribe a period during which a member will not be eligible to be registered on the District Unemployed Members Register.

(f) Nothing prevents the District Lodge Secretary, of the District Lodge in relation to which a member who is entitled to seek registration pursuant to sub-rule (a) is attached, from making the application required by sub-rule (a) on the members behalf.

(g) The District Secretary is to submit the District Unemployed Members Register to the District Executive for consideration at each District Executive meeting.

(h) The continuing registration of a member on the District Unemployed Members Register is at the discretion of the District Executive.

5. WAIVER OF FEES

(a) The District Board may determine to waive in whole or in part:

(i) entrance fees;

(ii) subscriptions;

(iii) levies;

(iv) fines; or

(v) arrears,

for a member, or group of members, where the District Board considers it is appropriate, and for the benefit of the District, to do so.

6. RESIGNATIONS

(a) A member may resign from the District by written notice addressed and delivered to the District Secretary.

(b) Notification of resignation is given if it is:

(i) given to the District; or

(ii) addressed to the District, or any officer of the District, and is sent to an office of the District.

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(c) If a member specifies in their notification a day or time at which the resignation from the District is to be effective, being a day or time subsequent to the time when notification is given, the membership of the member terminates on the day, or at the time, specified and not before, unless membership is sooner terminated by the District in accordance with these District rules.

(d) Resignation of membership of the District does not affect the liability of the former member to pay:

(i) entrance fees;

(ii) subscriptions;

(iii) levies; and/or

(iv) fines,

owing to the District at the date of resignation, and which had became payable to the District during the 12 months prior to the date of resignation.

(e) Moneys owed to the District may, subject to the Act and the Union's rules, be sued for and recovered by the District Secretary in the name of the Union.

7. UNFINANCIAL MEMBERS

(a) Subject to rules C9 and C10, any member owing entrance fees, subscriptions, levies and fines for more than 10 days is not entitled to any of the privileges of membership provided by rule C12.

(b) A member who terminates their membership without paying all entrance fees, subscriptions, levies and fines, which arose for payment in the 12 months preceding the termination of membership, will not, subject to the Act, be readmitted as a member of the District until:

(i) payment has been made of all outstanding entrance fees, subscriptions, levies and fines as set out in this sub-rule; and

(ii) the District Board approves the application.

8. INFORMING NEW MEMBERS

(a) The District Executive will promptly take all reasonable steps to inform potential applicants for membership of the benefits of membership of the District.

(b) District Lodge Executives will promptly take all reasonable steps to inform potential applicants for membership of the benefits of membership of the:

(i) District; and

(ii) District Lodge.

9. rule book

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(a) Every Member on admission is entitled to request from the District Secretary, free of charge, a copy of the rules of the District or of the Union.

(b) The District Secretary will promptly provide to a Member requesting a copy of the rules of the District or of the Union, other than as provided for by sub-rule (a), a copy of those rules on the payment of $5.

(c) The District Secretary may, in the District Secretary's discretion, in relation to a request made pursuant to sub-rules (a) or (b) provide a Member:

(i) with an electronic copy of the rules; or

(ii) provide access for the Member concerned to a Members' only website where a current version of the District rules and the Union's rules are maintained.

(d) Where rules are provided pursuant to sub-rule (c):

(i) the District Secretary does not have to provide a printed copy of the rules; and

(ii) the rules and/or access to the rules will be provided at no cost to the Member.

10. DISTRICT POLICY

(a) District Policy is binding on the:

(i) District Convention;

(ii) District Board;

(iii) District Executive;

(iv) District Administration Committee;

(v) District Officers;

(vi) District Lodges; and

(vii) members,

provided that District Policy can only be amended in accordance with these District rules.

11. DISTRICT CONVENTION

(a) There will be a District Convention comprised of the:

(i) District Lodge Delegates;

(ii) District Executive Officers;

(iii) District Councillors; and

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(iv) District Representatives.

12. POWERS OF THE DISTRICT CONVENTION

(a) The District Convention is, subject to these District rules, the supreme policy making body of the District.

(b) Without limiting the power provided by sub-rule (a) the District Convention has, subject to these District rules, power to:

(i) review the outcomes and conduct of the District in the period since the last meeting of the District Convention;

(ii) determine appeals from:

(A) District Lodges; and

(B) members,

against decisions made by the:

(C) District Board;

(D) District Executive;

(E) District Administrative Committee; or

(F) a District Officer;

(iii) debate and determine matters submitted by the District Lodges;

(iv) amend these Part C rules;

(v) seek amendment to the Union's rules;

(vi) amend District Policy;

(vii) establish guidelines for the general conduct of the District by the:

(A) District Board;

(B) District Executive;

(C) District Administrative Committee; and

(D) District Officers;

(viii) appoint Members as Life Members on the recommendation of the District Board;

(ix) do any thing else expressly provided by these District rules;

(x) authorise expenditure from the District Fund, as necessary, for the management of the District; and

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(xi) do all other things, necessary and appropriate, to achieve the Union's objects.

13. MEETINGS of the DISTRICT CONVENTION

(a) The District Convention will meet:

(i) at least once in every four years; and

(ii) no later than six months following the District's Quadrennial Elections,

on the date that the District Executive determines.

(b) The District President will chair the District Convention, however if the District President is not present within 15 minutes of the commencement of the meeting, or if present is unwilling to act, then the District Executive Vice-President will act as the chair of the meeting with all the powers of the District President and if the Executive Vice-President is not present within 15 minutes of the commencement of the meeting, or if present is unwilling to act, then the meeting will nominate one of its members to act as chair of the meeting with all the powers of the District President.

(c) The quorum for the District Convention is ½ the members of the District Convention entitled pursuant to sub-rule (d) to have a deliberative vote, and quorum must be in place for a ballot of the District Convention to occur.

(d) Only the following members of the District Convention have a deliberative vote, the:

(i) District Lodge Delegates; and

(ii) District Executive Officers.

(e) The chair of the District Convention has both a deliberative and a casting vote.

(f) Four months prior to the date determined pursuant to sub-rule (a) the District Secretary will:

(i) give notice to each District Lodge Secretary; and

(ii) call for District Lodges to submit agenda items.

(g) The District Secretary will allow at best 2 months for the submission of agenda items.

(h) The District Secretary will prepare the agenda for the District Convention.

(i) The District Secretary will, one month prior to the date determined pursuant to sub-rule (a), forward the agenda prepared pursuant to sub-rule (g) to the:

(i) District Lodge Secretaries; and

(ii) District Lodge Delegates.

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(j) Despite sub-rules (f), (g) and (h) the District Convention may, subject to a vote of the District Convention, accept further agenda items submitted during the course of the District Convention.

(k) The District Convention, may, at its first session determine to vary the standing orders provided by rule C105.

(l) The District will meet the costs of the District Convention, other than the costs associated with the attendance of:

(i) the District Lodge Delegates; and

(ii) observers.

(m) Despite sub-rule (k) the District will pay an amount, as determined by the District Board, to the District Lodges for the attendance cost of their District Lodge Delegate provided that the amount accepted as payment by a District Lodge cannot be more than the cost that the District Lodge incurred by the attendance of their District Lodge Delegate at the District Convention.

14. ENDORSEMENT OF DECISIONS OF THE DISTRICT CONVENTION

(a) The District Secretary will cause minutes to be prepared of the proceedings of meetings of the District Convention.

(b) The minutes of the District Convention, prepared pursuant to sub-rule (a), are to be adopted, with or without amendment, by the District Convention before a meeting of the District Convention concludes.

(c) The minutes adopted in accordance with sub-rule (b) will set out the resolutions requiring endorsement as provided by these Part C rules.

(d) The minutes, adopted in accordance with sub-rule (b), will be forwarded to the District Lodges.

(e) The District Secretary will promptly take all steps necessary to seek endorsement of decisions of the District Convention as required by these Part C rules.

(f) Only those determinations of the District Convention endorsed pursuant to sub-rule (c) become District Policy.

15. DISTRICT BOARD

(a) The District Board is comprised of the:

(i) District President;

(ii) District Executive Vice President;

(iii) District Secretary;

(iv) District Councillors; and

(v) District Representatives.

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(b) The District Board is the management committee of the Division.

16. POWERS OF THE District Board

(a) The District Board will, between meetings of the District Convention, control and direct the Queensland District and without limitation to that power, will subject to these District rules:

(i) manage the business of the District;

(ii) amend, subject to rule C82, District Policy;

(iii) determine the amount of levies and subscription to be charged to members of the District;

(iv) review the decisions of the District Executive;

(v) consider requests made by the District Lodges;

(vi) attend to resolving grievances of the District Lodges in relation to:

(A) work;

(B) wages; and/or

(C) conditions;

(vii) determine appeals from the District Lodges;

(viii) reserve any decision of a District Lodge;

(ix) determine appeals from Members in relation to decisions of the District Lodges;

(x) determine penalties in relation to members of District Lodges;

(xi) determine penalties in relation to the District Lodges;

(xii) determine appeals by Members from decisions of the District Executive;

(xiii) consider, and determine, any request made of the District by the Union or another Division of the Union;

(xiv) consider, and determine, any request made of the District from other organisations;

(xv) receive, adopt or otherwise deal with the District Financial Statements;

(xvi) determine the:

(A) salaries;

(B) allowances; and/or

(C) conditions,

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of fulltime and/or part-time officers and employees of the District;

(xvii) make recommendations to the District Convention of candidates for appointment to Life Membership;

(xviii) amend these Part C rules;

(xix) do anything else expressly provided by:

(A) these District rules; or

(B) District Convention;

(xx) submit matters that are determined to be of sufficient importance to the members of the District for decision by ballot in accordance with the procedure provided by rule C53; and

(xxi) do all other things, necessary and appropriate, to achieve the Union's objects.

(b) Despite sub-rule (a) no monies are to be paid to any political organisation until the resolution of the District Board has been approved in accordance with rule C82.

(c) The affiliations of the District will be as determined by the District Board subject to these District rules.

17. DISTRICT BOARD MEETINGS

(a) The District Board will meet at least three times a year, and usually, during:

(i) March;

(ii) August; and

(iii) December,

provided that the District Board may meet at such other times as the District Board, or the District Executive, considers necessary.

(b) The December meeting of the District Board will be the annual general meeting of the District.

(c) The District Secretary will in consultation with the members of the District Executive formulate an agenda setting out the business to be dealt with at the District Board meetings.

(d) The District Secretary will give members of the District Board at least 10 days notice of meetings of the District Board and will provide to the members of the District Board:

(i) notice of the meeting;

(ii) an agenda for the meeting; and

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(iii) associated papers.

(e) Notice of the meeting required to be given in accordance with sub-rule (d) may be given by:

(i) post;

(ii) facsimile;

(iii) E-mail;

(iv) SMS; or

(v) by such other electronic or telegraphic means as may be available.

(f) Meetings of the District Board are to be conducted as meetings of persons assembled.

(g) Meetings of the District Board will be held at the Principal Office unless the District Board or the District Executive determines otherwise.

(h) The District President will chair meetings of the District Board, however if the District President is not present within 15 minutes of the commencement of the meeting, or if present is unwilling to act, then the District Executive Vice-President will act as the chair of the meeting with all the powers of the District President and if the District Executive Vice-President is not present within 15 minutes of the commencement of the meeting, or if present is unwilling to act, then the meeting will nominate one of its members to act as chair of the meeting with all the powers of the District President.

(i) The quorum for meetings of the District Board is:

(i) a District Representative from each of at least three District Sections; and

(ii) at least two members of the District Executive.

(j) The members of the District Board have a deliberative vote at meetings of the District Board.

(k) The chair of the District Board has both a deliberative and a casting vote.

(l) The members of the District Board, in attendance at a meeting of the District Board, are required to cast a vote either for, or against, the proposition in each matter the subject of a ballot of the District Board.

(m) A member of the District Board not able to attend a meeting of the District Board, of which notice has been given in accordance with these Part C rules, without giving an explanation which is accepted by the majority of the members of the District Board may be fined by the District Board an amount not exceeding $500, or such other sum as the District Convention may determine, or be otherwise disciplined in accordance with these Part C rules.

18. special meetingS of the District Board

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(a) A special meeting of the District Board will be convened by the District Secretary, on the District Secretary being requested to do so:

(i) by a majority of the District Executive; or

(ii) in writing from at least 3 District Representatives,

and will be convened within 20 days of the District Secretary receiving the request.

(b) The request for the special meeting of the District Board must set out the business sought to be dealt with at the special meeting.

(c) Only the business set out in the request for the special meeting of the District Board may be dealt with at the special meeting.

(d) The District Secretary will, at least 10 days prior to a special meeting of the District Board, provide to the members of the District Board:

(i) notice of the special meeting;

(ii) notice of the business to be dealt with at the special meeting; and

(iii) associated papers.

(e) Notice of the special meeting, required to be given in accordance with sub-rule (e), may be given by:

(i) post;

(ii) facsimile;

(iii) E-mail;

(iv) SMS; or

(v) by such other electronic or telegraphic means as may be available.

(f) Special meetings of the District Board are to be conducted as meetings of persons assembled.

(g) Special meetings of the District Board will be held at the Principal Office of the District unless the District Board or the District Executive determines otherwise.

(h) The District President will chair special meetings of the District Board, however if the District President is not present within 15 minutes of the commencement of the special meeting, or if present is unwilling to act, then the District Executive Vice-President will act as the chair of the special meeting with all the powers of the District President and if the District Executive Vice-President is not present within 15 minutes of the commencement of the special meeting, or if present is unwilling to act, then the special meeting will nominate one of its members to act as chair of the special meeting with all the powers of the District President.

(i) The quorum for special meetings of the District Board is:

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(i) a District Representative from each of at least three District Sections; and

(ii) at least two members of the District Executive.

(j) The members of the District Board have a deliberative vote at special meetings of the District Board.

(k) The chair of the District Board has both a deliberative and a casting vote at special meetings.

(l) The members of the District Board, in attendance at a special meeting of the District Board, are required to cast a vote either for, or against, the proposition in each matter the subject of a ballot of the District Board.

(m) A member of the District Board not able to attend a special meeting of the District Board, of which notice has been given in accordance with these Part C rules without giving an explanation which is accepted by the majority of the members of the District Board may be fined by the District Board an amount not exceeding $500, or such other sum as the District Convention may determine, or be otherwise disciplined in accordance with these Part C rules.

19. ENDORSEMENT OF DECISIONS OF THE DISTRICT BOARD

(a) The District Secretary will cause minutes to be prepared of the proceedings of the meeting of the District Board, inclusive of special meetings of the District Board.

(b) The minutes of the District Board, prepared pursuant to sub-rule (a), are to be adopted, with or without amendment, by the District Board before a meeting, or special meeting as the case may be, of the District Board concludes.

(c) The minutes, adopted in accordance with sub-rule (b), will be forwarded to the District Lodges.

(d) The minutes adopted in accordance with sub-rule (b) will set out the resolutions requiring endorsement as provided by these Part C rules.

(e) The District Secretary will promptly take all steps necessary to seek endorsement of decisions of the District Convention as required by these Part C rules.

(f) Only those determinations of the District Convention endorsed pursuant to sub-rule (c) become District Policy.

20. Decisions of the District Board otheR than in meeting assembled

(a) Despite rules C28 and C29, where the District President and the District Secretary consider that a matter requires urgent attention then the District Secretary may ballot the members of the District Board in relation to that matter by means of:

(i) post;

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(ii) facsimile;

(iii) E-mail;

(iv) SMS; or

(v) by such other electronic or telegraphic means as may be available.

(b) A ballot conducted pursuant to sub-rule (a) requires each member of the District Board to return their ballot and requires a unanimous result for the matter the subject of the ballot to be affirmed.

(c) Any ballot conducted pursuant to sub-rule (a) where the matter the subject of the ballot has not been affirmed in accordance with sub-rule (b) within 10 days of the date on which the District Secretary first ballots the members of the District Board, is determined to be lost.

(d) The District Secretary will provide a report to the members of the District Board in relation to any ballots conducted in accordance with sub-rule (a), setting out the following:

(i) the date of the ballot;

(ii) who participated in the ballot and how their vote was cast; and

(iii) the result of the ballot.

(e) The District Secretary will, in relation to a matter the subject of a ballot affirmed in accordance with sub-rule (b), promptly take all steps necessary to seek endorsement of the decision as required by rule C82.

21. DISTRICT EXECUTIVE

(a) The District Executive is comprised of the:

(i) District President;

(ii) District Executive Vice-President;

(iii) District Vice Presidents; and

(iv) District Secretary.

22. POWERS OF THE DISTRICT EXECUTIVE

(a) The District Executive has, between meetings of the District Board, and subject to these District rules and to the review of its decisions by the District Board, the following powers and obligations:

(i) the management of the affairs, funds and property of the District;

(ii) the review of the decisions of the District Administration Committee;

(iii) to do all other things, necessary and appropriate, to achieve the Union's objects including the initiation of, and conduct of:

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(A) proceedings;

(B) actions;

(C) industrial disputes; and/or

(D) legal proceedings;

(iv) to appoint:

(A) agents;

(B) solicitors or counsel;

to appear for, represent and advise the District, or any of its Members, as the case may be;

(v) to engage:

(A) employees;

(B) contractors; and/or

(C) agents,

necessary for managing, advising and carrying out the business of the District;

(vi) to enter into contracts for:

(A) products; and/or

(B) services;

(vii) to administer the District Fund;

(viii) to appoint, and determine, District Advisory Committees;

(ix) to submit matters that are determined to be of sufficient importance to the District Board for decision;

(x) to submit matters that are determined to be of sufficient importance to the Members for decision by ballot in accordance with the procedure provided by rule C53;

(xi) to make, subject to sub-rule (c), industrial agreements;

(xii) to exercise powers conferred by the:

(A) District Convention;

(B) District Board;

(C) District rules; and

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(xiii) to do all other things, necessary and appropriate, to achieve the Union's objects.

(b) Any determination of the District Executive is effective unless, and until, reviewed and altered in accordance with these Part C rules, and if the determination is altered it will have effect subject to the extent to which it is altered.

(c)

(i) Any industrial agreement proposed to be entered into in accordance with sub-rule (a), will be just forwarded to the relevant District Lodges.

(ii) An industrial agreement proposed to be adopted in accordance with sub-rule (i) will set out the resolutions requiring endorsement as provided by these Part C rules.

(iii) The District Secretary will promptly take all steps necessary to seek approval for the making of the proposed industrial agreement.

(iv) Only those proposed industrial agreements endorsed pursuant to this sub-rule will be progressed by the District Secretary.

23. MEETINGS OF THE DISTRICT EXECUTIVE

(a) The District President or the District Secretary may at any time convene, in accordance with this rule, a meeting of the District Executive.

(b) The District President or the District Secretary will give members of the District Executive notice of the District Executive meetings by:

(i) post;

(ii) facsimile;

(iii) E-mail;

(iv) SMS;

(v) such other electronic or telegraphic means as may be available; or

(vi) orally.

(c) Meetings of the District Executive will be held, unless the District Executive determines otherwise, at the Principal Office.

(d) Any member of the District Executive unable to attend a meeting of the District Executive in person may vote on matters before the District Executive by:

(i) letter;

(ii) facsimile; or

(iii) email

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(e) Where a member of the District Executive votes in the manner provided by sub-rule (d), then the determination of the meeting will be the same as if it was a meeting of persons assembled.

(f) The District President will chair meetings of the District Executive, however if the District President is not present within 15 minutes of the commencement of the meeting, or if present is unwilling to act, then the District Executive Vice-President will act as the chair of the meeting with all the powers of the District President and if the District Executive Vice-President is not present within 15 minutes of the commencement of the meeting, or if present is unwilling to act, then the meeting will nominate one of its members to act as chair of the meeting with all the powers of the District President.

(g) The quorum for the District Executive is 3 members of the District Executive.

(h) The members of the District Executive have a deliberative vote at meetings of the District Executive.

(i) The District President is entitled to exercise a deliberative vote but is not entitled to exercise a casting vote.

24. DISTRICT ADMINISTRATION COMMITTEE

(a) There will be a District Administration Committee comprised of the:

(i) District President;

(ii) District Executive Vice-President; and

(iii) District Secretary.

25. POWERS OF THE DISTRICT ADMINISTRATION COMMITTEE

(a) The District Administration Committee has, subject to the review of its decisions by the:

(i) District Board; and/or

(ii) District Executive,

the following powers and obligations, to:

(A) require possession and take possession of, the financial records of the District;

(B) require and/or conduct an audit of the Financial Statements or other records of the District;

(C) authorise necessary expenditure from the District Fund for the management of the District;

(D) require from members of the District the payment, and to recover the payment of fees, subscriptions, levies and fines;

(E) determine any application for membership referred to it;

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(F) submit matters that are determined to be of sufficient importance to the members of the District for decision by ballot in accordance with the procedure provided by rule C53;

(G) exercise such other powers as may be conferred upon them by the:

(1) District Convention;

(2) District Board; and/or

(3) by any rule of the District.

(b) Any determination of the District Administration Committee is effective unless, and until, reviewed and altered in accordance with these Part C rules, and if the determination is altered it will have effect subject to the extent to which it is altered.

26. MEETINGS OF THE DISTRICT ADMINISTRATION COMMITTEE

(a) The District Administration Committee will meet at such times as the District Administration Committee determines.

(b) Any member of the District Administration Committee may request that the District Secretary call a meeting of the District Administration Committee, and the District Secretary will upon receiving a request promptly call a meeting of the District Administration Committee to be held as soon as is practicable.

(c) The District Secretary will give members of the District Administration Committee such notice of meetings of the District Administration Committee as can be practicably provided.

(d) Notice of the meeting may be given by any means as may be available, including orally.

(e) Meetings of the District Administration Committee will be held at such places as the District Administration Committee determines.

(f) Meetings of the District Administration Committee may be conducted by:

(A) person assembled;

(B) telephone;

(C) radio;

(D) video;

(E) skype, and/or

(F) any other method by which members of the District Administration Committee are able to communicate with each other without being physically present.

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(g) The District President will chair meetings of the District Administration Committee, however if the District President is unwilling to act, then the District Executive Vice-President will act as the chair of the meeting with all the powers of the District President.

(h) The quorum for the District Administration Committee is all of the members of the District Administration Committee.

(i) The members of the District Administration Committee only have a deliberative vote at meetings of the District Administration Committee.

27. MEETINGS OF THE DISTRICT

(a) For the purposes of this rule a meeting of the Members of the District is a "Meeting".

(b) The District Secretary will call a Meeting when requested to do so by the District Lodges, whose aggregated membership is not less than twenty-five per cent of the Members of the District.

(c) A request made in accordance with sub-rule (b) must be in the form of a written requisition setting out the business proposed to be dealt with at the Meeting.

(d) The Meeting must be held within 15 days of the receipt by the District Secretary of the requisition referred to, respectively, in sub-rule (b).

(e) The Meeting may be held:

(i) as a series of meetings where the result of the ballot of any matters is aggregated across the meetings; or

(ii) by means of:

(A) telephone;

(B) radio;

(C) video;

(D) skype; and/or

(E) any other method by which Members are able to communicate with each other without being physically present.

(f) The Members are to be promptly notified of the:

(i) date;

(ii) time;

(iii) location (or locations); and

(iv) business,

of the Meeting and be given as much notice of the meeting as is practicable.

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(g) Notice of the Meeting may be given by:

(i) post;

(ii) facsimile;

(iii) e-mail;

(iv) SMS;

(v) publication in a newspaper circulated in the State;

(vi) publication on the District Website;

(vii) publication in the District Journal; or

(viii) by such other electronic or telegraphic means as may be available.

(h) The business to be conducted at the Meeting is limited to the business set out in the requisition requesting the Meeting.

(i) The District President will chair the Meeting, however if the District President is not present within 15 minutes of the commencement of the Meeting, or if present is unwilling to act, then the District Executive Vice-President will act as the chair of the Meeting with all the powers of the District President and if the District Executive Vice-President is not present within 15 minutes of the commencement of the Meeting, or if present is unwilling to act, then the Meeting will nominate one of its members to act as chair of the Meeting with all the powers of the District President.

(j) Quorum for a Meeting is total attendance by Members of at least 25% of the District Lodges.

(k) A determination of a Meeting is not binding on the District and does not have the effect of amending District Policy.

(l) The District Secretary will provide a report to the District of the proceedings of the Meeting, the matters balloted (if any) and the result of any ballots.

28. DISTRICT PRESIDENT

(a) The District President will:

(i) chair all meetings of the:

(A) District Convention;

(B) District Board;

(C) District Executive;

(D) District Administration Committee; and

(E) meetings of the District;

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(ii) act in conjunction with the:

(A) District Executive Vice-President;

(B) District Vice-Presidents; and

(C) District Secretary,

in transacting the general business the District;

(iii) assist the District Secretary in preparation of Financial Statements;

(iv) in the absence of the District Secretary, attend to the correspondence of the District to be attended to;

(v) in conjunction with the District Secretary arrange, when it is necessary to do so, for the attendance of either the District President or the District Secretary at important meetings of the District Lodges;

(vi) act as the principal advocate for the District;

(vii) take steps as are necessary to ensure that the Lodges carry out these District rules, and the Union's rules;

(viii) with the concurrence of the District Secretary, call in all cases of emergency, a special District Board meeting; and

(ix) in conjunction with the:

(A) District Executive Vice-President:

(1) attend to the correspondence of the District;

(2) watch the interests of the District; and

(3) advance the members interests.

29. DISTRICT EXECUTIVE VICE-PRESIDENT

(a) The District Executive Vice-President will:

(i) act in conjunction with the:

(A) District President; and

(B) District Secretary,

in transacting the general business of the District.

(ii) in conjunction with the:

(A) District President:

(1) attend to the correspondence of the District;

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(2) watch the interests of the District; and

(3) advance the members interests.

(b) In the absence of the District President, perform the duties of the District President.

(c) When requested by the District President, act for the District President.

30. DISTRICT VICE-PRESIDENT

(a) A District Vice-President will:

(i) act in conjunction with the:

(A) District President;

(B) District Executive Vice-President;

(C) other District Vice Presidents; and

(D) District Secretary,

in transacting the general business of the District.

(ii) In the absence of the District President and the District Executive Vice-President, perform the duties of the District President.

(b) When requested by the District President, act for the District President.

31. DISTRICT SECRETARY

(a) The District Secretary will:

(i) act in conjunction with the:

(A) District President;

(B) District Executive Vice-President; and

(C) District Vice-Presidents,

in transacting the general business of the District; and

(ii) keep separate accounts of all:

(A) monies received;

(B) monies paid;

(C) expenses;

(D) entrance fees paid;

(E) subscriptions paid;

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(F) levies paid; and

(G) fines paid;

(iii) with the assistance of the:

(A) District President; and

(B) District Executive Vice-President;

prepare the annual audited financial statements for the approval of the District Board at it's annual general meeting;

(iv) promptly forward a copy of the annual audited financial statements, when approved by the District Board, to each District Lodge;

(v) attend, and cause minutes to be taken of:

(A) District Convention meetings;

(B) District Board meetings;

(C) District Executive meetings;

(D) District Administration Committee; and

(E) meetings of the District;

(vi) in conjunction with the District President arrange, when it is necessary to do so, for the attendance of either the District President or the District Secretary at important meetings of the District Lodges;

(vii) in conjunction with the:

(A) District President; and/or

(B) District Executive Vice-President:

(1) attend to the correspondence of the District;

(2) watch the interests of the District; and

(3) advance the members interests; and

(viii) with the concurrence of the District President, call in all cases of emergency, a special District Board meeting.

32. DISTRICT REPRESENTATIVES

(a) District Representatives will be elected, in accordance with these District Rules, to represent each of the following District Sections:

(i) District Section One - Collinsville, Newlands Open Cut, Newlands Underground, North Goonyella, Burton Downs, South Walker Creek, Coppabella, Eaglefield, Millennium, Moorvale, Sonoma Leighton;

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(ii) District Section Two - Goonyella Riverside BMA, Peak Downs and Moranbah North, Boom Logisitics, Broadmeadow BMA, Carborough Downs, McMahons Goonyella Riverside;

(iii) District Section Three - Bundoora, Foxleigh, Grasstree, Saraji, Norwich Park, Oaky Creek No 1, Oaky North, Blair Athol, German Creek Open Cut;

(iv) District Section Four - Gregory, Crinum, RUS Mining Crinum, Yongala (Ensham) , Callide Valley, Moura;

(v) District Section Five - Blackwater No 1, Curragh, Curragh North, Jellinbah;

(vi) District Section Six - Tarong Coal Mine, New Oakleigh, New Acland, Commodore Open Cut, Kogan Creek Coal Mine, Kogan Creek Power Station, Wilkie Creek, West Moreton;

(vii) District Section Seven - Abbot Point Bulk, Gladstone Port Authority, Gladstone Power Station, Callide Power, Weipa, Hay Point, Queensland Bulk Handling, Orica Queensland, Tarong Power Station, Swanbank Power, Valley Longwall, State Member.

(b) The District Board may:

(i) add new District Lodges to District Sections as District Lodges are formed; or

(ii) remove District Lodges from District Sections if District Lodges are dissolved.

(c) When a District Lodge is formed that is not within a District Section provided by sub-rule (a) the District Executive will, in accordance with sub-rule (e), allocate the District Lodge to one of the District Sections provided by sub-rule (a).

(d) The District Secretary will promptly, following the making of a determination pursuant to sub-rule (b) which results in the alteration of the District Lodges comprising a District Section, give notice to the Members of the effect of the alteration.

(e) The District Board will, at a meeting held at least 6 months prior to the calling of nominations for the Quadrennial Elections, determine the District Lodges which comprise each of the District Sections.

(f) In determining the District Lodges that comprise each District Section, the District Board will take the following matters into account the:

(i) commonality of industrial interest of the Members concerned; and

(ii) geographical location of the Members concerned; and

(iii) employer of the Members concerned.

(g) The District Secretary may, despite any other rule of these Part C rules, give the notice referred to in sub-rule (e), by publishing a list and/or map which depicts

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the District Sections and the District Lodges that comprise them on the District's Website.

33. District Councillors

(a) The District Councillors are officers of the District who work on a part time engagement for the District.

(b) District Councillors have the following duties, to:

(i) attend meetings of the District Board;

(ii) attend, and address as the case may be, meetings of District Lodges at the direction of the District Board; and

(A) District Council will be responsible to:

(1) the District Board; and

(2) the District Executive.

34. QUADRENNIAL ELECTIONS

(a) This rule will operate from 2016.

(b) The District will hold Quadrennial Elections as provided by this rule.

(c) The following officers of the District will be elected every 4 years by, and from, the:

(i) Members, the:

(A) District President;

(B) District Executive Vice-president;

(C) District Vice-presidents;

(D) District Secretary;

(E) District Councillors; and

(F) District Union Inspectors;

(ii) Members attached to the respective District Sections, the:

(A) District Representatives;

(iii) Members attached to the respective District Lodges, the:

(A) District Lodge Delegates.

(d) Officers elected pursuant to sub-rule (c) take office for a term of four years as, and from, the 1st day of the month following the declaration of their election.

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(e) The Returning Officer will determine the times and dates of the commencement and close of the period for lodging nominations of candidates for election to an office in accordance with sub-rule (c) having regard to:

(i) the date of the expiration of the term of office of the holder of the office;

(ii) the time required to lodge the nominations; and

(iii) the time required to complete the election.

(f) Only Members who have been financial for a continuous period of 12 months prior to the day of the opening of nominations may nominate in the Quadrennial Elections as a candidate for an office.

(g) Members, who are otherwise eligible to nominate for an office in accordance with this rule, may only nominate in the Quadrennial Elections for one office.

(h) A Member who has nominated for an office in accordance with this rule must have their nomination seconded by 2 other Members who have been financial for a continuous period of 12 months prior to the day of the opening of nominations, provided that:

(i) the nomination of a Member for an office of District Representative must be seconded by Members who are attached to the respective District Section to which the nomination relates; and

(ii) the nomination of a Member for an office of District Representative must be seconded by Members who are attached to the respective District Lodge to which the nomination relates.

(i) A Member wishing to nominate for an office must nominate in the form approved by the District Executive and which the District Secretary will cause to be made available at the Principal Office and on the District website.

(j) Sub-rule (i) does not prevent the Manager of the election also making nomination forms available to members wishing to nominate.

(k) A nomination form must be signed by the Member nominating and by the two Members seconding the nomination and provided to the Manager of the election by:

(i) registered post; or

(ii) delivery,

prior to the time determined by the Manager of the election for the closing of nominations.

(l) The Quadrennial Elections will be conducted in accordance with the Election Procedure Rules.

(m) Despite sub-rule (d) officers elected pursuant to this rule will remain in office, unless they die, resign, or are otherwise removed from office, until their successors take office in accordance with these District rules.

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(n) An officer if resigning from their office will do so in writing delivered at least one month prior to the intended date of resignation.

35. ELECTION PROCEDURES DEFINITIONS

(a) Definitions in these election procedures are:

(i) "ballot box" means a ballot box kept under rule C60.

(ii) "candidate", for an election, means a person:

(A) who has nominated as a candidate for the office the election is about; and

(B) whose nomination has been accepted under rule C51; and

(C) whose nomination has not been withdrawn.

(iii) "days" has the meaning provided by the Act.

(iv) "eligible member" means a person who was a Member 30 days before the starting time for nominations.

(v) "initialled" by the Manager of an election includes being marked with a facsimile of the Manager's initials.

(vi) "Manager of an Election" means:

(A) the electoral officer conducting the election or ballot; or

(B) if an exemption has been given pursuant to the Act the returning officer then appointed pursuant to the Act to conduct the election.

(vii) "member" means a Member of the District.

(viii) "return envelope" see rule C59(a)(ii).

(ix) "roll", for an election, means the roll of voters prepared for the election under rule C55.

(x) "scrutineer" means:

(A) a candidate who acts personally as a scrutineer; or

(B) a person appointed as a scrutineer for a candidate under rule C66.

(xi) "voter" means a person:

(A) who is an eligible member; and

(B) whose name is on the roll.

(xii) "voting material" see rule C59(a).

36. MANAGER OF ELECTION—FUNCTIONS AND POWERS

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(a) The Manager of an election:

(i) must not be a member of, the holder of any office in, or be an employee of, the Union, a Division of the Union or a District Lodge;

(ii) must not influence, or attempt to influence, the outcome of the election;

(iii) must conduct the election under these election procedures except where the District rules expressly provide otherwise;

(iv) may take the action, and give the directions, the Manager considers reasonably necessary to ensure that the processes under which the election is conducted are transparent; and

(v) must ensure suitable arrangements are made with Australia Post for the return of ballot papers to a box or locked bag at a post office.

(b) The Manager of an election other than an electoral officer may take the action, and give the directions, the Manager considers reasonably necessary:

(i) to ensure no irregularities happen in the election; or

(ii) to remedy a procedural defect that appears to the Manager to exist about the election.

(c) To ensure the integrity of an election, the address for return of ballot papers must not be the District's usual postal address.

37. CLOSING DAY AND TIME FOR NOMINATIONS

(a) The Manager of the election must fix the opening day and closing day for nominations for office.

(b) The closing day must be at least 28 days after notice is given under rule C50.

(c) Nominations open at midday on the opening day and close at midday on the closing day.

38. STARTING AND FINISHING DAYS OF BALLOT

(a) If a ballot becomes necessary under rule C53, the Manager of the election must fix the start and finish days for the ballot to decide the result of the election.

(b) The start day must not be before the closing day for nominations for the offices to be filled at the election.

39. CALLING FOR NOMINATIONS

(a) The Manager of the election must call for nominations for the offices to be filled by notice given to:

(i) District Lodges; and

(ii) members in 1 of the following ways:

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(A) by post to each member at the address recorded in the members register;

(B) if the District publishes a journal or newsletter that it gives to its members free of charge, by advertisement in the District Journal or newsletter; or

(C) in a daily newspaper circulating in the area where the District's members live or work.

(b) The notice must state:

(i) the opening day for nominations;

(ii) the closing day for nominations;

(iii) that nominations for office:

(A) open at midday on the opening day; and

(B) close at midday on the closing day;

(iv) who may nominate as a candidate in the election;

(v) that nominations for office must be written, signed by the nominee and given to the Manager before nominations close;

(vi) the starting and finishing days for a ballot to decide the result of the election if a ballot becomes necessary under rule C53;

(vii) that only a person who was a financial member 30 days before the opening time for nominations may vote in the election; and

(viii) that the ballot will be decided by a first past the post system of voting.

40. NOMINATION PROCEDURE

(a) A nomination for office must be written, signed by the nominee, otherwise comply with these District rules and be given to the Manager of the election before nominations close.

(b) A person may not nominate for more than 1 office.

(c) The Manager of the election must accept a nomination if:

(i) it complies with sub-rules (a) and (b);

(ii) the nominee is an eligible member and is otherwise entitled pursuant to these District rules to nominate;

(iii) the nominators are entitled pursuant to these District rules to nominate the nominee; and

(iv) these District rules, in so far as they expressly provide in relation to the nomination process, are complied with.

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(d) A candidate may withdraw the candidate's nomination by written notice given to the Manager of the election no later than 5 days after nominations close.

41. WHAT HAPPENS IF A NOMINATION IS DEFECTIVE

(a) The Manager of the election must reject a nomination given to the Manager of the election after nominations have closed.

(b) If a nomination for an office is defective, other than because the nominee is not qualified to hold the office or because the nomination was made after the closing time, the Manager of the election must:

(i) reject it;

(ii) give the nominee notice of the defect; and

(iii) if practicable, give the nominee an opportunity to remedy the defect.

(c) If practicable, the notice must be given before nominations close.

(d) Failure to give the notice does not invalidate the election.

42. WHEN A BALLOT MUST BE HELD

(a) If there are more candidates for election to an office than the number to be elected, the Manager of the election must conduct a secret postal ballot pursuant to these election procedures.

43. ELECTION WITHOUT BALLOT

(a) The Manager of the election must declare a candidate elected to an office if:

(i) nominations have closed; and

(ii) if the election is for the:

(A) District President;

(B) District Executive Vice-President;

(C) District Secretary—the candidate is the only candidate; or

(D) if the election is for another type of office—the number of candidates for the office is not more than the number of offices of the same type to be elected at the same time.

44. ROLL—PREPARATION

(a) A roll for a ballot must be prepared at the direction of the Manager of the election.

(b) The Manager of the election must ensure the roll:

(i) states:

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(A) the name of each person who is an eligible member of the District in alphabetical order;

(B) each eligible member's address, opposite their name; and

(C) the District Lodge to which they are allocated pursuant to these District rules; and

(ii) is completed when nominations for the election close.

(c) The District Secretary must give the Manager of the election:

(i) a copy of its District Register; and

(ii) access to the District's records reasonably necessary for the Manager of the election to ensure the roll is accurate.

45. ROLL—INSPECTION

(a) The Manager of the election must make the roll for the election available for inspection:

(i) in the period that:

(A) starts on the day after the roll must be completed under rule C55; and

(B) ends 30 days after the result of the election is declared; and

(ii) at the office of the Manager of the election when it is open for business.

(b) A candidate, Member or a person authorised by the Manager of the election may inspect the roll, free of charge.

(c) If, during the period stated in sub-rule (a), a candidate or Member asks for a copy of the roll or a stated part of the roll, the Manager of the election must give the person the copy, free of charge.

46. WHEN SOMEONE CAN CLAIM A RIGHT TO VOTE

(a) Despite sub-rule (b), if an eligible member's name does not appear on the roll, the member may apply to the Manager of the election to have the member's name included on the roll.

(b) If the Manager of the election is satisfied the applicant is an eligible member, the Manager of the election must include the applicant's name on the roll.

(c) An eligible member is only able to vote in such ballots as is permitted pursuant to these District rules.

47. BALLOT PAPERS

(a) A ballot paper for the election must:

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(i) have a watermark or other distinctive pattern that prevents it from being reproduced other than by the Manager of the election or a person authorised by the Manager of the election;

(ii) be of paper that will hide a vote marked on it from view when it is folded once;

(iii) be a different colour from the colour used for ballot papers at the 2 previous elections held for the Union;

(iv) list the names of each candidate once only for each office the election is for, with the surname first, followed by the candidate's other names;

(v) state how the voter may vote;

(vi) state that the voter must fill in and sign the voting declaration or the vote will not be counted; and

(vii) state that the voter must return the ballot paper to the Manager of the election so it is received on or before the finish day of the ballot.

(b) The order of names on the ballot paper must be decided by lot.

(c) If 2 or more candidates have the same surname and first names, the candidates must be distinguished in an appropriate way.

48. DISTRIBUTING VOTING MATERIAL

(a) The Manager of the election must post the following things (the "voting material") to each voter:

(i) a ballot paper initialled by the Manager of the election;

(ii) an unsealed reply paid envelope (a "return envelope") addressed to the Manager of the election;

(iii) a ballot envelope and a voting declaration; and

(iv) other material the Manager of the election considers appropriate for the ballot including, for example, directions or notes to help the eligible member to comply with these rules and cast a valid vote.

(b) Voting material must be posted to each voter:

(i) in a sealed envelope to the voter's address on the roll; and

(ii) as soon as practicable, but no earlier than 2 days before the starting day of the ballot.

(c) The voting declaration must state:

(i) 'I certify that I am the person whose name appears on this envelope and I have voted on the ballot paper enclosed.';

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(ii) provide for the voter to fill out the voter's name and other identifying factor i.e. membership number; and

(iii) a place for the voter to sign the declaration.

(d) If a voter gives the Manager of the election a notice that the voter will be at an address other than the address stated on the roll when voting material is to be given, the Manager must post the material to the other address.

(e) A ballot paper or ballot envelope must not be marked in a way that could identify the voter.

49. MANAGER OF THE ELECTION MUST KEEP A BALLOT BOX

(a) The Manager of the election must get a ballot box and:

(i) keep the box in a safe place; and

(ii) seal the box in a way that:

(A) allows voting material to be put in it until the ballot finishes; and

(B) prevents voting material from being taken from it until votes for the ballot are to be counted.

50. DUPLICATE VOTING MATERIAL

(a) This rule applies if voting material posted to a voter:

(i) has not been received by the voter;

(ii) has been lost or destroyed; or

(iii) if the document is a ballot paper—has been spoilt.

(b) The voter may apply to the Manager of the election for a duplicate of the document.

(c) The application must:

(i) be received by the Manager of the election on or before the finish day of the ballot;

(ii) state the grounds on which it is made;

(iii) if practicable, be substantiated by evidence verifying or tending to verify the grounds;

(iv) state that the voter has not voted at the ballot; and

(v) if the document is a spoilt ballot paper be accompanied by the ballot paper.

(d) If the application complies with sub-rule (c), the Manager of the election must:

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(i) if the document is a spoilt ballot paper:

(A) mark 'spoilt' on the paper;

(B) initial the paper beside that marking and keep the paper; and

(C) give a fresh ballot paper to the voter; or

(ii) otherwise—give a duplicate of the document to the voter.

51. HOW LONG BALLOT IS OPEN

(a) A ballot must remain open for:

(i) at least 21 days; and

(ii) no longer than 49 days.

52. HOW TO VOTE

(a) A voter may vote only by completing the following steps:

(i) completing a ballot paper by:

(A) writing a number in order of preference in the square opposite the name of the candidates the voter may vote for under rule C64; and

(B) complying with the instructions on the paper about how to vote;

(ii) putting the ballot paper in a ballot envelope;

(iii) sealing the ballot envelope;

(iv) filling in and signing the voting declaration for the ballot paper;

(v) putting the voting declaration and the ballot envelope in the return envelope;

(vi) sealing the return envelope;

(vii) complying with any direction given under rule C59(a)(iv);

(viii) returning the return envelope to the Manager of the election so that the envelope is received on or before the finish day for the ballot.

53. HOW MANY VOTES MAY BE CAST

(a) A voter may only cast:

(i) if the election is for the:

(A) District President;

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(B) District Executive Vice-President;

(C) District Secretary,

a single vote; or

(D) if the election is for another type of office, the number of votes equalling the number of offices to be filled.

54. HOW MANAGER OF THE ELECTION MUST DEAL WITH VOTING MATERIAL

(a) The Manager of the election must put all voting material returned to the Manager of the election in the ballot box until voting has ended.

(b) If, after the finishing day for the election, the Manager of the election receives a return envelope apparently containing a ballot paper for the election, the Manager of the election must:

(i) keep the envelope sealed;

(ii) mark the envelope 'Received by the Manager of the election after the finishing day for the ballot'; and

(iii) keep the envelope in safe custody, but separately from return envelopes received before or on the finishing day.

55. SCRUTINEERS—APPOINTMENT

(a) A candidate may:

(i) act personally as a scrutineer; or

(ii) appoint another person (an "appointee") as a scrutineer for the candidate.

(b) An appointment must be in writing and signed by the candidate.

(c) A candidate must notify the Manager of the election of the name of the candidate's appointee as soon as possible after the appointee is appointed.

(d) The Manager of the election may refuse to allow an appointee to act as a scrutineer if:

(i) the Manager of the election asks to inspect the appointment as a scrutineer; and

(ii) the appointee does not produce it.

56. SCRUTINEERS' RIGHTS

(a) Subject to rule C66, a scrutineer may be present when:

(i) ballot papers or other voting material for a ballot are prepared and given to voters;

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(ii) voting material is received and put in safe custody under rule C65; and

(iii) votes are counted.

57. SCRUTINEERS—NUMBERS ATTENDING

(a) Each candidate may have only 1 scrutineer exercising a right under rule C67 for each official present where the ballot is being conducted.

(b) In sub-rule (a):

(i) "official" means:

(A) if the ballot is being conducted by the electoral commission—an electoral officer; or

(B) if the ballot is not being conducted by the electoral commission:

(1) the Manager of the election; or

(2) any other person appointed by the Manager of the election to exercise the powers of the Manager of the election for the election.

58. INITIAL SCRUTINY OF VOTING MATERIAL

(a) As soon as possible after the ballot finishes, the Manager of the election must:

(i) seal the ballot box in a way that prevents voting material from being put in it; and

(ii) take the ballot box to the place where votes are to be counted.

(b) The Manager of the election must then:

(i) unseal the ballot box;

(ii) take out the return envelopes;

(iii) open each return envelope and take out the ballot envelope and the voting declaration;

(iv) examine the declaration and mark off the voter's name on the roll; and

(v) ensure the declaration is signed.

(c) After complying with sub-rule (b), the Manager of the election must put the ballot envelopes in a container and the declarations into another container if satisfied:

(i) each declaration is signed; and

(ii) the declaration corresponds with the voter's name and/or the identifying factor on the roll.

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(d) However, the Manager of the election must not put a ballot envelope or declaration in the containers mentioned in sub-rule (c) if:

(i) the Manager of the election reasonably believes the voter to whom it was sent did not sign the declaration; or

(ii) the person named on the declaration is not the person to whom it was sent.

(e) Sub-rule (d) does not apply if the Manager of the election is satisfied the person who filled in and signed the declaration:

(i) is a voter;

(ii) has not previously voted in the ballot; and

(iii) has a reasonable explanation for using someone else's ballot material.

(f) The Manager of the election must keep ballot envelopes and declarations excluded under sub-rule (d) separate from other ballot envelopes and declarations.

(g) A declaration is valid only if:

(i) it complies with sub-rules (c) and (e); and

(ii) sub-rule (d) does not apply.

(h) A valid declaration must be accepted as valid, and an invalid declaration must be rejected, by the Manager of the election.

(i) If a declaration is accepted as valid by the Manager of the election, the Manager of the election must:

(i) note the acceptance of validity on the declaration; and

(ii) record the correct ballot number on the roll against the name of the voter who signed the declaration.

(j) After separating the ballot envelopes and declarations, the Manager of the election must, in the following order:

(i) seal the container holding declarations;

(ii) open the ballot envelopes not excluded under sub-rule (d) and take out the ballot papers;

(iii) if a ballot envelope contains more than 1 ballot paper for each office the election is for—mark each of the ballot papers from the envelope 'informal under' rule (b); and

(iv) put all of the ballot papers in the ballot box.

59. COUNTING VOTES

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(a) To count votes the Manager of the election must:

(i) admit the formal votes and reject the informal votes;

(ii) count the formal votes; and

(iii) count the informal votes.

(b) A vote is informal only if:

(i) the ballot paper is not initialled by the Manager of the election and the Manager of the election is not satisfied the paper is authentic;

(ii) the ballot paper is marked in a way that allows the voter to be identified;

(iii) the ballot paper is not marked in a way that makes it clear how the voter meant to vote;

(iv) the ballot paper does not comply with a direction given under rule C59(a)(iv); or

(v) the ballot paper was taken from a ballot envelope that contained another ballot paper for the office the election is for.

60. SCRUTINEERS' OBJECTIONS

(a) Before votes are counted, a scrutineer may advise the Manager of the election that the scrutineer considers an error has been made in conducting the ballot.

(b) When votes are counted, a scrutineer may:

(i) object to a ballot paper being admitted as formal or rejected as informal by the Manager of the election; or

(ii) advise the Manager of the election that the scrutineer considers an error has been made in conducting the ballot or counting votes.

(c) If a scrutineer advises the Manager of the election under sub-rules (a) or (b), the Manager of the election must:

(i) decide whether the error has been made; and

(ii) if appropriate—direct action to correct or mitigate the error.

(d) If a scrutineer objects under sub-rule (b)(i), the Manager of the election must:

(i) decide whether the ballot paper is to be admitted or rejected; and

(ii) note the decision on the ballot paper and initial the note.

61. DIRECTION BY MANAGER OF THE ELECTION TO LEAVE COUNT

(a) The Manager of the election may direct a person to leave the place where votes are being counted if the person:

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(i) does not have the right to be present at the count; or

(ii) interrupts the count, other than to exercise a scrutineer's right.

62. HOW RESULT IS DECIDED

(a) The method of deciding the result of a ballot is on a first past the post basis.

(b) The Manager of the election will count the votes cast for each candidate.

(c) The Manager of the election will determine the order of candidates with the candidate receiving the greatest number of votes being the first in order and the candidate receiving the least number of votes being the last in order.

(d) The Manager will declare elected candidates for the offices of:

(i) District President;

(ii) District Executive Vice-President; or

(iii) District Secretary,

who received the greatest number of votes, in the respective ballots.

(e) The Manager of the election will declare elected candidates for the offices where there are multiple candidates to be elected on the basis of the candidates ranking in the order determined pursuant to sub-rule (c) up to the ranking equalling the number of candidates to be elected.

(f) This rule is subject to rules C74 and C75.

63. WHAT HAPPENS IF VOTES FOR 2 OR MORE CANDIDATES ARE EQUAL

(a) If the Manager of the election can not decide which candidate is elected to an office because the votes cast for 2 or more candidates are equal, the Manager of the election must decide which candidate is elected by drawing lots.

(b) A decision under sub-rule (a) must be made in the presence of any scrutineer who wishes to attend.

64. COUNTERPART FEDERAL BODY ELECTION EXEMPTION

(a) The District Secretary may request that the Union Secretary take such steps as may be required in accordance with the Part A rules to make application for an exemption from election ballot.

(b) The District Secretary will take such steps and do the things reasonably required by the Union Secretary to assist the Union Secretary in making the application for exemption from election ballot in accordance with the Part A rules.

(c) In the event of the exemption not being granted, or being only partially granted, the District Secretary will promptly ensure the filing by the Union Secretary of the prescribed material required to be filed in relation to the holding of an election, or a relevant election, as the case may be, pursuant to the these Part C rules.

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65. CASUAL VACANCIES

(a) Where any officer of the District dies, resigns, or is otherwise removed from office, other than as a consequence of the holding of the Quadrennial Elections, then:

(i) an election to fill the casual vacancy will be held;

(ii) the election to fill a casual vacancy pursuant to part (i) will be conducted in accordance with the Election Procedure Rules;

(iii) a Member elected to fill a casual vacancy pursuant to part (i) will only hold that office for the same period as the officer that they have replaced could have held that office;

(iv) the District Secretary will cause the necessary steps to be taken for the conduct of the election pursuant to the Election Procedure Rules;

(v) provided that where the unexpired term of office arising from the casual vacancy is less than 6 months, the member elected in accordance with this rule will continue to hold office until their successor is elected at the Quadrennial Elections held at the conclusion of the term arising from the casual vacancy or until the member resigns, dies or is otherwise removed in accordance with these rules.

(b) Despite sub-rule (a) where an officer of the District dies, resigns, or is otherwise removed from office, other than as a consequence of the holding of the Quadrennial Elections, and the period of the unexpired term of the casual office is six calendar months or less, a person appointed pursuant to sub-rule (a) part (iv) will continue to hold the office until they are replaced at the Quadrennial Elections.

(c) Any Member appointed pursuant to sub-rule (a) part (iv) in the circumstances provided for by sub-rule (b) has the right to nominate for the office concerned in the Quadrennial Elections.

66. MISCONDUCT OF MEMBERS

(a) Charges by Members

(i) Any Member may charge any other member with:

(A) failing to observe any or all these District rules;

(B) knowingly failing to observe any resolution of the District binding upon them;

(C) working in contravention or an award, order or agreement which binds the District; and/or

(D) giving false or misleading information to:

(1) the District Convention;

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(2) the District Board;

(3) the District Executive;

(4) the District Representatives;

(5) the District Lodge Delegates,

(6) an officer of the District;

(7) an employee of the District;

(8) an agent of the District; and/or

(9) any other lawful representative of the District,

on any matter;

(E) obstructing:

(1) the District Convention;

(2) the District Board;

(3) the District Executive;

(4) the District Representatives;

(5) the District Lodge Delegates;

(6) an employee of the District;

(7) an agent of the District; and/or

(8) any other lawful representative of the District,

in any way in the performance of any the functions of the District;

(F) obstructing any officer of the District in the course of the officer's duties;

(G) after having been reasonably requested to assist, failing to assist:

(1) the District Convention;

(2) the District Board;

(3) the District Executive;

(4) the District Representatives;

(5) the District Lodge Delegates;

(6) an employee of the District; r

(7) an agent of the District; and/or

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(8) any other lawful representative of the District,

in any way in the performance of any the functions of the District;

(H) after having been reasonably requested to assist, failing to assist an officer of the District in the course of the officer's duties;

(I) wrongfully holding themself out as occupying any office or position in the District, or as being entitled to represent the District in any capacity, provided that it will be a defence to this charge that the member honestly believed on reasonable grounds that they were entitled to act in that office or capacity;

(J) lending or selling to some other person the badge or other document used to identify a person as a Member; and/or

(K) aiding or encouraging any other member or person to breach these District rules.

(b) Processing of Charges

(i) Any charge will be made in writing to the District Secretary and will be accompanied by the sum of $100.00 which, subject to sub-rule (f), will be refundable.

(ii) The District Secretary may, and will, if directed by the District Board, summon the member charged before the District Board and in the case of the District Secretary being charged the District President will, if directed by the District Board, summon the District Secretary before the District Board.

(iii) The summons will be in writing and will set out the time and place of the hearing, the name of the person laying the charge and the particulars of the charge.

(iv) If the member charged requests it the member will be supplied with any further particulars as may be necessary to sufficiently particularise the matters in relation to which the member is charged.

(v) The member charged will be given notice, in writing, of the hearing as may be reasonable, having regard to all the circumstances and if required to attend at a place more than 80 kilometres from the member's address as shown in the District Register, the member will be given their return fare (by suitable means of transport) so as to permit the member to be in attendance at the meeting at which the District Board will consider the charge made against the member.

(vi) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be heard, whether or not the person charged is present, provided that if the member charged provides an explanation satisfactory to the District Board for their absence then the District Board will adjourn the hearing of the matter to another time and/or place.

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(vii) If the member charged attends the member will be informed of the substance and source of any information adverse to them on which the District Board relies.

(viii) At any hearing of the charges, including the hearing of matters relating to penalty, the member will be given a reasonable opportunity to defend themself and may, if the member wishes, provide written submissions to the District Board.

(c) Power to Hear Charges

(i) The District Board has power to hear and determine charges under this rule.

(d) Finding of the District Board

(i) If the District Board finds the member guilty, it may do one or more of the following:

(A) impose no penalty;

(B) fine the member any sum not exceeding $1,000.00;

(C) suspend the member from membership or deprive the member of any right or benefit of membership for any specified period or until the happening of any specified event or until the performance of any specified act, provided that whilst suspension from membership will deprive a member of the benefits of membership it will not relieve the member of the obligations of membership and such suspension will not exceed 6 months for any offence and provided further that if the specified event has not occurred or the specified act has not been done at the expiration of 6 months from the date of suspension, the suspension will then lapse; or

(D) expel the member from the District.

(e) Grounds for Removal from Office

(i) Provided that the provisions of this rule do not provide for, or enable, the dismissal from office of a person elected as a District Officer unless the officer has been found guilty, pursuant to rule C79.

(f) Frivolous Charges

(i) If upon investigation the charge is found to be frivolous the $100.00 will be forfeited to the District.

(ii) If upon investigation the charge is found to be made out the $100.00 will be refunded.

(g) Payment of Fines

(i) Where a member is fined in accordance with this rule, the member is required to pay the fine within 10 days of having been notified, in writing, of the imposition of the fine.

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(h) Appeals Against Decision

(i) An appeal will lie at the instance of the member charged from any decision under this rule to the District Board.

67. APPEALS TO DISTRICT CONVENTION

(a) An appeal will lie at the instance of the member charged from any decision under this rule from the Board of Management to the District Convention.

(b) Notice of appeal must be given in writing within 10 days of the decision being communicated to the member charged and must set out all the matters that the member seeks to be considered by way of appeal.

(c) The notice of appeal will be given to the District Secretary, or in the case of an appeal by the District Secretary, to the District President.

(d) The appeal will be dealt with at a meeting of the District Convention to be held within 60 days.

(e) The member appealing will be given notice, in writing, of the hearing as may be reasonable, having regard to all the circumstances and if required to attend at a place more than 80 kilometres from the member's address as shown in the District Register, the member will be given their return fare (by suitable means of transport) so as to permit the member to be in attendance at the meeting at which the District Convention will consider the charge made against the member.

(f) At the appointed time and place, or any time and place to which the meeting is adjourned or postponed and of which the member appealing is notified, the appeal may be heard whether or not the person appealing is present, provided that if the member appealing provides an explanation satisfactory to the District Convention for their absence then the District Convention may adjourn the hearing of the matter to another time and/or place.

(g) At any appeal, including the hearing of matters relating to penalty, the member will be given a reasonable opportunity to make submissions and may, if the member wishes, provide written submissions to the District Convention.

(h) A member may, at the hearing of charges, be represented by a Member, but by no other person.

68. REMOVAL OF DISTRICT OFFICERS

(a) A District Officer may be removed from office where:

(i) that officer has been found guilty under the District rules, of:

(A) misappropriation of funds of the District;

(B) a substantial breach of the rules of the District; or

(C) gross misbehaviour or gross neglect of duty;

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(ii) or where that officer has ceased, under the District rules to be eligible to hold that office.

(b) Any Member may charge a District Officer with any of the offences referred to in sub-rule (a)(i), (ii) and/or (iii).

(c) The Member making a charge will provide the officer charged and the District Secretary with particulars in writing of the offences alleged.

(d) The charge will be heard and determined by the District Board.

(e) When dealing with any such charge or allegation the District Board will take all reasonable care to ensure that it is carefully, and fully, dealt with and, in particular, that a reasonable opportunity is provided to the officer concerned to present their defence or response to the charge or allegation.

(f) The District Board may determine that any such charge or allegation is to be dealt with by written submissions including such documents as it may require.

(g) The decision as to whether the officer is guilty or not as charged or has ceased, under these District rules, to be eligible to hold the office concerned will be made by resolution passed by a majority of the members of the District Board at the meeting called to deal with the matter.

(h) The District Board, where it finds an officer guilty of a charge made in accordance with this rule, as an alternative to removal from office, may:

(i) determine to censure the officer concerned;

(ii) suspend that officer from that office for a period not exceeding 90 days; and/or

(iii) impose any of the penalties provided for in rule C77(d) other than expulsion.

(i) The District Secretary will inform the officer charged of the charges and the particulars of the charges, and its particulars where it is alleged that the officer has ceased to be eligible to hold office, by notices in writing by registered post in sufficient time to enable the officer to be in a position to properly defend, or respond to, the charge.

(j) In the event that a charge is made by or against the District Secretary, the District President will act in the District Secretary's place for the purposes of this rule.

(k) The provisions of rule C77 apply to the hearing of any charge or allegation made under this rule.

69. NOTIFICATION OF INDUSTRIAL DISPUTES AND OTHER LEGAL PROCEEDINGS

(a) All applications, notifications or references to the Queensland Industrial Relations Commission, the Courts or other appropriate tribunal will be lodged by the:

(i) District President;

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(ii) District Secretary; or

(iii) District Executive Vice President.

70. EXECUTION OF DOCUMENTS / NOTIFICATION OF DISPUTE

(a) Industrial agreements and other documents may be executed by, or on behalf of, the District by the District Secretary or the District President or the District Executive Vice President.

(b) In all circumstances where an Industrial Dispute, within the meaning of the Act, exists and where such dispute remains unresolved despite attempts by the District for its part to genuinely attempt a settlement of the Industrial Dispute, then the District Secretary will forthwith give notification of the Industrial Dispute in the manner required by the Act.

71. ENDORSEMENT OF DECISIONS BY DISTRICT LODGES

(a) The District Secretary will promptly following a meeting, or special meeting, of the District Convention or the District Board, as the case may be, forward to each District Lodge the confirmed resolutions of the meeting (for the purposes of this rule the "Confirmed Resolutions").

(b) A decision of the District Board made pursuant to rule C31 where the subject matter of a ballot has been affirmed, is, for the purposes of sub-rule (a) a Confirmed Resolution.

(c) The District Lodge Secretary/Treasurer must within 15 days, or such other time as the District Board may direct, of the date on which the District Lodge received the Confirmed Resolutions, place the Confirmed Resolutions on the agenda for a meeting of the Members attached to the District Lodge to approve or disapprove, as the case may be, by ballot.

(d) The District Lodge Secretary/Treasurer must provide a report of the ballot, required by sub-rule (c), to the District Secretary within 20 days, or such other time as the District Board may direct, of the date on which the District Secretary forwarded the Confirmed Resolutions.

(e) The District Lodge Secretary/Treasurer will ensure that the report, to be provided pursuant to sub-rule (d), includes the following:

(i) the date of the meeting of the District Lodge that considers the Confirmed Resolutions;

(ii) the number of District Lodge Members voting in the ballot;

(iii) the number of votes for each Confirmed Resolution; and

(iv) the number of votes against each Confirmed Resolution.

(f) Any District Lodge failing to comply with sub-rule (d) will be excluded from having its members counted in determining the aggregated majority for the District pursuant to sub-rule (g).

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(g) A Confirmed Resolution becomes District Policy when an aggregated majority of the members of the District attending, and voting, pursuant to sub-rule (d) approve the Confirmed Resolution.

(h) The District Board may, once it is appraised of the circumstances relating to non-compliance, determine to impose a penalty of not more than $1000, or such other amount as the District Convention may determine, on District Lodges not complying with sub-rules (c), (d) or (e).

72. District LodgeS - Formation of District Lodges

(a) The District Executive will take whatever steps are necessary to establish District Lodges at all relevant workplaces and/or all members in Queensland.

(b) In determining to establish a District Lodge the District Executive will consider, without limitation, the following criteria:

(i) locality;

(ii) employer;

(iii) contractor;

(iv) minesite;

(v) the number of Members at the workplace;

(vi) the commonality of interest of the Members concerned;

(vii) the industrial conditions applying to the Members concerned;

(viii) to which District Section a new District Lodge would be attached; and/or

(ix) any other matter relevant to the organisation of the District.

(c) Where there is no lodge at a workplace or a new workplace has been commenced and the District Executive is of the opinion that a lodge should be formed, the District Executive will take appropriate steps to form a District Lodge, which will include notifying the Members at that workplace:

(i) of the date and location of the inaugural meeting;

(ii) that a District Lodge Executive will be elected at the inaugural meeting;

(iii) that the inaugural meeting will elect representatives as required by these District rules;

(iv) that the inaugural meeting will be chaired by a member of the:

(A) District Board; or

(B) District Executive;

(v) that the inaugural meeting will be conducted according to the Standing Orders for District Lodge meetings.

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(d) Where there is no District Lodge at a workplace Members will be attached to the Principal Office.

73. District LodgeS - Management of District Lodges

(a) Each District Lodge will be managed by a District Lodge Committee consisting of a:

(i) District Lodge Chairman;

(ii) District Lodge Secretary/Treasurer; and

(iii) four District Lodge Committee Members.

(b) The District Lodge President will preside at all meetings of the District Lodge, however if the District Lodge President is not present within 15 minutes of the commencement of the meeting, or if present is unwilling to act, then the meeting will nominate one of its members to act as chair of the meeting with all the powers of the District Lodge President.

(c) One half the members of the District Lodge Committee form a quorum of the District Lodge Committee.

(d) The members of the District Lodge Committee have a deliberative vote.

(e) The District Lodge President has both a deliberative and a casting vote.

(f) All District Lodge meetings will be conducted according to the Standing Orders of the District.

(g) Each lodge will have power to make by-laws for its own guidance and control of its members.

(h) Any District Lodge by-laws made pursuant to sub-rule (g):

(i) must be consistent with these District rules; and

(ii) will not become operative until approved by the District Executive.

74. District Lodges - Powers and Duties of District Lodge President

(a) The District Lodge President will:

(i) preside, subject to these District rules at all meetings of the District Lodge;

(ii) in conjunction with the District Lodge Secretary/Treasurer do all things practicable to ensure that the District rules and the District Lodge By-laws are performed;

(iii) act as advocate for the District Lodge;

(iv) act as spokesman for the District Lodge; and

(v) generally act in the interests of the District Lodge Membership.

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75. District Lodges - Powers and Duties of District Lodge Secretary/TREASURER

(a) The District Lodge Secretary/Treasurer will:

(i) in conjunction with the District Lodge President do all things practicable to ensure that the District rules and the District Lodge By-laws are performed;

(ii) be responsible for keeping:

(A) the Financial Statements of the District Lodge;

(B) the minutes, and the minute book, of meetings of the District Lodge;

(C) a register of agreements made with the employer at the workplace;

(D) a record of any District Lodge Levies or other monies paid by Members to the District Lodge;

(iii) be responsible for receiving and paying all monies received or paid by the District Lodge;

(iv) in conjunction with the District Lodge Secretary/Treasurer, keep accurate records of all payments and receipts and provide Financial Statements, in so far as the District Lodge is concerned, to the District Secretary as the District Secretary requests;

(v) promptly pay to the District Secretary any money required to be paid pursuant to these District rules; and

(vi) produce for inspection Financial Statements, in so far as the District Lodge is concerned, when called upon to do so by the District Lodge Committee or the District Secretary.

76. District Lodges - Powers and Duties of District Lodge Committees

(a) The District Lodge Committee will do all things practicable and necessary to protect the health and welfare of their fellow Members.

(b) The District Lodge Committee has the power to strike a District Lodge Levy which can be utilised to pay for expenses properly incurred by the District Lodge in conducting District Lodge business.

(c) A District Lodge Levy will not be collected unless approved by a majority of Members of the District Lodge attending and voting at a meeting of the District Lodge.

(d) The District Lodge Committee may, if approved by a majority of Members of the District Lodge attending and voting at a meeting of the District Lodge to do so, fine any member whose conduct has been, or is, inconsistent with these District rules, the District Lodge By-laws or the decisions of the District Lodge, an amount not exceeding $50.00.

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(e) A member fined pursuant to sub-rule (d) has a right of appeal to the District Board.

(f) A notice of appeal must be lodged, within 20 days of the determination of the District Lodge, with the District Lodge Secretary/Treasurer who is then to promptly forward it to the District Secretary/Treasurer and where a fine has been imposed, the amount of the fine is to be forwarded with the notice of appeal.

77. District Lodges – Financial

(a) District Lodge levies will be collected fortnightly by a District Lodge which has imposed a District Lodge Levy in accordance with these District rules, unless provision is otherwise made by agreement between the District Executive and the District Lodge Committee.

(b) All property of the District Lodge will be held in the District Fund on behalf of the District Lodge.

(c) All monies of the District Lodge will be held in an account in the name of the District on behalf of the District Lodge.

(d) The District Lodge Secretary/Treasurer will, when requested by the District Secretary, submit an annual return to the District Secretary showing the income and expenditure of his District Lodge.

(e) A District Lodge will make its Financial Statements, in so far as the District Lodge is concerned, available for audit by the District's auditor when it is requested to do so by the District Secretary.

78. District Lodges - Industrial Action

(a) No District Lodge will take industrial action unless a majority of the Members of the District Lodge, attending the voting at a meeting called to consider the question, vote in favour of taking industrial action.

(b) No District Lodge will engage in industrial action before the District Lodge's grievance has been considered by the District Executive.

(c) Prior to industrial action being engaged in the District Executive will attempt to resolve the matters in dispute by conciliatory means.

(d) The conduct of negotiations in any dispute will be under the direction of the District Executive.

79. District Lodge - Closure of a District Lodge

(a) When a District Lodge has less than 5 Members the District Lodge will be dissolved and the Members will be attached to the Principal Office.

(b) If a District is dissolved pursuant to sub-rule (a):

(i) the property of the District Lodge will be held by the District in the District Fund on behalf of the Members of the District;

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(ii) monies held in any account on behalf of the District Lodge concerned will, once all liabilities of the District Lodge have been extinguished, be deposited in the Legal and Assistance fund.

80. District LodgeS - District Lodge Management

(a) For the purposes of this rule:

(i) "District Lodge" means the District Lodge under investigation or which has been investigated pursuant to this part;

(ii) "Investigation" means the investigation conducted in accordance with (b) of this part;

(iii) "Investigation Committee" means the committee appointed in accordance with (b) of this part;

(iv) "Investigation Report" means the report provided pursuant to (d)(iv) of this part; and

(v) "Worksite" means the worksite in relation to the District Lodge.

(b) The District Board may, in the following circumstances:

(i) a failure by a District Lodge Committee to comply with the District rules;

(ii) a failure by a District Lodge Committee to comply with decisions of the District Convention, the District Board or the District Executive;

(iii) a failure by a District Lodge Committee to comply with an endorsed vote of the District Lodge Members;

(iv) a failure by a District Lodge Committee, or any officers of a District Lodge Committee, to properly administer the affairs of a District Lodge;

(v) a District Lodge ceasing to effectively function; and/or

(vi) any other circumstances that jeopardise the industrial, or other interests, of the members of a District Lodge,

appoint an Investigation Committee to investigate the circumstances existing at the District Lodge.

(c) The Investigation Committee will comprise:

(i) one full-time official of the District;

(ii) a District Councillor; and

(iii) one member of the District Board, not being a District Representative for the District Lodge concerned.

(d) The Investigation will be conducted as follows:

(i) the District Board will set the:

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(A) terms of reference for the Investigation; and

(B) time frame in which the Investigation is to be conducted;

(ii) the District Secretary will notify, in writing, the District Lodge Committee and Members of the District Lodge, of:

(A) the Investigation;

(B) the Investigation Committee appointed to conduct the Investigation;

(C) the terms of reference of the Investigation; and

(D) the time frame in which the Investigation will be conducted;

(iii) the Investigation Committee must ensure that members of the District Lodge Committee and the Members of the District Lodge are given opportunity to provide oral, or written, statements to the Investigation Committee in relation to any matters they consider relevant to the Investigation.

(e) The Investigation Committee will deliver a report in writing on the Investigation to the District Secretary detailing:

(i) the terms of reference of the Investigation;

(ii) the names of the persons who provided statements;

(iii) copies of any statements provided;

(iv) the Investigation Committee's findings; and

(v) such other matters as the Investigation Committee considers appropriate.

(f) No more than 1 month must elapse between the appointment of the Investigation Committee and the delivery of the Investigation Report to the District Secretary.

(g) The District Secretary must, within 3 days of receiving the Investigation Report, give notice of not less than 5 days, and not more than 10 days, of a special meeting of the District Board to consider the Investigation Report, to:

(i) the members of the District Board; and

(ii) the Members of the District Lodge.

(h) The District Secretary must at the time of providing the notice of the special meeting in accordance with sub-rule (g):

(i) provide to:

(A) the members of the District Board ; and

(B) the members of the District Lodge Committee,

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a copy of the Investigation Report; and advise the Members of the District Lodge that they may request a copy of the Investigation Report from the District Secretary or members of the District Lodge Committee.

(i) The District Board will, at the special meeting held in accordance with sub-rule (g):

(i) provide opportunity for members of the District Lodge Committee and Members of the District Lodge to respond, in person, to the Investigation Report;

(ii) consider the Investigation Report; and

(iii) determine if further information is required from members of the District Lodge Committee, Members of the District Lodge or any other person.

(j) Following its consideration of the Investigation Report, all responses and any further information that was requested, the District Board may determine:

(i) to take no further action;

(ii) to direct the District Lodge Committee to take such steps as are necessary and reasonable to rectify any matters of concern raised in the Investigation Report;

(iii) if it considers that the operation of the District Lodge does not further the objects of the Union and/or is placing the industrial or other interests of the Members attached to the District Lodge at serious risk, appoint an Administrator for a specified period being not more than 3 months;

(iv) to charge a member or members of the District Lodge Committee with:

(A) misappropriation of the funds of the District;

(B) a substantial breach of the rules of the District;

(C) gross misbehaviour; or

(D) gross neglect of duty.

(k) Where a member of the District Lodge Committee has been charged pursuant to sub-rule (j)(iv), then:

(i) a special meeting of the District Board will be convened by the District Secretary to hear and determine the charges within a period not less than 10 days and not more than 20 days, following the charges being laid;

(ii) the District Board, must at the meeting at which it determines to charge the member or members appoint one of its members to:

(A) act on behalf of the District Board in prosecuting the charges;

(B) tender statements in support of the charges; and

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(C) call witnesses, relevant to the charges, to attend and be heard;

(iii) the member charged will be provided, within 5 days of the District Board determining to charge, with a copy of the charges together with the particulars of such charges;

(iv) the member charged must be given an opportunity to appear, at the special meeting, before the District Board to respond to the charges;

(v) the member charged is entitled to provide statements in their support and invite witnesses, relevant to the charges, to attend and be heard;

(vi) a member is entitled to be represented, before the District Board, by another member of the District;

(vii) the member of the District Board appointed as prosecutor is entitled to examine any witnesses who appear before the District Board;

(viii) the member charged, or the member's representative, is entitled to examine any witnesses who appear before the District Board;

(ix) the rules of evidence will not apply to the hearing of the charges and the District Board must make its determination according to fairness and good conscience;

(x) the District Board will meet the travel costs of the member charged and any member required to personally attend before the District Board;

(xi) in the event that the member charged elects not to appear before the District Board the matter, the subject of the charges, may be determined by the District Board on the material the District Board has before it and in the absence of the member charged;

(xii) the District Board will consider the evidence before it and will if the member concerned is found guilty of the charges promptly advise the member and remove the member from office on the District Lodge Committee and notify the Members of the District Lodge;

(xiii) the member of the District Board appointed as the prosecutor will not be entitled to vote in the determination of the District Board, will not be counted for the purposes of quorum and will not be counted for the purposes of establishing the number required to achieve majority; and

(xiv) in the event that the member charged is found guilty and the District Board determines that they should be removed from office, the position on becoming vacant will be filled in accordance with these District rules.

(l) Where the District Board is of the opinion that a District Lodge has failed to comply with a direction under sub-rule (j)(ii), and if it considers it necessary for:

(i) the good government of the District Lodge and/or the District and/or the Union;

(ii) to ensure the industrial and other interests of the members attached to the District Lodge are protected and maintained; and/or

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(iii) to ensure the democratic control of the District Lodge and/or the District and/or the Union by its members,

the District Board may decide to appoint an administrator to manage and conduct the affairs of the District Lodge for a specified period being not more than 60 days.

(m) A decision to appoint an Administrator to a District Lodge, pursuant to this Part, may only be made where 2/3 of the members of the District Board vote to do so.

(n) The District Board may, by resolution in accordance with (l) of this Part, extend the appointment of an administrator at a lodge, if it considers it appropriate to do so, for further periods provided that no one extension is for a period greater than 60 days.

(o) An Administrator, if appointed pursuant to sub-rule (l):

(i) must be a Member;

(ii) will be responsible for ensuring that the industrial and other interests of the Members employed at the Worksite are, on a day to day basis during the period for which the Administrator is appointed, maintained and protected;

(iii) will, as necessary, be empowered to seek the assistance of the Members employed at the Worksite to ensure compliance with part (ii);

(iv) is empowered to make such decisions and do such things as a District Lodge Committee may, pursuant to this rule, be entitled to do;

(v) may, on behalf of the members employed at the Worksite, expend such moneys as are necessary to ensure their industrial interests are protected and maintained and which are of a recurrent nature;

(vi) if the District Executive directs, hold elections to fill casual vacancies in accordance with the ballot rules of the District; and

(vii) such other powers as the District Executive considers necessary to achieve or further the objects of the Union and ensuring the industrial and other interests of the District Lodge.

(p) The Administrator:

(i) will be engaged and paid by the District;

(ii) will not, so there can be no doubt, as a result of their appointment become, by that reason alone, an officer of the District nor an officer of the District Lodge; and

(iii) will be remunerated and receive such conditions as the District Executive may determine.

81. District Lodge - DISTRICT LODGE BUSINESS

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(a) The District Lodge Secretary/Treasurer of any District Lodge having business for the consideration of the District, will forward it to the District Secretary.

(b) The District Secretary will place business received pursuant to sub-rule (a) on the agenda of the next meeting, following its receipt, of the:

(i) District Board; or

(ii) District Executive,

whichever is the sooner.

(c) If, pursuant to sub-rule (b), the business is referred to the District Executive, then the District Executive may determine to refer the business to the next meeting of the District Board.

82. DISTRICT LODGE ELECTIONS

(a) The District Lodge Committee will be appointed, by and from the Members of the District Lodge, annually.

(b) Despite sub-rule (a) a District Lodge may determine by a vote of the Members of the District Lodge for appointment terms in excess of 1 year but not greater than 4 years.

83. DISTRICT FUND

(a) The District Fund will consist of:

(i) real, or personal property, of which the District by:

(A) the Union's rules;

(B) these District rules; or

(C) any established practice not inconsistent with the Union's rules, has, or in the absence of any limited term, lease, bailment or arrangement, would have, the right of custody, control or management;

(ii) entrance fees, subscriptions, levies or fines received by the District;

(iii) interest, rents, dividends or other income derived from the investment of the District Fund;

(iv) any other monies paid to the account of the District or to the Union on behalf of the District;

(v) superannuation funds administered by the District for the benefit of the District's:

(A) officers; or

(B) employees;

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(vi) long service leave funds administered by the District for the benefit of the District's:

(A) officers; or

(B) employees;

(vii) sick pay funds administered by the District for the benefit of the District's:

(A) officers; or

(B) employees;

(viii) accident pay funds administered by the District for the benefit of the District's:

(A) officers; or

(B) employees;

(ix) funeral funds administered by the District for the benefit of the District's:

(A) Members;

(B) officers; or

(C) employees;

(x) benefit funds administered by the District for the benefit of the District's:

(A) Members;

(B) officers; or

(C) employees;

(xi) any like funds, to the other funds that may be administered by the District pursuant to this rule for the benefit of the District's:

(A) Members;

(B) officers; or

(C) employees;

(xii) property acquired by expenditure from, or derived from, the assets of the District fund;

(xiii) proceeds of any disposal of parts of the District fund.

(b) All expenditure from the District Fund must occur in accordance with these District rules.

(c) The District Fund will be only used for the:

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(i) carrying out of the objects of the union in respect of the Members;

(ii) necessary expenses of management of the District; and

(iii) capitation as determined pursuant to the Part A Rules.

(d) All expenditure for ordinary purposes, including the following purposes, may be disbursed:

(i) the ordinary expenses of management;

(ii) recurrent expenditure;

(iii) budgeted expenditure; and/or

(iv) expenditure by direction of the:

(A) District Convention;

(B) District Board;

(C) District Executive; and/or

(D) District Administration Committee.

(e) Expenditure to be incurred on behalf of the District may be authorised by the District Executive to, provided that the District Board or District Executive may:

(i) set a limit on the expenditure;

(ii) place conditions on the expenditure; and/or

(iii) withdraw such authorisation at any time, or for any period, it sees fit.

(f) All expenditure incurred pursuant to sub-rule (e) will be placed before the District Executive for consideration and ratification, and will be reported by the District Executive to the District Board.

(g) The District Executive may, in relation to a particular account of the District Fund, determine to maintain an account at a particular level.

84. INVESTING The District Fund

(a) The District Executive may determine in relation to the District Fund to:

(i) deposit it on current account in the financial facility that the District Executive determines;

(ii) deposit it on fixed deposit with any:

(A) bank; or

(B) financial institution carrying on business in the Commonwealth or elsewhere;

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(iii) mortgage any;

(A) real; or

(B) personal,

property;

(iv) subscribe for, or purchase, shares in any Company registered in the Commonwealth or elsewhere.

(b) The name of any account in any financial facility, in relation to which any monies comprising the District Fund are deposited, must include the words:

(i) *"Construction, Forestry, Mining & Energy Industrial Union of Employees, Queensland, Mining, Energy and Ports Division – [insert account name]".*

(c) Monies attributed to the District Fund will be banked by the District Secretary.

(d) Monies will be drawn from the District Fund only by:

(i) cheque signed by; or

(ii) electronic funds transfer authorised by,

either:

(iii) two of the District Executive Officers; or

(iv) by one of the three District Administration Committee Officers and a staff member authorised by the District Board.

85. MORTUARY BENEFIT Fund

(a) Whereas in accordance with the Rule A61(ee) the Mortuary Benefit Fund of the Queensland Colliery Employees Union of Employees on the day immediately prior to the Amalgamation Day will become the Mortuary Benefit Fund of the Mining, Energy and Ports Division (the "Fund") on Amalgamation Day, Monies may be paid from the Fund to eligible nominees nominated by members as provided for in this rule.

(b) The District Executive may from time to time determine that in order to maintain the Fund at an appropriate level to enable payments to be made from the Fund it is necessary to strike a levy and may determine the amount of such levy.

(c) Each member of the Division is entitled to nominate an eligible nominee of that member to whom an amount may be paid from the Fund on the death of that member.

(d) Each member may, by giving notice in writing to the District Secretary, cancel the nomination or change the nomination to another nominee.

(e) "Eligible nominee" of a member means:

(i) any person who is not an officer or employee of the organisation; or

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(ii) a spouse of the member; or

(iii) a child, grandchild, grandparent, nephew, niece, parent or sibling of the member.

(f) On the death of a member the District Executive may determine that an amount be paid from the Fund to an eligible nominee of that member.

(g) If the District Executive determines that a payment from the Fund will not benefit the eligible nominee, payment may not be made until they have reported all the circumstances surrounding that determination to the District Board and the District Board has determined whether payment should or should not be paid.

86. Loans, grants and donations

(a) Loans, grants and donations of any amount exceeding $1,000 can not be made by the District to any one person unless the District Board has satisfied itself that:

(i) the making of the loan, grant or donation is in accordance with these District rules; and

(ii) in relation to a loan, that in the circumstances the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory,

and has approved the making of the loan, grant or donation.

87. BOOKS AND RECORDS

(a) The District Secretary will:

(i) keep, or cause to be kept, all:

(A) books;

(B) records; and

(C) financial statements,

required to be kept by:

(1) the Act;

(2) these District rules;

(3) the Union's rules;

(4) the District Convention;

(5) the District Board;

(6) the District Executive; and/or

(7) the District Administration Committee.

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88. FINANCIAL YEAR

(a) The financial year for the accounting purposes of the District will end at 30 June in each year.

89. DISTRICT AUDITOR AUDIT OF DISTRICT ACCOUNTS

(a) The District Board will appoint, in accordance with the provisions of the Act, a District Auditor who will hold the qualification required for a competent person under the Act.

(b) The District Auditor will:

(i) audit the financial statements of the District at the end of each financial year and at such other times as the District Board, or the District Executive, directs;

(ii) have access to and examine all registers, books, papers, deeds, documents, accounts and Financial Statements of the District;

(iii) have the discretion to examine any District Officer in regard to the registers, books, papers, deeds, documents, accounts and financial statements of the District; and

(iv) obtain from any financial facility, in which the District Fund is deposited and/or invested, a written statement of balances held.

(c) The District Auditor will furnish a written statement that all Financial Statements are certified in accordance with the Act and these District rules, or, if unable to certify to the correctness of any of them, promptly report to the District Board in relation to defects.

(d) The District Auditor will have power to place before the District Board any suggestions concerning the financial affairs of the District.

(e) In the event of a District auditor being unable to act, refusing to act or resigning, the District Board will appoint an auditor, qualified as required by this rule, as a replacement.

90. INSPECTION BY MEMBERS

(a) A Member, or a person with the Member's written authority, may during business hours inspect the:

(i) District Register; and

(ii) District Officers Register.

(b) Members have the right to inspect the Financial Statements as provided by the Act.

91. CLAIMS AND EXPENSES

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(a) The District Board will determine the amount that can be claimed by Members for:

(i) travel costs;

(ii) wages; and/or

(iii) expenses,

in attending meetings/conferences of, or on behalf of, the District.

(b) The District Executive will determine, subject to the approval of the District Board, what:

(i) amount can be claimed; and

(ii) expenses can be paid,

to Members performing work on behalf of the District.

(c) The District Executive will determine the process for making claims pursuant to this rule.

92. AMENDMENT OF RULES

(a) These District rules may be amended by resolution of the:

(i) District Convention; or

(ii) District Board,

subject to these rules.

93. DISSOLUTION OF THE District

(a) If the number of Members is 21 or less the District will be dissolved.

(b) If the District is dissolved, the Divisional Fund of the District will be vested in the Divisional Fund of the District to which the Members become attached.

94. ADMINISTRATIVE REGULATIONS

(a) The District Executive may create administrative regulations for the administration of the District.

(b) Administrative regulations may be amended by the District Executive and rule C102 does not apply to amendment of the administrative regulations.

(c) Administrative regulations must be consistent with these District rules but are not District Policy.

95. STANDING ORDERS

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(a) The standing orders provided by sub-rule (c) will be adhered to as far as practicable at all meetings of the:

(i) District Convention;

(ii) District Board;

(iii) District Executive;

(iv) District Administration Committee; and

(v) District Lodges.

(b) Despite sub-rule (a) the standing orders for the District Convention are as provided in sub-rule (d).

(c) The standing order for meetings, other than for special meetings, will be:

(i) attendance and apologies;

(ii) business arising out of minutes ;

(iii) business as notified;

(iv) correspondence;

(v) Financial Statements and accounts;

(vi) reports; and

(vii) general business on notice.

(d) The standing orders for the District Convention will be:

(i) attendance and apologies;

(ii) business arising out of minutes; and

(iii) business as notified.

(e) The standing order for special meetings will be:

(i) attendance and apologies; and

(ii) business as notified.

(f) Any motion to suspend the standing orders requires a 2/3 majority to be passed.

(g) A notice of motion will be dealt with in the order in which it stands in the agenda, in relation to other similar notices, provided that a motion to adjourn the standing order will be dealt with prior to the agenda item of concern being dealt with.

(h) No notice of motion entered on the notice paper will be proceeded with unless the person who has given such notice is present when the business is called in its order.

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(i) No notice of motion will proceed unless it is seconded.

(j) Notices of motion not proceeded with will be struck out.

(k) Any person engaging in misconduct during a meeting or obstructing the business of the meeting will be called to order by the chair and if, after being called to order, the person persists in the misconduct or obstruction or otherwise refuses or fails to comply with the chair's direction, that person may be excluded from taking any further part in the business of the meeting and may be physically expelled from the meeting.

(l) Sitting times for the District Board are:

Day One	8.30am	12.30 pm	Lunch 1.30pm 5.00 pm
Day Two	8.30 am	12.30 pm	Lunch 1.30pm 5.00 pm
Day Three	8.30 am	12.30 pm	Lunch 1.30pm 5.00 pm
Day Four	8.30 am	12.30 pm	Lunch 1.30pm 5.00 pm
Day Five	8.30am	12.30 pm	Lunch 1.30pm 5.00pm

(m) Starting times for the District Board will be strictly adhered to.

(n) Members of the District Board are to be in attendance during sitting times unless they have carriage of a dispute in the Industrial Commission or other District business of an important nature and have requested, and been granted, leave of absence from the District Secretary.

(o) Except in emergency situations phone calls are not to be taken by members of the District Board during sitting times.

(p) Alcohol is not to be consumed during the hours of 8.30am – 5pm when the District Board meets.

(q) District Board members are responsible for drafting their own resolutions.

(r) Colourful language is not acceptable at meetings of the District Board.

(s) All full time officials required to submit reports to the District Board will provide them to the District Secretary at least one week prior to the commencement of the District Board meeting.

(t) An officer of the District and the District Union Inspectors may, whilst any matter is being debated to which they can make a relevant contribution, with the leave of the District Board, attend that part of the proceedings of the District Board.

96. RULES OF DEBATE

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(a) No discussion will be allowed except on a motion or amendment, duly proposed and seconded.

(b) A call for a seconder will only be put twice at which time if the motion or amendment has not been seconded it will lapse.

(c) Any Member desiring to propose a motion or amendment or to discuss any matter under consideration must address the chair.

(d) No Member will address the meeting unless, and until, called upon by the chair.

(e) When the chair speaks during a meeting the Member then speaking, or offering to speak, will cease so that the chair may be heard without interruption.

(f) The chair will call to order any speaker who departs from the question or who violates the courtesies or rules of debate.

(g) If the chair determines to participate in a debate at any meeting then the chair will vacate the chair whilst participating, which will be taken by the person who acts, in accordance with these rules, in the absence of the chair.

(h) All motions will be determined in the following manner:

(i) the mover of the motion will have 5 minutes at the time of moving the motion to present argument in support of the motion and 3 minutes to reply, where the reply is limited to the answering of arguments advanced against the motion;

(ii) the seconder of a motion and all other speakers will be limited to 3 minutes;

(iii) the meeting, on motion without debate, may extend the time of any speaker but an extension of time must not exceed 3 minutes and the meeting may agree to further extensions on the same basis;

(iv) the chair will call attention to the time of all speakers 1 minute before their time expires and motions for extensions may be made when the chair so calls, but not later;

(v) after the motion has been moved and seconded, no more than 2 members will speak in succession on one side, either for or against any question before the meeting and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment will at once be put to the meeting, subject to part (i) of this sub-rule.

(i) All votes at meetings will be subject to the following:

(i) the chair will read the motion and determine the question on the voices, provided that the chair may call for a show of hands;

(ii) every question submitted to a meeting will be decided by a show of hands, unless a poll is demanded by 5 Members;

(iii) the chair will then declare the motion carried or lost.

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(j) In the event of a motion being carried or lost by a narrow majority, any 3 Members may demand a division and on a division being called for, those in favour will go to the side of the room on the chair's right and those against to the chair's left and the number on each side will be counted and the number of voters, for and against, will be recorded in the minutes.

(k) At any time during debate on any motion it will be competent for any Member who has not spoken to the motion to move an amendment, which will be subject to the following:

(i) all amendments must be seconded;

(ii) motions may be amended by adding words, by deleting words, or by deleting words and inserting others in their place;

(iii) only one amendment will be received at a time and that amendment must be disposed of before any further amendment may be considered or moved;

(iv) all amendments will be put before the original motion;

(v) the mover of an amendment will not have a right of reply;

(vi) should an amendment be carried it becomes the substantive motion and thereon a further amendment may be proposed, however, if no further amendment is proposed, the amendment which has become the substantive motion, will be put without further debate subject to part (v) of sub-rule (h) .

(l) Where a motion is considered by a meeting without any amendments being proposed no member except for the mover of the motion will speak more than once on the motion, unless by way of personal explanation or with the consent of the meeting.

(m) Where an amendment is proposed a member may speak for or against the proposed amendment.

(n) Any member who considers they have been misrepresented by a speaker may, with the indulgence of the chair, interrupt the speaker to correct the misrepresentation, but the member interrupting must not enter into argument.

(o) It will be competent at any time during a debate for a Member who has not spoken to a motion under consideration to rise and move "That the question be now put" but no discussion will be allowed and if this motion is seconded and carried, the chair will immediately call upon the Member (if any) who may have the right of reply, and then, immediately following the reply, the chair will put the motion which will include the amendments (if any) that have been moved and accepted.

(p) No motion upon any other subject will be submitted until the one before the chair is disposed of in accordance with this rule.

(q) Should any question have occupied the attention of the meeting for 20 minutes, the discussion on such question will be closed and the chair will then call on the

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mover to reply, unless the meeting decides by resolution to continue the discussion of the matter in question.

(r) A motion may be dealt with by:

(i) adoption as moved;

(ii) rejection as moved;

(iii) adoption after amendment of the subject matter.

(s) Any of the following motions, will be in order despite a motion (or motion with amendments) being before the meeting:

(i) "The Order of the Day", i.e., that the next business in order be now taken;

(ii) postponement of the question, either to a definite time or a time to be fixed;

(iii) reference to a committee;

(iv) adjournment:

(A) of the debate;

(B) of the meeting.

(t) A motion for adjournment:

(i) may be moved and seconded at any time during the meeting;

(ii) may be debated, provided that not more than 4 speakers be allowed both for and against the motion, inclusive of the mover and seconder;

(iii) provides no right of reply for the mover of the motion;

(iv) will be successful if carried by a majority of Members present.

(u) A second motion for adjournment will not be moved until the subject under discussion at the time of the first motion for adjournment has been disposed of.

(v) Questions of order will be decided by the chair, whose ruling will be final unless challenged by a formal motion submitted to the meeting.

(w) Any Member may rise to a point of order when the member considers the rules of debate to have been violated provided that the member must submit the "point of order" to the chair, who will decide the question as prescribed in sub-rule (v).

(x) Upon the point of order being raised, the Member addressing the meeting at the time will take their seat and will remain seated until the point of order has been decided.

(y) A ruling given by the chair on any question may be subject to a motion of dissent calling the meeting to disagree with the ruling.

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(z) On the motion of dissent being seconded, the chair will vacate the chair which will be taken by the person who acts, in accordance with these District rules, in the absence of the chair.

(aa) No motion of dissent from the chair's ruling will be permitted unless it is made before any other business has been proceeded to.

(bb) The procedure to determine a motion of dissent will be as follows:

(i) the Member moving the motion of dissent will be given 5 minutes to support the motion;

(ii) the chair will be given 5 minutes to defend their ruling;

(iii) the acting chair will then put the question and on the question being determined the chair will resume the chair.

(cc) A report of a Committee officially presented will be received without motion, but the adoption of such report either absolutely, or by clauses, will be moved and seconded.

(dd) It will be competent for any Member to move the reconsideration of a resolution that has been passed by a meeting, provided that the Member will have given notice at a previous meeting.

(ee) It will be competent for any Member to propose that any subject will be considered in a committee of the whole meeting.

(ff) The vote on such proposition when seconded will then be taken without discussion.

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Commission of Inquiry into the CFMEU and Misconduct in the Construction Industry

F. Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australia Union of Employees, Queensland

RULES BUNDLE
FINANCIAL MISCONDUCT CASE STUDY

16 JUNE 2026

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AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS AND PLASTERERS OF AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND

INDUSTRIAL REGISTRAR
13 APR. 1988
QUEENSLAND

RULES

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AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS AND PLASTERERS OF AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND

RULES

RULE 1
NAME AND CONSTITUTION

1.1 The name shall be the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland.

1.2 The union shall consist of an unlimited number of persons, whether male or female, employed or usually employed as carpenters or joiners, including ship carpenters or joiners, or as stone masons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions; also those employed in or usually employed in the following callings:– Bricklaying, tuckpointing, coke slab wall erection, gas retort repairers, fire clay block layers, floor tilers, roof tilers, slaters and shinglers, terracotta fixer; majolica fixers, earthenware pipe drain layers in or about a building, cutters of brickwork for doorways, windows, etc., plasterers; fibrous plasterers; tilers; floor specialists; lathers; together with such other persons, whether employees in the industry or not, as have been appointed officers of the Association and admitted as members hereof.

1.3 The seal of the union shall be oval in shape inscribed in the outer edge the words "Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees" and it shall have on the inner space the words "Queensland State Management Committee"

RULE 2
OBJECTS

2.1 To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the union and its members, and to assist them to obtain their rights under industrial and social legislation.

2.2 To regulate the conditions under which all members of the union may be employed.

2.3 To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial union, or association, or associations of trade unions, or any other organisation having objects similar in whole or in part to the subject of this union.

2.4 To establish a fund for the assistance and support of trade unionists and to carry out the foregoing objects.

2.5 To establish a funeral and other benefit funds.

2.6 To establish Sub-Branches or sections of the unions throughout the State.

2.7 To further any scheme that has for its objects the establishment of Labour research and information, the establishment and maintenance of Labour and trade union newspapers and wireless broadcasting stations, and to invest in shares in such newspapers and radio stations.

2.8 To constitute, conduct, carry on and manage clubs in the interests of members.

2.9 To pay affiliation fees to and assist financially or otherwise any bona fide Labour or trade union organisation or association.

2.10 To establish and manage a union journal.

2.11 To hold, purchase, lease, sell, mortgage or otherwise deal in property.

2.12 To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

2.13 To raise money by levies and/or other means for the purpose of carrying on the objects of the union; such levy to be no more than $5 in any one half year with the amount of same to be determined by the State Management Committee.

2.14 To render legal and other assistance to members for the recovery of wages or compensation for injuries, to protect the interests of the trade in all its Branches, and to assist other trades by any legal method.

2.15 To obtain such other objects as may from time to time be determined in accordance with these rules.

2.16 To organise the education of members.

RULE 3
ENTRANCE FEE

3.1 The Entrance Fee shall be $10 or any other sum, as the State Management Committee may decide, but not more than $30.

RULE 4
APPLICATION FOR MEMBERSHIP

4.1 Application for membership shall be on the form provided, signed by the applicant and two financial members, who shall first satisfy themselves that the applicant is a fit and proper person to enter the union.

4.2 All applicants for membership in the union if residing within a five kilometre radius of the Sub-branch where they apply, must, unless a satisfactory reason is given, attend the meeting at which their application is considered.

4.3 All applications for membership shall be lodged together with the

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amount of Entrance Fee with the Sub-Branch Secretary, or other person authorised by the State Management Committee. Applications for membership shall be dealt with by the Sub-Branch or the State Management Committee, who shall, if satisfied that the applicant qualifies in terms of the rules, admit him to membership of the Sub-Branch as from the date of the receipt of his application form by the Sub-Branch Secretary, or other duly authorised person.

4.4 A new member shall pay on application for membership, or before the expiration of one month from the date the application is received by the Sub-Branch Secretary or authorised person, the required Entrance Fee, and one year's contribution.

4.5 Applicants for membership shall be of good character and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the union.

4.6 Any applicant who is a fully-paid up member of another union, and who had previously been transferred from this union to another union, may be re-admitted on clearance without entrance fee. Any member entering this union on clearance from another union, shall qualify for benefits according to rules.

4.7 Applicants shall, if possible, attend the next meeting of the Sub-branch to which he makes application. Failure to attend shall not necessarily exempt the candidate from election to membership.

4.8 Applicants for admission to the union and members entering the union on clearance, shall join the Sub-Branch nearest to which they reside.

4.9 All members shall be supplied with a copy of the rules free of charge.

RULE 5
CONTRIBUTIONS

5.1 The payment of membership contributions shall be half-yearly and shall not exceed one percentum (1%) of the National Building Trades Construction Award base rate for a carpenter multiplied by twenty-six (26).

5.1.1 The rate of contributions shall be determined by the State Executive on June 30 and December 31 of each year and shall apply for the following half-yearly period commencing April 1 and the October 1 respectively and shall be payable in advance.

5.1.2 Notwithstanding the provisions of Rule 5.1 the State Management Committee, where it can be proved that circumstances warrant it, shall be empowered to determine a special rate of contribution for half yearly membership, provided that such contribution as determined shall not exceed the provisions of Rule 5.1.

5.1.3 25c of each half-yearly contribution or such amount as may be determined by the State Management Committee, shall be used to produce union publications, including "Building Worker" and to distribute same to financial members.

5.1.4 10c of each half-yearly contribution shall be retained by a Sub-Branch as a benefit fund which shall be governed by uniform rates drawn up by the State Management Committee.

5.1.5 10c of each half-yearly contribution shall be paid into the Contingent Fund and be forwarded to and used by the State Management Committee in the manner laid down in Rule 24.

5.1.6 Each of the above Funds shall be audited and a copy of the statement of half-yearly receipts and expenditure shall be forwarded to State Office.

5.2 **Exemption from contributions:**
Sub-branch committees may grant exemption from contributions to members who have been unemployed for more than eighteen weeks during any half year. Application for exemption must be made in writing with proof of unemployment being submitted.

5.3 **Aged and infirm members:**
All members over 65 years of age who have had 25 years' continuous membership in the union, who through physical infirmities, are unable to work continuously at the trade, may retain membership by paying one payment only of $5 in advance, for which they shall be entitled to receive funeral benefit only, provided that this does not apply to members who are over 50 years of age when joining the union. Members wishing to be placed under this rule shall make application to the Sub-branch Secretary.

5.4 **When unfinancial:**
Any member who fails to pay the half-yearly contributions in advance on or before the half years ending March 31 and September 30 for the ensuing six months shall be deemed unfinancial.

Notwithstanding the foregoing, any member, financial at the time of commencement of pay roll deduction, or who subsequently pays all outstanding dues, shall be deemed to be a financial member while such deductions are continued.

5.5 **Entrance between half-yearly meeting nights:**
An applicant joining the union during the currency of any half-year shall be credited in the subsequent half-year for such period of the half-year as had elapsed before his joining. Such credit shall be calculated on a monthly basis.

5.6 **Recovery of arrears:**
If any member allows his arrears to amount to two half-years' contributions, due notice shall be sent to his last known address, and the State Management Committee shall take the necessary steps for the recovery of such arrears by legal process.

RULE 6
RESIGNATION OF MEMBERS

6.1 A member may resign membership of the union by notice in writing

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if he ceases to be employed in the industry in connection with which the union is registered, or, the notice is given not less than three months before the registration is to take effect and the payment of dues to the date of the resignation is to take effect.

6.1.1 Notice of resignation shall be addressed to the State Secretary or such other officer as may be provided for in the union rules and delivered to that officer personally or at the union office or such other office as is provided for in union rules or by post to such offices.

6.1.2 The notice of resignation that has been received by the union shall not be invalidated by reasons of the fact that it has not been addressed and delivered in accordance with Clause 6.1.1 of this rule.

6.1.3 A resignation of membership of the union is valid notwithstanding that it is not effected in accordance with this rule if a member is informed in writing by or on behalf of the union that the resignation has been accepted.

6.1.4 Notice of resignation shall be dealt with at the Sub-branch meeting following receipt of the notice by the Secretary.

RULE 7
FUNDS AND THE PROPERTY OF THE MEMBERS GENERALLY

7.1 All moneys subscribed by the member shall be the property of the union and not of the Sub-branches to which the members respectively belong, and shall be held for and devoted to the payment of benefits specified in these rules, and carrying out the objects of the union.

RULE 8
REMOVAL OF OFFICERS

8.1 Any officer being charged with, in accordance with the rules of the union mis-appropriation of funds of the union or a substantial breach of the rules of the union or gross misbehaviour or gross neglect of duty or has ceased, according to the rules of the union, to be eligible to hold office, may be suspended immediately by decision of the State Management Committee.

8.1.1 Any officer so charged shall have the right of appeal to the membership against such suspension, provided that any such appeal must be lodged with the Secretary of the Sub-branch to which the member belongs within fourteen days.

8.1.2 Within two (2) months of the receipt of such an appeal the ballot shall have been conducted, in which there shall be sent to all members entitled to vote a statement not exceeding 600 words by the person proposing removal, and a statement not exceeding 600 words by the officer proposed to be removed. The decision of any such ballot shall be final.

8.1.3 Should there be no appeal within the prescribed time, and/or the officer's appeal be rejected, the State Management Committee shall

have power to dismiss the officer concerned; and, in the event of any officer being removed from office, an election must be held within one month of such removal from office in accordance with Rule 18.

RULE 9
BANKING AND EXPENDITURE OF FUNDS

9.1 All moneys of the union in Queensland shall be banked by the State and Sub-branch officers in the Commonwealth Bank of Australia, or such other bank as the State Management Committee may decide.

9.2 All expenditure from the funds shall be in accordance with the rules of the union and no expenditure shall be permitted for any purpose contrary to the objects of the union.

RULE 10
AUDIT OF ACCOUNTS

10.1 The State Management Committee shall appoint annually a competent person as its auditor who shall have full and complete access to all the books and documents of the branch. Such person shall audit annually the accounts of the branch. The accounts of Sub-branches shall be audited half-yearly in the manner provided in Rule 16.14.

10.1.1 A competent person, within the meaning of this rule, shall be a person, other than a member of the organisation who is registered under a law of a state or territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to companies.

RULE 11
REGISTERED OFFICE AND PLACE OF MEETING

11.1 The registered office of the union in Queensland shall be at Construction House, 130 Petrie Terrace, Brisbane, to which all communications and notices shall be addressed.

11.1.2 This shall be the place of meeting for the purposes of conducting the business of the branch except where the State Management Committee directs otherwise.

RULE 12
REGISTER OF MEMBERS

12.1 A register of members in the State shall be kept in the registered office.

12.2 A member of the union may at all reasonable times inspect the books, membership records, documents and other property of the union.

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RULE 13
STATE MANAGEMENT COMMITTEE

13.1 For the purpose of controlling the affairs of the union in Queensland, a committee shall be elected to be known as the State Management Committee. They shall exercise full control over Sub-branches in the State. They shall from time to time fix the salaries of all officers under their control.

13.2 **Composition of State Management Committee:**
The State Management Committee shall consist of fourteen (14) members, including the State Secretary and the Assistant State Secretary, all of whom shall be elected in 1983 in accordance with the provisions of Rule 18.

13.2.1 As from the first election for officers of the union held in 1983, provision is made that not less than two (2) of the fourteen (14) elected members of the State Management Committee shall be plasterers.

13.2.2 This shall not preclude all of the above positions being filled by ballot where no plasterers' nominations for those positions are received by the Returning Officer.

13.2.3 Provided that during the period until the first election for officers of the union is held in 1983, the State Management Committee shall be sixteen (16) members comprising the existing fourteen (14) members of the former Amalgamated Society of Carpenters and Joiners and Bricklayers of Australasia, Union of Employees, Queensland Branch, and the Secretary/Treasurer and one executive member of the former Queensland Plasterers' Union of Employees.

13.2.4 Any eight (8) members of the State Management Committee shall constitute a quorum.

13.2.5 The State Management Committee shall elect from its members a State President and a State Vice President; any nominee for these positions must have had one years financial membership.

13.2.6 A full time official of the union shall not be eligible to stand either for the position of State President or State Vice President.

13.3 **State Management Committee – Meeting Place:**
The State Management Committee shall meet at Construction House, 130 Petrie Terrace, Brisbane or such other place as may be decided for the purpose of controlling the business of the union.

13.4 **Duties of the State President:**

13.4.1 The State President shall preside at all meetings of the State Management Committee, State Delegate or Special Convention and at meetings convened by the State Convention or the State Management Committee. He shall have a deliberative vote only. The State Vice-President shall take the chair in the absence of the State President.

13.4.2 He shall carry out such duties as may be assigned to him from time to time by the State Management Committee and by the State Secretary acting on their behalf.

13.4.3 He shall conduct the business in accordance with the standing orders and rules of debate.

13.4.4 He shall, upon the minutes being confirmed, sign the minute book in the presence of the meeting, and he shall have the meeting, by resolution, endorse or reject all accounts submitted for payment.

13.5 **State Management Committee and Executive:**
The State Management Committee shall meet not less than three times each year: Provided that a special meeting of the State Management Committee may be called on a written requisition addressed to the State Secretary signed by five members of the State Management Committee.

13.5.1 The State Management Committee shall elect from its members an executive of not less than six members including the State Secretary and Assistant State Secretary to control the affairs of the union in Queensland between meetings of the State Management Committee. Such executive shall be subject to the control of the State Management Committee and the minutes of each executive meeting shall be immediately forwarded to each member of the State Management Committee and all Sub-branches. The executive shall meet not less than monthly.

13.6 **Delegation approval:**
No sub-branch shall have the power to delegate any member on union business for any period above one week in any half-year without first obtaining the approval of the State Committee. Any infringement of this rule by any member or sub-branch shall be deemed misconduct, and members or sub-branches infringing this rule may be fined by the State Management Committee any sum not exceeding $20. This rule shall not affect the rule allowing 10 percent of the Sub-Branch income to be used for local organising.

13.7 **Interpretation of rules:**
The State Management Committee shall interpret all rules requiring interpretation.

13.8 **Legal Proceedings:**
The trustees of the union after being authorised by the State Management Committee shall be empowered to take legal proceedings for recovery of arrears of contributions and fines, breaches of awards and recovery of accident compensation.

13.8.1 The State Management Committee may from time to time place the collection of arrears of contributions owing by members in the hands of a solicitor or agent for collection.

13.9 **Control and suspension of members:**
The State Management Committee shall exercise general control over the members and shall have, subject to rules, power to fine, expel or suspend from benefit any member found guilty of wilfully acting contrary to the policy of the union.

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13.9.1 Where such fine, expulsion or suspension is imposed, the State Management Committee shall immediately notify the Sub-Branch to which the member belongs, of its decision.

13.9.2 A fine imposed under this rule shall not exceed $10, nor shall any suspension from benefit exceed a period of three years.

13.10 **Transfer of members:**
The State Management Committee shall have the power, at the request of a member, to order the transfer of any member from any Sub-Branch to any other Sub-Branch in Queensland, when, in the opinion of the State Management Committee such transfer is necessary to enable the member concerned to participate properly in the affairs of the union.

13.11 The State Management Committee shall have the power to grant donations from the Contingent Fund when application has been made in accordance with the provisions of Rule 24.

13.12 **Aggregate meetings:**
Whenever it may be deemed necessary by the State Management Committee, or on the urgent representation of a majority of the Sub-Branches in the State, aggregate meetings shall be called by advertisement to decide such questions as the State Management Committee may decide or the Sub-Branches may require to be decided.

13.13 The State Management Committee shall have power to establish or disband Sub-Branches of fifty or more members on a locality basis and of less than fifty members on an industry basis if, in the opinion of the State Management Committee the members' industrial interests warrant the formation or disbandment of a Sub-Branch.

13.14 **Delegates' meeting:**
Whenever it is necessary to obtain the opinion of members in any district with five hundred (500) members and upwards, it may be done by special summoned meetings of the Sub-Branches in such district, when delegates shall be elected from each Sub-Branch in proportion to the Sub-Branch membership in accordance with the following scale: Under 100 members, one delegate; 100 and under 250 members, two delegates; 250 and upwards; three delegates; who shall be paid according to Rule 22.

13.15 **Delegate Convention:**
The State Management Committee shall convene at regular intervals not more than each two years (but at earlier intervals should it be deemed necessary) a State Delegate Convention consisting of delegates elected from Sub-Branches and jobs throughout the State and also comprised of members of the State Management Committee and full-time officials of the union.

13.15.1 The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elect to attend such Convention, shall be determined by the State Management Committee from time to time.

13.15.2 A member is only entitled as a delegate to the State Delegate Convention must be financial at the time nominations are called.

13.15.3 Items for the agenda of the State Delegate Convention shall be called for at least three months before Convention assembles, and be in the hands of delegates to Convention at least seven days before Convention commences.

13.15.4 The State Delegate Convention may recommend to the State Management Committee proposals for rule and policy changes.

13.16 **Special Auditors:**
The State Management Committee may at any time appoint two auditors to audit the books of any Sub-Branch or direct that the books be forwarded to the State Office for audit.

13.17 The State Management Committee shall be in control of all organisers and shall determine the number required in accordance with Rule 19 and may, if funds are sufficient, appoint additional organisers.

13.18 In districts where an Organiser-Secretary has been appointed or elected, he shall be under the control of the Sub-Branch he visits for organising purposes only for the period allotted by this District Committee.

13.19 **State Management Committee Finance and Contingent Fund:**
The State Management Committee shall have control of the property in their State and, in addition to the provision of Rule 7, shall draw from each Sub-Branch, Job Stewards and Organisers, the total contributions, entrance fees and fines collected.

13.19.1 Each Sub-Branch shall retain in a Sub-Branch bank account a sum determined by the State Management Committee from which it shall pay all accounts covered by these rules and the State Management Committee shall reimburse this Sub-Branch account as required by the Sub-Branch to restore the account to the original sum.

13.19.2 The State Management Committee may disperse moneys for the purpose set out in the objects of the union, and such funds may be invested from time to time in such manner as may be determined by the State Management Committee. No donation exceeding $200 shall be made from the Contingent Fund without the sanction of a majority of the Sub-Branches in Queensland.

13.20 **Affiliation:**
The State Management Committee shall have the power to affiliate with any industrial, educational or political organisations within the State over which they have jurisdiction, provided such affiliation is sanctioned by a majority of the members voting. Such affiliation shall not interfere with the personal rights of the member's political code.

13.21 District Committees may be formed and shall have local autonomy in such matters as the full State Management Committee may determine.

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13.22 **Delegating powers:**
In the event of a dispute arising, no official of this union shall interview the management with whom our union is in dispute on any contract unless accompanied by at least one member actively concerned in the dispute.

13.23 **Trustees:**
The State Management Committee shall elect from among their members three trustees, any two with the State Secretary, or in the latter's absence, the State Assistant Secretary to operate.

13.23.1 The property and finances of the union shall be vested in the names of the three trustees.

13.23.2 The funds of the union shall be banked in the manner prescribed in Rule 9.

13.23.3 On a written authority, signed by the State President and the State Secretary, any two of the three Trustees shall sign cheques for such sums as may be voted by the State Management Committee or the State Management Committee Executive, in accordance with these rules. Such cheques shall be countersigned by the State Secretary.

13.23.4 The trustees shall have all powers and immunities conferred on such trustees by Statute.

13.24 **Returning Officer and Scrutineers:**
The State Management Committee shall appoint a Returning Officer and two Scrutineers who shall not hold any office in, and not be an employee of, the organisation, Sub-Branch, section or division of the organisation, to conduct all required ballots, including the quadrennial ballot; that, after applications for the position have been called through all sub-branches of the union. The appointment shall be made by a majority vote of members of the State Management Committee at its last meeting prior to the quadrennial ballot.

13.24.1 Returning Officers may at any time in writing resign their position and shall resign if they desire to become a candidate at any elections held under the rules of the union.

13.24.2 Any casual vacancy of Returning Officer shall be filled by the State Management Committee. Nomination for the position shall be called for by the State Management Committee, by notification in the union journal or the daily newspaper circulating in the capital city and in each Sub-Branch or district area at least twenty-eight (28) days before the closing of nominations.

13.25 **Election of delegates:**
The State Management Committee shall also elect delegates to the Australian Council of Trade Unions Congress, the Trades and Labor Council, the Queensland Building Trades Group and other such bodies.

13.26 **Elections by State Management Committee:**
In any election by the State Management Committee the following procedure shall be observed.

13.26.1 In all State Management Committee members are in attendance at the State Management Committee meeting at which the election is to be held, viz. in the case of the State Vice-President and the Trustees during the month of January following the quadrennial elections, and in the case of other positions as may be determined by the State Management Committee, nominations shall be called and a ballot shall be held.

13.26.2 A member of the State Management Committee unable to attend the meeting of the State Management Committee at which an election was to have been held and who desires to nominate himself or some other qualified person for a position may do so by written notification to the State President. Such notification shall be sent to the State President not later than the time fixed for the commencement of the meeting.

13.26.3 The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give him the opportunity of remedying the defect within a reasonable period.

13.26.4 The Returning Officer shall obtain sufficient ballot papers and envelopes for the election. He shall have a booth arranged so constructed as to enable the voter to mark his ballot paper without the names for which such delegate voted being seen.

13.26.5 The Returning Officer shall initial all ballot papers which shall not bear any other distinguishing mark. He shall provide for the voters identical means of marking the ballot papers. He shall issue to each voter a ballot paper and an envelope. The voter, after marking the ballot paper, shall place same in the ballot box provided by the Returning Officer for such purpose. Such ballot box may be inspected and/or sealed by any members of the State Management Committee or candidate.

13.26.6 Voting shall close one hour after the commencement of the meeting or at such times as all State Management Committee members have voted.

13.26.7 The Returning Officer shall thereupon open the ballot box and in the presence of the State Management Committee members who desire to be present, proceed to count the ballot. The candidate or candidates up to the number required receiving the highest number of votes shall be declared elected.

13.26.8 In the case of an equality of votes for any two or more candidates, the Returning Officer shall determine by casting his vote which of the candidates is elected.

13.26.9 The Returning Officer shall notify the State Management Committee of the result of the ballot and the State Management Committee shall publish same in the State Management Committee minutes.

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13.26.10 Should a vacancy occur in any of the above positions, the State Management Committee may fill the position within one m[illegible]; but if the term remaining is more than twelve (12) months, and the State Management Committee desires to fill the position, an election shall be held to fill the vacancy. In any such election, provisions of this rule shall apply with any necessary modifications.

13.26.11 Where the State Executive decides not to convene a meeting for the purposes of filling a casual vacancy, a postal ballot of all members of the State Management Committee shall be held.

13.26.12 In such election the Returning Officer shall immediately post to each State Management Committee member a properly initialled ballot paper on which no other distinguishing mark appears together with a business reply or stamped envelope for the return of same to the Post Office box marked on the envelope.

13.26.13 On the morning of the eighth day following the dispatch of the ballot papers by the Returning Office, the Returning Officer and the scrutineers appointed by the State Management Committee shall collect the ballot papers from the Post Office box and then proceed to the union office where they shall count the ballot. The candidate or candidates up to the number required receiving the highest number of votes shall be declared elected.

13.26.14 The Returning Officer shall notify the State Management Committee of the result of the ballot and the State Management Committee shall publish same in the State Management Committee minutes.

13.26.15 The State Management Committee shall appoint one of its members who is not a candidate as scrutineer and any candidate may appoint any member of the union to act as scrutineer on his behalf. Any scrutineer shall be entitled to be present at and to observe all stages of the ballot.

13.26.16 Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate the election if such omission or error appears not to have affected the result of an election.

13.26.17 In any election the Returning Officer and scrutineers shall conduct themselves in a sober, proper and impartial manner and do all things necessary to preserve the secrecy of the ballot.

13.26.18 Scrutineers shall, as far as practicable, be present at all stages of the ballot.

13.26.19 They shall obey any directions given to them by the Returning Officer.

13.26.20 If any scrutineers or scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

DUTIES OF STATE SECRETARY

14.1 The State Secretary shall be under the control of the State Management Committee and shall devote the whole of his working time to the business of the union.

14.1.1 The State Secretary shall be the registered State officer to sue or be sued on behalf of the union in the State in regard to any legal matter within the State in which the State Management Committee has jurisdiction.

14.1.2 The State Secretary shall keep a correct record of the members in the State and shall, when instructed by the State Management Committee sue for the recovery of arrears of contributions or other moneys due to the union by the members in the State.

14.1.3 The State Secretary shall keep or cause to be kept proper books of accounts showing the receipts and expenditure of the union, and separate accounts of receipts from all Sub-Branches, and also correct records of all moneys received or paid on account of any particular fund, and separate accounts of all management expenses and of all contributions on account thereof, as required by the Industrial Conciliation and Arbitration Act 1961-1980 and amendments thereof.

14.1.4 The State Secretary shall endorse all vouchers for payment certifying to their correctness, and shall prepare a balance sheet in accordance with Rule 14.1.6.

14.1.5 The State Secretary shall submit to each meeting of the State Management Committee an interim statement of receipts and payments made up to the end of the week preceding the meeting.

14.1.6 Arbitration Commission and Wages Boards: The State Secretary shall attend to all Arbitration Commission hearings, Wages Boards and the Arbitration Court, and other legal matters coming within the jurisdiction of the State Management Committee.

14.1.7 The State Secretary shall keep all books and documents necessary to a proper working of the office of the State Management Committee and shall prepare a half-yearly report and also a yearly balance sheet showing the income and expenditure for that term and upon the same being audited and adopted by the State Management Committee, he shall send a copy to the Sub-Branches over which the State Management Committee has jurisdiction.

14.1.8 The State Secretary shall prepare and forward to the Industrial Registrar all returns required by law.

14.1.9 **Neglect of duty:**
Should the State Secretary fail to carry out his duties to the satisfaction of the State Management Committee he may be dealt with by such committee in the manner prescribed in Rule 8.

14.1.10 **Resignation or removal:**
In the event of the State Secretary desiring to resign, he shall give

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at least one month's notice or be fined ten dollars ($10). Upon resigning or being removed from office, according to rule [illegible] shall, within seven (7) days, deliver up to whatever person the State Management Committee may appoint, all books, documents and other property of the union then in his possession. Before the books are handed over to his successor in office they shall be audited.

RULE 15
DUTIES OF ASSISTANT SECRETARY

15.1 The Assistant State Secretary shall work under the direction of the State Management Committee and the State Secretary. He shall assist the State Secretary in the carrying out of the duties set out in rule 14 and shall act as the Acting State Secretary in the absence of the State Secretary. He shall be subject to rules 14.1.8 and 14.1.9.

15.1.1 The State Secretary or the Assistant State Secretary shall act as the Secretary of the Brisbane Sub-Branch.

RULE 16
POWERS AND DUTIES OF SUB-BRANCHES

16.1 For the convenience of members, Sub-Branches may be opened in any town in the State. No Sub-Branch shall be opened without the consent of the State Management Committee. Each Sub-Branch shall have power to elect its own officers and with the consent of the State Management Committee generally control its own business.

16.2 **When disbanded:**
In no case shall any Sub-Branch close or disband without the authority of the State Management Committee in which case all cash or other property shall be handed over to the State Management Committee.

16.3 **Visiting members:**
Members of any Sub-Branch may visit any other Sub-Branch on production of their financial card and with the permission of the Sub-Branch may speak on any question before the Sub-Branch but shall not vote.

16.4 **Clearances:**
Any member entering a Sub-Branch by clearance shall not have a vote in that Sub-Branch until his clearance has been accepted by such Sub-Branch.

16.5 Sub-Branches shall accept a transfer for any member, and issue a transfer for any member who applies for same, subject to the provisions of rule 16.29 and all arrears of contributions shown on the clearance card sent from a Sub-Branch in one State to a Sub-Branch in another State shall be collected and retained by the Sub-Branch to which the members have been transferred.

16.6 Each Sub-Branch may obtain a room and a safe and/or steel cabinet and office equipment for the safe keeping of union property provided the State Management Committee is advised of the cost.

of such facility and has approved with over payment is necessary to secure such facilities.

16.7 **Interpretation of rules:**
Should any rules require interpretation, or be not clearly defined, they shall be sent to the State Management Committee for their decision. All decisions shall be inserted in the minute book of the Sub-Branch.

16.8 **Resolutions to State Management Committee:**
Resolutions to the State Management Committee shall be submitted in writing to the Sub-Branch President, and the numbers of votes for and against such resolution, shall be stated when the resolutions are sent to the State Management Committee.

16.9 **Correspondence confidential:**
All communications or copies of correspondence from the State Management Committee shall remain the property of the union and information relating to the same shall not be divulged to any outside body or bodies without first obtaining the sanction of the State Management Committee.

16.10 **Sub-Branches allowed:**
In all cities and towns there shall be only one Sub-Branch and no other Sub-Branch shall operate within a radius of eight kilometres of the meeting place of such Sub-Branch except with the consent of the State Management Committee.

16.11 **Sub-Branch officers:**
Sub-Branches shall elect the Sub-Branch Committee. The Sub-Branch Committee shall consist of President, Vice-President and Secretary and six committee men, one of whom may be an apprentice. Sub-Branches with more than 100 members may also elect a Money Steward and Doorkeeper. The Sub-Branch Secretary may appoint Sick Stewards as they are required.

16.12 Any member neglecting the duties for which he is elected shall, unless a satisfactory apology is furnished, be fined by his Sub-Branch or the State Management Committee any amount not exceeding ten dollars ($10).

16.13 **Meetings: When held:**
Sub-Branches of the union shall meet at least monthly to transact business and the time of opening and closing the Sub-Branch meeting shall be at the discretion of each Sub-Branch.

16.14 The books of each Sub-Branch shall be sent each half-year to the State Office for audit.

16.15 Sub-Branches shall have power to strike a levy of not more than $4 for purely local purposes, provided due notice thereof has been given to members and provided that two-thirds of the members voting shall decide in favour of the levy. Voting shall be by ballot of the members of the Sub-Branches concerned. In no circumstances shall any levy be imposed which would so operate as to impose a liability for levies in a sum exceeding $4 per annum on a member.

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16.16 Any member residing within a five kilometre radius of the meeting place of the Sub-Branch who fails to attend a summonsed meeting shall be fined a sum not exceeding 30c unless a satisfactory excuse is tendered.

16.17 The Sub-Branch President and Secretary, on a requisition signed by ten per centum of the members of the Sub-Branch shall call a special meeting of the Sub-Branch. No business shall be transacted at such a meeting other than the business set out in the requisition or in the notice calling the meeting.

16.18 Sub-Branch by-laws shall be registered under the "Industrial Conciliation and Arbitration Act 1961-1980" (and amendments thereof). The precise location of all meetings at which the business of the Sub-Branch shall be conducted shall be published six months in advance in the notice published half-yearly for that purpose. Copy of each such half-yearly notice shall be filed forthwith with the Industrial Registrar.

16.19 **Sub-Branch President:**
The Sub-Branch President shall preside at all meetings of the Sub-Branch and Sub-Branch Committee, and shall conduct business according to the rules laid down for his guidance. If he is not present at the time of opening the meeting the Vice-President shall take the chair. Should the Vice-President be absent, the members shall elect a chairman pro tem. He shall not enter debate on any question, but shall endeavour to bring the business to a speedy and successful issue. He shall have a deliberate vote only.

16.19.1 **Bank book: countersign orders for payments; branch resolutions:**
The Sub-Branch President shall sign the Sub-Branch minutes of the previous meeting, after they have been confirmed by the Sub-Branch. He shall examine the Sub-Branch bank book each meeting night (when such book is not held by the bank) and report to the Sub-Branch the result of each banking transaction, the record to be inserted in the minute book. He shall countersign all orders for payment of money authorised by the Sub-Branch, and all orders for remittances to the State Management Committee when requested to do so by the State Secretary, and for capitation fees due to the State Management Committee under rule 13.19.1. He shall also cause to be recorded in the minute book the number voting for and against all suggestions for alteration of rules or resolutions intended for the State Management Committee and the numbers present when the vote is taken.

16.20 **Sub-Branch Secretary:**

16.20.1 **Correspondence; keep account of income and expenditure; clearances:**
The Sub-Branch Secretary shall attend all meetings of the Sub-Branch or Committee. He shall conduct all correspondence and take the minutes of committee meetings. He shall be responsible for the collecting of contributions, fines, and other money due to the union by members of his Sub-Branch.

16.20.2 The Sub-Branch Secretary shall keep a clear and correct account of all receipts and expenditure in connection with the Sub-Branch. He shall register carefully the name, age and residence of every member, and shall within one month, forward to the State Secretary correctly filled in registration cards for all members admitted into the Sub-Branch, and also transfer cards for all members leaving the Sub-Branch. He shall also notify the State Secretary of all registrations and deaths.

16.20.3 **Balance Sheets:**
The Sub-Branch Secretary shall prepare, in duplicate, a half-yearly balance sheet and report, setting out all income and expenditure incurred during the period covered by such balance sheet, one copy to be forwarded to the State Management Committee within seven days after the half-yearly meeting. He shall close his books at the end of January and July each year. Contributions for the next half year shall be due and payable at the end of March and September each year. He shall give every facility to the auditors to examine all books and papers in connection with the Sub-Branch. He shall read out to the Sub-Branch meeting a cash account. He shall be the custodian of the official stamp of the Sub-Branch, and be ex-officio member of all sub-committees, but shall not have a vote on any matter in which he is personally or financially interested.

16.20.4 **Half-Yearly Summons:**
The Sub-Branch Secretary shall supply all necessary advice to the State Office to enable it to advise the Sub-Branch members of the time, place and date of the half-year meeting, which shall be in March and September of each year. The State Secretary shall forthwith notify all Sub-Branch members thereof. He shall supply all details to the State Office to enable it to advise members in arrears. Special meetings of the Sub-Branch may be called as decided by the Sub-Branch. He shall perform all clerical and other duties appertaining to the position of the Secretary.

16.20.5 All Sub-Branch meetings called in accordance with this sub-clause shall be held at the place fixed by rule 16.18 for conduct of the business of the Sub-Branch.

16.20.6 **Suspended members:**
Members who owe one year's arrears of contributions shall be suspended. The State Office shall be advised regarding such members. They shall not be included in returns of membership or recognised when computing the number of members in the sub-branch.

16.20.7 **Clearances and Transfers:**
The Sub-Branch Secretary shall accept all clearances (that are permitted) from other unions, also transfers from other Sub-Branches or other States, and shall issue transfers for any members applying for same. He shall also transfer all members who do not comply with rule 16.29.2 to the Sub-Branches nearest to which they reside.

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16.20.8 Sub-Branch Secretaries obtaining the transfers of members from other States or other unions shall immediately fill in a duplicate card and forward same to the State Office.

16.20.9 **Pay benefits:**
The Sub-Branch Secretary shall pay all benefits according to rules 21 and 22 and he may be made to refund all expenditure that is made contrary to the provisions of these rules.

16.20.10 **Resignation or removal:**
In the event of resigning the Sub-Branch Secretary shall give one month's notice, or be fined $1, except in the case of illness or removal from the town.

16.20.11 On his resignation or being removed from office, or on demand of the State Management Committee, or whomsoever they may authorise, the Sub-Branch Secretary shall, within seven days, deliver up all books, documents and property of the said Sub-Branch to the State Management Committee or Trustee. Before the books are handed over to his successor in office they shall be audited.

16.20.12 **Neglect of duty:**
Should the Sub-Branch Secretary fail to carry out any of his duties to the satisfaction of the Sub-Branch, the Sub-Branch shall, upon the matter being reported, refer it to the Sub-Branch Committee, who shall investigate it and report to a subsequent meeting, which shall have power to deal with him according to the provisions of rule 16.12.

16.21 **Vice-President:**
The Vice-President shall record the minutes of all Sub-Branch and special meetings and shall preside over meetings in the absence of the Sub-Branch President.

16.22 **Doorkeeper:**
The Doorkeeper shall attend at the opening time of each Sub-Branch meeting, and shall assist the Sub-Branch President in maintaining order by keeping the door closed whilst any member is addressing the meeting, he shall not admit any disorderly member into the room, neither shall he admit anyone who is not a member or who is not a candidate.

16.23 **Sub-Branch finances:**

16.23.1 The funds of each Sub-Branch shall be banked as provided in the rules.

16.23.2 On a written authority signed by the Sub-Branch President and Sub-Branch Secretary any two members of the Sub-Branch Committee shall sign cheques for payment of accounts for expenditure, in conformity with the rules. Such cheques shall be countersigned by the Sub-Branch Secretary.

16.24 **Sub-Branch Committee:**
In every Sub-Branch there shall be a Committee elected in accord-

ance with rule 16.11 which shall meet when required on being summoned by the Sub-Branch Secretary, three to form a quorum. The President shall have a deliberate vote only. The minutes of the proceedings shall be signed by the Chairman at the close of each meeting, and submitted to the next Sub-Branch meeting for confirmation or otherwise. If necessary they shall examine and determine claims for lost tools. In the event of a member being charged with acting contrary to the policy of the union the Sub-Branch Committee shall have power to refuse payment of any benefit to such member until the charge has been investigated by the State Management Committee and its decision conveyed to the Sub-Branch. They shall hear and decide all cases of appeal from a member against an officer of the Sub-Branch. Any member of a Sub-Branch Committee who is absent without reasonable excuse from three consecutive meetings shall be deemed to have vacated his seat, and the Sub-Branch shall fill the vacancy. The Committee shall meet at least once per half-year for the purpose of drawing up an agenda and making a report of the half-year's work for the half-yearly meeting of the Sub-Branch.

16.25 **Sick Stewards:**
Sick Stewards shall, when instructed by the Sub-Branch Secretary visit any member who is sick or who has met with an accident, and report to the next Sub-Branch meeting.

16.26 **Sub-Branch Returning Officer and Scrutineers:**

16.26.1 The Sub-Branch Committee shall appoint a Sub-Branch Returning Officer and two Scrutineers who shall not hold any office in, and not be an employee of, the organisation, branch section or division of the organisation to conduct all required ballots. The appointment shall be made by a majority vote of Sub-Branch Committee members at the first meeting of the Committee immediately following the yearly Sub-Branch elections.

16.26.2 Provided that should any vacancy occur in these positions the Sub-Branch Committee shall be empowered to fill such vacancy.

16.27 **Money Stewards:**
The Money Stewards shall attend the half-yearly Sub-Branch meetings punctually at the time of commencing of business, and shall take money and issue receipts to members.

16.28 **Election of Sub-Branch officers:**

16.28.1 The election of Sub-Branch officers shall be held in March of each year and be under the control of the Sub-Branch Returning Officer assisted by the Scrutineers.

16.28.2 The Sub-Branch Returning Officer shall call nominations for all Sub-Branch positions by notification in a newspaper circulating in the Sub-Branch area at least thirty-five (35) days prior to the March yearly Sub-Branch meeting.

16.28.3 Nominations shall be in writing and be signed by two financial members. The person nominating must be a member of the Sub-

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Branch and financial no later than fourteen (14) days prior to nominations being called.

16.28.4 No member shall be a candidate for two or more offices that, if elected to, he shall be unable to hold at the one time.

16.28.5 Nominations shall close twenty-one (21) days prior to the March yearly Sub-Branch meeting.

16.28.6 Should only sufficient nominations have been received by the Sub-Branch Returning Officer for the positions, as advertised, the Sub-Branch Returning Officer shall declare the person or persons so nominated as elected and supply forthwith a declaration of the ballot to the Sub-Branch Secretary, a copy of which shall be forwarded to the State Secretary.

16.28.7 Should there be more valid nominations than the number required to fill the vacancies the Sub-Branch Returning Officer shall conduct a ballot which shall be held at the March yearly meeting.

16.28.8 Fourteen (14) days prior to such ballot taking place the Sub-Branch Returning Officer shall publish in a newspaper circulating in the Sub-Branch area a list of positions vacant, the names of persons nominating for each position/positions, the date and time of the ballot, and notifying all financial members they are eligible to vote either in person at the meeting or by application to the Sub-Branch Returning Officer for an absentee vote.

16.28.9 The Sub-Branch Returning Officer shall procure sufficient ballot papers to enable each member to vote should they so desire. For such purpose the Sub-Branch Secretary shall provide the Sub-Branch Returning Officer with a list of financial members eligible to vote. Each such ballot paper issued shall be signed by the Sub-Branch Returning Officer.

16.28.10 The Sub-Branch Returning Officer, upon receipt of an application for an absentee vote, shall forward to the applicant in a sealed envelope a signed ballot paper and a stamped envelope addressed to the Sub-Branch Returning Officer.

16.28.11 All completed ballot papers must be in the hands of the Sub-Branch Returning Officer by 9 p.m. on the night of the March yearly meeting when the ballot shall close.

16.28.12 The absentee vote envelopes shall then be opened and those votes, together with the votes cast at the meeting, be counted under the supervision of the Sub-Branch Returning Officer and Scrutineers and the result declared immediately.

16.28.13 The person or persons obtaining the highest number of votes shall be declared elected.

16.28.14 The Sub-Branch Returning Officer shall submit a report to the Sub-Branch Secretary. A copy of same to be forwarded to the State Secretary, showing the number of ballot papers printed, the absentee vote applications, the number used and the names of the candidates with the vote of each recorded.

16.28.15 The ballot papers used and unused and the absentee vote applications shall be held for a period of twelve (12) months before being destroyed.

16.28.16 The Sub-Branch Committee shall be empowered to fill, by appointment, any vacancy or vacancies occurring in the period of twelve (12) months following the ballot for positions.

16.29 **Duties of members:**

16.29.1 No member shall call on or write to any Sub-Branch Secretary at the works where he is employed.

16.29.2 Members shall belong to the Sub-branch that meets nearest to their place of residence.

16.29.3 Members changing their residence shall inform the Sub-Branch Secretary in writing within three months of such change of address.

16.30 **Misconduct of members:**

16.30.1 Subject to rule 8, any member knowingly violating any registered rule of the union may be fined a sum not exceeding $4 by the Sub-Branch. Should, however, the matter be referred to the State Management Committee, they shall have the power to fine the member an amount not exceeding $10, expel him from membership or suspend him from benefit for a period of not more than six months for such an offence.

16.30.2 Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer, may be fined a sum not exceeding $2 and should he persist, the Presiding Officer shall have power to call on the members to expel him from such meeting until such time as the fine is paid and an apology is tendered for such conduct.

16.30.3 It shall be competent for the State Management Committee to inflict a fine not exceeding $10, suspend from benefit for a period not exceeding three years, or expel from the union a member upon satisfactory proof that such member has refused to comply with its decision.

16.30.4 Charges under these rules shall be made in writing within one month of the discovery of the incident to which it refers, to the Sub-Branch or State Management Committee. The member so charged shall be summoned to attend a meeting of Sub-Branch Committee or State Executive, or State Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be sufficient if posted to his last known place of abode not less than five days, or in the case of a member whose last known place of abode is situated more than 160 kilometres from Brisbane, not less than ten days before the date of such meeting.

16.30.5 At the appointed time and place the charge shall be investigated either by the Sub-Branch or State Executive or State Management Committee, whether or not the member shall be in attendance.

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The decision of the Sub-Branch or Executive shall be binding on the member, subject to the right of appeal to the State Management Committee whose decision shall be final on all matters whether by appeal or otherwise. All meetings, in accordance with this sub-clause, shall be held at the place fixed by the Registered Rules for the conduct of the business of the union or Sub-Branch.

16.30.6 A member may, if he desires, make his answer to the charges in writing.

16.30.7 Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with by the State Management Committee provided that the maximum fine that may be imposed shall not exceed $10.

16.30.8 Any member, members, or persons who by false representation or imposition, obtain possession of money, securities, books, papers or other effects of the union or having same in their possession withhold or mis-apply them shall render themselves liable to be summonsed before a Court of summary jurisdiction.

16.30.9 Any member or officer who is fined for any offence under these rules shall pay the fine on or before the date of the meeting of his Sub-Branch immediately following the imposition of the fine. Should the fine not be paid it shall at once be added to the member's dues by the Sub-Branch Secretary, and shall be deducted from any money paid by the member as contributions or may be recovered by legal process.

RULE 17
APPEALS OF MEMBERS AND SUB-BRANCHES AND STATE MANAGEMENT COMMITTEE

17.1 **Right of appeal:**
Any member finding himself aggrieved against the actions or decisions of the officers or members of the union may, in the case of any grievance, appeal to his Sub-Branch for redress, and, if still aggrieved, he may further appeal to the State Management Committee within one month, whose decisions shall be final and such decision must be conveyed to those concerned.

17.1.1 **Not to furnish other evidence:**
Neither a member appealing nor the officer or the body appealed against shall furnish any other evidence to the State Management Committee than that heard in the original appeal. Such evidence shall be submitted in writing to the Sub-Branch before forwarding to the State Management Committee. The members of the State Management Committee shall give reasons when deciding appeals.

17.2 **When not considered:**
The State Management Committee shall not consider any appeal for assistance pursuant to Rule 24 from any member whose total dues to the union amount to twelve months' contributions or more.

17.3 All provisions of this rule shall apply also to next of kin claiming on account of deceased members.

RULE 18
ELECTION OF STATE SECRETARY, ASSISTANT STATE SECRETARY, STATE MANAGEMENT COMMITTEE MEMBERS, ORGANISERS

18.1 **Branch elections:**
Any member of the union who is financial as provided for in sub-clause (6) of this rule at the time of nominations and has financial membership of the union in accordance with the scale set out in Rule 18.4 may nominate for such positions according to this scale. Provided that any member who has ceased to work in the industry and has reached the age of sixty-five (65) years may not nominate for any position. Provided further that no member who has reached the age of sixty-five (65) years may nominate for a full time position.

18.2 The first elections for above officers of the union shall be held in 1983 and until such elections are held, the officers of the union shall be as is provided for in Rule 13.

18.2.1 Provided that as from the 1983 election for officers of the union, in addition to the provisions of Rule 13.2.1, further provision is made that not less than one of the elected full time paid officers of the union shall be a plasterer for the one ensuing period of office only. For the purposes of this sub rule paid officers are as follows:– State Secretary; Assistant State Secretary; Organisers.

18.2.2 This shall not preclude all of the above positions being filled by ballot where no plasterers' nominations are received for those positions by the Returning Officer.

18.2.3 Provided further that until the election for officers of the union in 1983, the full time paid officers of the union shall be the existing full time paid officers of the former Amalgamated Society of Carpenters and Joiners and Bricklayers and the Secretary/Treasurer of the former Queensland Plasterers' Union of Employees.

18.3 No member shall be a candidate for two or more offices that, if elected, he would be unable to hold at the same time.

18.4 The scale of financial membership of the union necessary for members to be qualified to nominate for the following positions, is as under:–

State Secretary Assistant State Secretary	Three years financial membership
State Executive Members District Secretary/Organiser State Organisers	One years financial membership
State Committee Members	Financial membership

18.5 The term of office for the above positions shall be four years and such term shall commence from the date the successful candidates are declared elected by the Returning Officer conducting the ballot.

18.5.1 Nominations for the above positions shall be called by the Returning Officer by notification in the union journal or in one daily newspaper circulating in the capital city and in each Sub-

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then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

18.8 Any candidate at his own expense, may appoint a financial member of the union to act as his Scrutineer by notification in writing to the Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.

18.9 The Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

18.10 In the case of an equality of votes for any two or more candidates the Returning Officer shall determine by casting his vote which of the candidates is elected, provided that where an electoral officer is the Returning Officer he shall determine his casting vote by casting lots.

18.11 The Returning Officer shall declare the successful candidates elected and notify the Executive of the result of the ballot and the Executive shall issue instructions for the publication of same in their minutes and in the Building Worker. He shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the union area.

18.11.1 The Returning Officer's report to the State Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

18.12 The successful candidates shall remain elected until their successors take up office.

18.13 Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

18.14 In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

18.15 Should a vacancy occur in any of the abovementioned offices, the State Management Committee may fill the position within one month if the term remaining is not more than twelve (12) months. Where a ballot is required, the State Executive may conduct a postal ballot of S.M.C. members.

18.15.1 If the term remaining is more than twelve (12) months and the State Executive desires to fill the vacancy, an election shall be held according to the provisions of this rule with any necessary modification.

18.16 **Definitions:**
"Preferential Voting" shall mean a system of voting in which the voter shall place a number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and shall place the number 2, 3, 4 (and so on as the case required) in the squares opposite the names of all the remaining candidates so as to indicate the order of the preference for them. In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate. If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast he shall be declared elected.

18.16.1 If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference. If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

RULE 19
ORGANISERS

19.1 The State Management Committee shall not less than two months prior to the closing of nominations as prescribed in rule 18, determine the number of Organisers to be elected. They shall also determine the area of the State in which Organisers shall reside and operate.

19.1.1 The Organisers shall be under the control of the State Management Committee and shall when required, attend meetings of the State Management Committee. They shall perform such organising duties as may be required and shall visit shops and jobs where members of the union and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and Sub-Branch Secretaries, and carry out organisational work in any part of the State as directed by the State Management Committee.

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19.1.2 State Organisers may be elected and remain in office for a period of four years, provided that if the funds are insufficient to meet the half-yearly expenditure, their services may be dispensed with at the discretion of the State Management Committee.

19.1.3 The State Management Committee may appoint temporary Organisers for a period not exceeding six (6) months, the duties of Organisers to be determined by the State Management Committee.

19.2 Any Sub-Branch may, subject to the consent of the State Management Committee appoint a local Organiser for a period of not exceeding six months. An amount equal to 10 per centum of the previous half-year's income may be used for this purpose. This amount may be subsidised by the State Management Committee on application by the Sub-Branch.

RULE 20
SHOP STEWARDS

20.1 For the convenience of members, Shop or Job Stewards may be appointed by Sub-Branches within the district under their control.

20.2 Should any Shop or Job Steward be victimised, or be reasonably supposed to be victimised, from carrying out any duties to the union, the State Management Committee shall take all necessary steps to see that the member is compensated for any loss he may incur.

RULE 21
FUNERAL ALLOWANCE

21.1 The union shall pay out of its funds a funeral allowance to the representatives of deceased members who have been members for a period of twelve months. On the death of a member who does not owe more than one half-year's contributions, a sum of money in accordance with the appended scale of funeral allowances shall be paid to his widow, next of kin, or nominee, or whomsoever may, in the opinion of the union, prove to have an equitable claim to it, provided that at the time of such member joining the union he was not over fifty (50) years of age.

21.1.1 **Scale of funeral allowances:**
On the death of a financial member who has been a member of the union for twelve (12) months, the funeral allowance shall be six dollars ($6.00), and shall increase at the rate of six dollars ($6.00) per annum, the maximum to be one hundred and twenty dollars $120).

RULE 22
SALARIES OF OFFICERS

22.1 The State Management Committee shall from time to time set down a scale of payments for Sub-Branch Secretaries, Sub-Branch Presidents, Vice-Presidents, Delegates, Money Stewards, Sick Stewards, Sub-Branch Committee, Returning Officers and Deputy Returning Officers, and Scrutineers, and notify Sub-Branches of same.

RULE 23
OFFICERS' HOLIDAYS

23.1 All full-time officers of this union shall be allowed four weeks' holiday each year on full pay. Such holidays shall be taken in each year, and are not to be allowed to accumulate. The committee controlling the officers shall decide when each officer's holidays shall be taken.

RULE 24
CONTINGENT FUND

24.1 **Banked by State Management Committee:**
All money collected for the Contingent Fund shall be forwarded by the Sub-Branch Secretaries to the State Management Committee each half-year, at the same time as the dues under rule 13.19 are remitted, and shall be banked by the State Management Committee in the name of the union in a separate account.

24.2 **How used:**
The Contingent Fund shall be used for the purpose of relieving cases of distress amongst members that are recommended by the Sub-Branches to and approved of, by the State Management Committee. It may be used for assisting our own or any other trade.

24.3 **Applications to State Management Committee:**
All applications for donations to members shall be on a schedule provided by the union and no donation shall be made unless such schedule is filled in by the Sub-Branch Secretary and approved by the State Management Committee.

24.4 Requests for donations for purposes other than the relief of members shall be forwarded to the State Management Committee and shall contain full particulars of the purpose of the proposed donation.

24.5 **Qualifications for assistance:**
No member who has been less than three months in the union shall be eligible for assistance from this fund, but in no case shall this fund be used for the payment of benefit to which a member is otherwise dis-entitled.

RULE 25
APPRENTICES

25.1 An apprentice making application to join the union shall pay the current entrance fee only. No further fees shall be paid until completion of the apprenticeship. Thereinafter he shall be transferred to full membership and payment of union dues, levies, etc. shall commence.

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RULE 26
ALTERATION OF RULES

26.1 These rules may be altered or deleted or additions made thereto by a majority of members of the State Management Committee provided that at least 28 days notice to alter rules has been given by the State Management Executive to the State Management Committee.

26.1.1 Provided that the State Management Committee may alter rules of which previous notice has not been given subject to two-thirds of State Management Committee members voting in favour of the alterations.

26.1.2 Provided further that alterations to rules of an urgent nature may be made by a postal ballot of State Management Committee members to determine for or against the adoption of the alterations.

RULE 27
REFERENDUM

27.1 Upon request of a majority of Sub-Branches comprising ten per centum of the membership requesting a referendum upon any matter, the State Management Committee shall immediately take a referendum to the whole membership and should any such referendum be carried by a majority of members voting by ballot, the same shall be binding upon members of the union.

RULE 28
DISSOLUTION

28.1 Whenever the number of members in this union is reduced to twenty-one (21) by deaths or exclusions, a majority of the remaining members may, at a meeting assembled at the Registered Office, finally dissolve the union subject to discharging all debts and liabilities legally incurred in the union's name and shall pay any balance to the Building Workers' Industrial Union of Australia.

RULE 29
STANDING ORDERS AND RULES OF DEBATE

29.1 **Call to speak:**
The first speaker who attracts the attention of the President shall have precedence in speaking.

29.2 Members addressing the meeting shall direct their speech to the Presiding Officer, and remain standing while so doing.

29.3 **Motions:**
No discussion shall take place on any motion unless such motion is duly proposed and seconded. Any number of amendments may be proposed.

29.4 **Amendments:**
When a motion shall have been duly proposed and seconded, the President shall proceed at once to take the votes thereon: unless some member rises to oppose it or to propose an amendment; but no amendment shall be in order unless notice be given to move the same before the proposer of the resolution has replied.

29.5 No more than two members shall speak against any question before the meeting, and, if at the conclusion of the second speaker's remarks, no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

29.6 **Question be now put:**
It shall be competent at any time during a debate for a member who has not already spoken to the question before the chair to move, without discussion, "That the question be now put", which n being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

29.7 **Speak only once:**
Except in explanation, no member, other than the mover, shall speak more than once on the same motion.

29.8 **Time limit:**
No member shall be allowed more than ten minutes to speak on a motion unless with the concurrence of the meeting.

29.9 **Reply:**
The mover only shall have the privilege of reply, after which the motion shall be forthwith put to the meeting.

29.10 Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

29.11 **President's right to speak:**
The President or Chairman for the time being may speak only on questions in which the interests of the office he represents are directly involved. In the event of the President or Chairman desiring to speak on any question, he shall vacate the chair.

29.12 **Limit to debate:**
Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the President shall forthwith call on the mover to reply, unless the meeting decided by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

29.13 **Notice of motion:**
At any meeting of the Sub-Branch any member may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the President. Such notice of motion shall take precedence in the order in which it stands in the minute book, in relation to other similar notices,

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unless otherwise ordered by the Sub-Branch, and shall lapse if the members, or some member on his behalf, be not present when the order of the day for such notice is read.

29.13.1 **Motion to adjourn:**
No motion for the adjournment of the meeting shall be received while there is business before the President.

29.14 **Moving dissent from Chairman's ruling:**
Any member dissatisfied with the ruling of the Chairman may move a motion of dissent as follows, "That the Chairman's ruling be dissented from".

29.14.1 **How put:**
The motion shall then be put to the meeting by the Vice Chairman, without discussion, in the following manner: –

29.14.2 That the question is, "That the Chairman's ruling be upheld". Those in favour of upholding the Chairman's ruling say, "Aye". Those against the Chairman's ruling being upheld say, "No".

29.14.3 The mover only shall speak to the motion, except the Chairman, who may explain his reasons for the ruling given.

29.14.4 The Vice-Chairman shall not give a ruling on the question involved in the Chairman's ruling.

29.14.5 The Vice-Chairman's ruling shall only be dissented from a direct appeal to the meeting, the question being put by the Vice-Chairman without discussion.

RULES AS REGISTERED WITH THE INDUSTRIAL COMMISSION 30/6/82.

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Commission of Inquiry into the CFMEU and Misconduct in the Construction Industry

G. Applications and Certificates for Registrations of Partial Alterations of Rules

RULES BUNDLE
FINANCIAL MISCONDUCT CASE STUDY

16 JUNE 2026

Ruled in Court

AMENDMENT

EXHIBIT No. .....
CASE No. .....
Brisbane ..../..../19
Commissioner

"A"

RULES OF THE AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS, PLASTERERS, PAINTERS & DECORATORS OF AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND

1. CONSTITUTION

1.1 The Union shall consist of an unlimited number of persons, employed or usually employed as carpenters or joiners, including ship carpenters or joiners, or as stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions; also those employed in or usually employed in the following callings:- Bricklaying, tuckpointing, coke slab wall erection, gas retort repairers, fire clay block layers, floor tilers, roof tilers, slaters and shinglers, Terracotta fixer; majolica fixers, earthenware pipe drain layers in or about a building, cutters of brickwork for doorways, windows etc. plasterers; fibrous plasterers; tilers; floor specialists; lathers; together with such other persons, whether employees in the industry or not, as have been appointed officers of the Association and admitted as members hereof.

1.2 This union shall also consist of an unlimited number of persons employed in or usually employed in the painting and decorating industry in connection with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(a) On ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind.

(b) The painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind.

(c) The painting of or in connection with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise). The painting of or in connection with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts or prefabricated building and structures as aforementioned.

(d) The painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensors, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or seas, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases.

(e) Glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars.

(f) Paperhanging, applying and/or fixing wallhangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering.

(g) Signwriting, designing and/or lettering of price tickets and showcards.

(h) Pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering.

(i) Leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections.

(j) Employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, putty stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate

when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in rule 1.2.2, Constitution hereof (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wallhangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water solvents, electrical, mechanical, air powered or hand tools or by grit, shot, or other abrasives or by any other means.

(k) The union shall also consist of an unlimited number of persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the union or its branches and admitted as members thereof but shall not include persons employed in connection with the production or preparation of manufactured goods, plant, machinery, equipment, packages, or containers for sale or purposes of distribution.

LIST OF CALLINGS OF MEMBERS OR WHICH THE ELIGIBILITY RULES RELATE OF THE AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS, PLASTERERS, PAINTERS & DECORATORS OF AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND

Carpenters and joiners and without limiting the meanings of the terms to include ship joiners, joiners in sawmills and joinery mills, bridge carpenters, sheet metal ceiling fixers, shop fitters and show case makers, wood turners and all wood working machinists in such callings; and boat builders, ships' carpenters, shipwrights and fibro cement fixers.

Stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions.

Bricklayers, tuck pointers, coke slab wall erectors, gas retort erectors, gas retort repairers, fire clay block layers, floor tilers, wall tilers, roof tilers, slaters, concrete block layers, artificial stone layers, terra cotta fixers, majolica fixers, earthenware duct layers, glazed earthenware urinal fixers, earthenware pipe drain layers in or about a building - cutters of brickwork for doorways or windows.

Plasterers, tilers, lathers, modellers, casters, slaters, terrazzo workers and floor specialists.

Without limiting the meaning of the foregoing callings, all persons employed in or on internal and external plastering work, internal and external cementing work, casting and fixing of fibrous and other plaster materials, including press work, fixing of wood and metal lathing or cork slabs or slabs of any material or any similar substitute that may be used as a means for attaching plaster. Top dressing of all concrete work. Plastering work in or in connection with sewers, septic tanks, water tanks or other tanks or pits, cooling chambers. The using of enamellite or gritless asphalt.

Painting and Decorating in or in connection with Buildings and Structures (Commercial, Residential, Industrial or Otherwise) General and Ship Painting, including Naval Ships, Launches, Boats and other Small Craft with the Brush, Spray, Roller or other Tool.

The Painting of or in connection with Prefabricated Buildings and Structures, (Commercial, Residential, Industrial or Otherwise) and any Prefabricated or other Parts of Prefabricated Buildings and Structures as aforementioned.

Painting and decorating of or in connection with plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise); painting and decorating of or in connection with prefabricated plant, machinery, and equipment, fences and posts, (commercial, residential, industrial or otherwise); painting and decorating of prefabricated ship and prefabricated parts of ships of every kind and the painting and decorating of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind.

Painting Traffic Lines.

The painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensors, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or seas, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases.

The application of paint or like matter of substitutes with a brush, spray, roller or other tool in any of the aforementioned branches of the trade.

Glazing, glass cutting, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars, glass processing.

Leadlight and metal glazing, including cutting glass, assembling and fixing glass by means of lead and/or metal sections.

Sandblasting or gravure work, designs and lay-outs for patterns on glass; all work connected with sandblasting or gravure operations on glass.

Paperhanging, applying and/or fixing wallhangings or coverings, decorating, kalsomining, distempering, colourwashing, limewashing, staining, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering.

Employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture of plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in rule 2, Constitution hereof (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures; stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, watercolours, water-colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wallhangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, air powered or hand tools or by grit, shot, or other abrasives or by any other means.

Signwriting, lettering of every description, size or shape, applied by brush or any other like means, on any surface or material; designing and/or lettering of price tickets and show cards (where such work is of such a kind as is done by a signwriter or person employed wholly on this class of work); designing and laying-out of windows, posters, show windows, theatre displays, honour rolls, illuminated addresses, neon signs, stencils, display banners, and cut-out displays of all descriptions, either pictorial, scenic or lettering (where such designing is not done by an architect or architectural draftsman) using scotchlite or any other similar materials (whether luminous or otherwise) together with all processes concerned therewith; traffic signs and/or symbols; all pictorial work in connection with any signs or advertisements generally performed by a signwriter (excluding work done by a commercial artist or a ticket writer under the Shop Assistants' Award).

Pictorial or scenic painting, production of signs or posters by means of stencils, screens, or like methods or by any other work incidental thereto.

Preparing the work and materials required in any of the aforementioned branches of the trade.

Persons whether engaged in any industrial pursuit or not who have been appointed officers of the union or its sub-branches and admitted as members thereof.

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AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS AND PLASTERERS OF AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND

INDUSTRIAL REGISTRAR
13 APR. 1988
QUEENSLAND

RULES

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AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS AND PLASTERERS OF AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND

RULES

RULE 1
NAME AND CONSTITUTION

1.1 The name shall be the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland.

1.2 The union shall consist of an unlimited number of persons, whether male or female, employed or usually employed as carpenters or joiners, including ship carpenters or joiners, or as stone masons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions; also those employed in or usually employed in the following callings:– Bricklaying, tuckpointing, coke slab wall erection, gas retort repairers, fire clay block layers, floor tilers, roof tilers, slaters and shinglers, terracotta fixer; majolica fixers, earthenware pipe drain layers in or about a building, cutters of brickwork for doorways, windows, etc., plasterers; fibrous plasterers; tilers; floor specialists; lathers; together with such other persons, whether employees in the industry or not, as have been appointed officers of the Association and admitted as members hereof.

1.3 The seal of the union shall be oval in shape inscribed in the outer edge the words "Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees" and it shall have on the inner space the words "Queensland State Management Committee"

RULE 2
OBJECTS

2.1 To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the union and its members, and to assist them to obtain their rights under industrial and social legislation.

2.2 To regulate the conditions under which all members of the union may be employed.

2.3 To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial union, or association, or associations of trade unions, or any other organisation having objects similar in whole or in part to the subject of this union.

2.4 To establish a fund for the assistance and support of trade unionists and to carry out the foregoing objects.

2.5 To establish a funeral and other benefit funds.

2.6 To establish Sub-Branches or sections of the unions throughout the State.

2.7 To further any scheme that has for its objects the establishment of Labour research and information, the establishment and maintenance of Labour and trade union newspapers and wireless broadcasting stations, and to invest in shares in such newspapers and radio stations.

2.8 To constitute, conduct, carry on and manage clubs in the interests of members.

2.9 To pay affiliation fees to and assist financially or otherwise any bona fide Labour or trade union organisation or association.

2.10 To establish and manage a union journal.

2.11 To hold, purchase, lease, sell, mortgage or otherwise deal in property.

2.12 To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

2.13 To raise money by levies and/or other means for the purpose of carrying on the objects of the union; such levy to be no more than $5 in any one half year with the amount of same to be determined by the State Management Committee.

2.14 To render legal and other assistance to members for the recovery of wages or compensation for injuries, to protect the interests of the trade in all its Branches, and to assist other trades by any legal method.

2.15 To obtain such other objects as may from time to time be determined in accordance with these rules.

2.16 To organise the education of members.

RULE 3
ENTRANCE FEE

3.1 The Entrance Fee shall be $10 or any other sum, as the State Management Committee may decide, but not more than $30.

RULE 4
APPLICATION FOR MEMBERSHIP

4.1 Application for membership shall be on the form provided, signed by the applicant and two financial members, who shall first satisfy themselves that the applicant is a fit and proper person to enter the union.

4.2 All applicants for membership in the union if residing within a five kilometre radius of the Sub-branch where they apply, must, unless a satisfactory reason is given, attend the meeting at which their application is considered.

4.3 All applications for membership shall be lodged together with the

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amount of Entrance Fee with the Sub-Branch Secretary, or other person authorised by the State Management Committee. Applications for membership shall be dealt with by the Sub-Branch or the State Management Committee, who shall, if satisfied that the applicant qualifies in terms of the rules, admit him to membership of the Sub-Branch as from the date of the receipt of his application form by the Sub-Branch Secretary, or other duly authorised person.

4.4 A new member shall pay on application for membership, or before the expiration of one month from the date the application is received by the Sub-Branch Secretary or authorised person, the required Entrance Fee, and one year's contribution.

4.5 Applicants for membership shall be of good character and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the union.

4.6 Any applicant who is a fully-paid up member of another union, and who had previously been transferred from this union to another union, may be re-admitted on clearance without entrance fee. Any member entering this union on clearance from another union, shall qualify for benefits according to rules.

4.7 Applicants shall, if possible, attend the next meeting of the Sub-branch to which he makes application. Failure to attend shall not necessarily exempt the candidate from election to membership.

4.8 Applicants for admission to the union and members entering the union on clearance, shall join the Sub-Branch nearest to which they reside.

4.9 All members shall be supplied with a copy of the rules free of charge.

RULE 5
CONTRIBUTIONS

5.1 The payment of membership contributions shall be half-yearly and shall not exceed one percentum (1%) of the National Building Trades Construction Award base rate for a carpenter multiplied by twenty-six (26).

5.1.1 The rate of contributions shall be determined by the State Executive on June 30 and December 31 of each year and shall apply for the following half-yearly period commencing April 1 and the October 1 respectively and shall be payable in advance.

5.1.2 Notwithstanding the provisions of Rule 5.1 the State Management Committee, where it can be proved that circumstances warrant it, shall be empowered to determine a special rate of contribution for half yearly membership, provided that such contribution as determined shall not exceed the provisions of Rule 5.1.

5.1.3 25c of each half-yearly contribution or such amount as may be determined by the State Management Committee, shall be used to produce union publications, including "Building Worker" and to distribute same to financial members.

5.1.4 10c of each half-yearly contribution shall be retained by a Sub-Branch as a benefit fund which shall be governed by uniform rates drawn up by the State Management Committee.

5.1.5 10c of each half-yearly contribution shall be paid into the Contingent Fund and be forwarded to and used by the State Management Committee in the manner laid down in Rule 24.

5.1.6 Each of the above Funds shall be audited and a copy of the statement of half-yearly receipts and expenditure shall be forwarded to State Office.

5.2 **Exemption from contributions:**
Sub-branch committees may grant exemption from contributions to members who have been unemployed for more than eighteen weeks during any half year. Application for exemption must be made in writing with proof of unemployment being submitted.

5.3 **Aged and infirm members:**
All members over 65 years of age who have had 25 years' continuous membership in the union, who through physical infirmities, are unable to work continuously at the trade, may retain membership by paying one payment only of $5 in advance, for which they shall be entitled to receive funeral benefit only, provided that this does not apply to members who are over 50 years of age when joining the union. Members wishing to be placed under this rule shall make application to the Sub-branch Secretary.

5.4 **When unfinancial:**
Any member who fails to pay the half-yearly contributions in advance on or before the half years ending March 31 and September 30 for the ensuing six months shall be deemed unfinancial.

Notwithstanding the foregoing, any member, financial at the time of commencement of pay roll deduction, or who subsequently pays all outstanding dues, shall be deemed to be a financial member while such deductions are continued.

5.5 **Entrance between half-yearly meeting nights:**
An applicant joining the union during the currency of any half-year shall be credited in the subsequent half-year for such period of the half-year as had elapsed before his joining. Such credit shall be calculated on a monthly basis.

5.6 **Recovery of arrears:**
If any member allows his arrears to amount to two half-years' contributions, due notice shall be sent to his last known address, and the State Management Committee shall take the necessary steps for the recovery of such arrears by legal process.

RULE 6
RESIGNATION OF MEMBERS

6.1 A member may resign membership of the union by notice in writing

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if he ceases to be employed in the industry in connection with which the union is registered, or, the notice is given not less than three months before the registration is to take effect and the payment of dues to the date of the resignation is to take effect.

6.1.1 Notice of resignation shall be addressed to the State Secretary or such other officer as may be provided for in the union rules and delivered to that officer personally or at the union office or such other office as is provided for in union rules or by post to such offices.

6.1.2 The notice of resignation that has been received by the union shall not be invalidated by reasons of the fact that it has not been addressed and delivered in accordance with Clause 6.1.1 of this rule.

6.1.3 A resignation of membership of the union is valid notwithstanding that it is not effected in accordance with this rule if a member is informed in writing by or on behalf of the union that the resignation has been accepted.

6.1.4 Notice of resignation shall be dealt with at the Sub-branch meeting following receipt of the notice by the Secretary.

RULE 7
FUNDS AND THE PROPERTY OF THE MEMBERS GENERALLY

7.1 All moneys subscribed by the member shall be the property of the union and not of the Sub-branches to which the members respectively belong, and shall be held for and devoted to the payment of benefits specified in these rules, and carrying out the objects of the union.

RULE 8
REMOVAL OF OFFICERS

8.1 Any officer being charged with, in accordance with the rules of the union mis-appropriation of funds of the union or a substantial breach of the rules of the union or gross misbehaviour or gross neglect of duty or has ceased, according to the rules of the union, to be eligible to hold office, may be suspended immediately by decision of the State Management Committee.

8.1.1 Any officer so charged shall have the right of appeal to the membership against such suspension, provided that any such appeal must be lodged with the Secretary of the Sub-branch to which the member belongs within fourteen days.

8.1.2 Within two (2) months of the receipt of such an appeal the ballot shall have been conducted, in which there shall be sent to all members entitled to vote a statement not exceeding 600 words by the person proposing removal, and a statement not exceeding 600 words by the officer proposed to be removed. The decision of any such ballot shall be final.

8.1.3 Should there be no appeal within the prescribed time, and/or the officer's appeal be rejected, the State Management Committee shall

have power to dismiss the officer concerned; and, in the event of any officer being removed from office, an election must be held within one month of such removal from office in accordance with Rule 18.

RULE 9
BANKING AND EXPENDITURE OF FUNDS

9.1 All moneys of the union in Queensland shall be banked by the State and Sub-branch officers in the Commonwealth Bank of Australia, or such other bank as the State Management Committee may decide.

9.2 All expenditure from the funds shall be in accordance with the rules of the union and no expenditure shall be permitted for any purpose contrary to the objects of the union.

RULE 10
AUDIT OF ACCOUNTS

10.1 The State Management Committee shall appoint annually a competent person as its auditor who shall have full and complete access to all the books and documents of the branch. Such person shall audit annually the accounts of the branch. The accounts of Sub-branches shall be audited half-yearly in the manner provided in Rule 16.14.

10.1.1 A competent person, within the meaning of this rule, shall be a person, other than a member of the organisation who is registered under a law of a state or territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to companies.

RULE 11
REGISTERED OFFICE AND PLACE OF MEETING

11.1 The registered office of the union in Queensland shall be at Construction House, 130 Petrie Terrace, Brisbane, to which all communications and notices shall be addressed.

11.1.2 This shall be the place of meeting for the purposes of conducting the business of the branch except where the State Management Committee directs otherwise.

RULE 12
REGISTER OF MEMBERS

12.1 A register of members in the State shall be kept in the registered office.

12.2 A member of the union may at all reasonable times inspect the books, membership records, documents and other property of the union.

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RULE 13
STATE MANAGEMENT COMMITTEE

13.1 For the purpose of controlling the affairs of the union in Queensland, a committee shall be elected to be known as the State Management Committee. They shall exercise full control over Sub-branches in the State. They shall from time to time fix the salaries of all officers under their control.

13.2 **Composition of State Management Committee:**
The State Management Committee shall consist of fourteen (14) members, including the State Secretary and the Assistant State Secretary, all of whom shall be elected in 1983 in accordance with the provisions of Rule 18.

13.2.1 As from the first election for officers of the union held in 1983, provision is made that not less than two (2) of the fourteen (14) elected members of the State Management Committee shall be plasterers.

13.2.2 This shall not preclude all of the above positions being filled by ballot where no plasterers' nominations for those positions are received by the Returning Officer.

13.2.3 Provided that during the period until the first election for officers of the union is held in 1983, the State Management Committee shall be sixteen (16) members comprising the existing fourteen (14) members of the former Amalgamated Society of Carpenters and Joiners and Bricklayers of Australasia, Union of Employees, Queensland Branch, and the Secretary/Treasurer and one executive member of the former Queensland Plasterers' Union of Employees.

13.2.4 Any eight (8) members of the State Management Committee shall constitute a quorum.

13.2.5 The State Management Committee shall elect from its members a State President and a State Vice President; any nominee for these positions must have had one years financial membership.

13.2.6 A full time official of the union shall not be eligible to stand either for the position of State President or State Vice President.

13.3 **State Management Committee – Meeting Place:**
The State Management Committee shall meet at Construction House, 130 Petrie Terrace, Brisbane or such other place as may be decided for the purpose of controlling the business of the union.

13.4 **Duties of the State President:**

13.4.1 The State President shall preside at all meetings of the State Management Committee, State Delegate or Special Convention and at meetings convened by the State Convention or the State Management Committee. He shall have a deliberative vote only. The State Vice-President shall take the chair in the absence of the State President.

13.4.2 He shall carry out such duties as may be assigned to him from time to time by the State Management Committee and by the State Secretary acting on their behalf.

13.4.3 He shall conduct the business in accordance with the standing orders and rules of debate.

13.4.4 He shall, upon the minutes being confirmed, sign the minute book in the presence of the meeting, and he shall have the meeting, by resolution, endorse or reject all accounts submitted for payment.

13.5 **State Management Committee and Executive:**
The State Management Committee shall meet not less than three times each year: Provided that a special meeting of the State Management Committee may be called on a written requisition addressed to the State Secretary signed by five members of the State Management Committee.

13.5.1 The State Management Committee shall elect from its members an executive of not less than six members including the State Secretary and Assistant State Secretary to control the affairs of the union in Queensland between meetings of the State Management Committee. Such executive shall be subject to the control of the State Management Committee and the minutes of each executive meeting shall be immediately forwarded to each member of the State Management Committee and all Sub-branches. The executive shall meet not less than monthly.

13.6 **Delegation approval:**
No sub-branch shall have the power to delegate any member on union business for any period above one week in any half-year without first obtaining the approval of the State Committee. Any infringement of this rule by any member or sub-branch shall be deemed misconduct, and members or sub-branches infringing this rule may be fined by the State Management Committee any sum not exceeding $20. This rule shall not affect the rule allowing 10 percent of the Sub-Branch income to be used for local organising.

13.7 **Interpretation of rules:**
The State Management Committee shall interpret all rules requiring interpretation.

13.8 **Legal Proceedings:**
The trustees of the union after being authorised by the State Management Committee shall be empowered to take legal proceedings for recovery of arrears of contributions and fines, breaches of awards and recovery of accident compensation.

13.8.1 The State Management Committee may from time to time place the collection of arrears of contributions owing by members in the hands of a solicitor or agent for collection.

13.9 **Control and suspension of members:**
The State Management Committee shall exercise general control over the members and shall have, subject to rules, power to fine, expel or suspend from benefit any member found guilty of wilfully acting contrary to the policy of the union.

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13.9.1 Where such fine, expulsion or suspension is imposed, the State Management Committee shall immediately notify the Sub-Branch to which the member belongs, of its decision.

13.9.2 A fine imposed under this rule shall not exceed $10, nor shall any suspension from benefit exceed a period of three years.

13.10 **Transfer of members:**
The State Management Committee shall have the power, at the request of a member, to order the transfer of any member from any Sub-Branch to any other Sub-Branch in Queensland, when, in the opinion of the State Management Committee such transfer is necessary to enable the member concerned to participate properly in the affairs of the union.

13.11 The State Management Committee shall have the power to grant donations from the Contingent Fund when application has been made in accordance with the provisions of Rule 24.

13.12 **Aggregate meetings:**
Whenever it may be deemed necessary by the State Management Committee, or on the urgent representation of a majority of the Sub-Branches in the State, aggregate meetings shall be called by advertisement to decide such questions as the State Management Committee may decide or the Sub-Branches may require to be decided.

13.13 The State Management Committee shall have power to establish or disband Sub-Branches of fifty or more members on a locality basis and of less than fifty members on an industry basis if, in the opinion of the State Management Committee the members' industrial interests warrant the formation or disbandment of a Sub-Branch.

13.14 **Delegates' meeting:**
Whenever it is necessary to obtain the opinion of members in any district with five hundred (500) members and upwards, it may be done by special summoned meetings of the Sub-Branches in such district, when delegates shall be elected from each Sub-Branch in proportion to the Sub-Branch membership in accordance with the following scale: Under 100 members, one delegate; 100 and under 250 members, two delegates; 250 and upwards; three delegates; who shall be paid according to Rule 22.

13.15 **Delegate Convention:**
The State Management Committee shall convene at regular intervals not more than each two years (but at earlier intervals should it be deemed necessary) a State Delegate Convention consisting of delegates elected from Sub-Branches and jobs throughout the State and also comprised of members of the State Management Committee and full-time officials of the union.

13.15.1 The method of financing such Convention and the number of delegates that Sub-Branches and jobs may elect to attend such Convention, shall be determined by the State Management Committee from time to time.

13.15.2 A member nominating as a delegate to the State Delegate Convention must be financial at the time nominations are called.

13.15.3 Items for the agenda of the State Delegate Convention shall be called for at least three months before Convention assembles, and be in the hands of delegates to Convention at least seven days before Convention commences.

13.15.4 The State Delegate Convention may recommend to the State Management Committee proposals for rule and policy changes.

13.16 **Special Auditors:**
The State Management Committee may at any time appoint two auditors to audit the books of any Sub-Branch or direct that the books be forwarded to the State Office for audit.

13.17 The State Management Committee shall be in control of all organisers and shall determine the number required in accordance with Rule 19 and may, if funds are sufficient, appoint additional organisers.

13.18 In districts where an Organiser-Secretary has been appointed or elected, he shall be under the control of the Sub-Branch he visits for organising purposes only for the period allotted by this District Committee.

13.19 **State Management Committee Finance and Contingent Fund:**
The State Management Committee shall have control of the property in their State and, in addition to the provision of Rule 7, shall draw from each Sub-Branch, Job Stewards and Organisers, the total contributions, entrance fees and fines collected.

13.19.1 Each Sub-Branch shall retain in a Sub-Branch bank account a sum determined by the State Management Committee from which it shall pay all accounts covered by these rules and the State Management Committee shall reimburse this Sub-Branch account as required by the Sub-Branch to restore the account to the original sum.

13.19.2 The State Management Committee may disperse moneys for the purpose set out in the objects of the union, and such funds may be invested from time to time in such manner as may be determined by the State Management Committee. No donation exceeding $200 shall be made from the Contingent Fund without the sanction of a majority of the Sub-Branches in Queensland.

13.20 **Affiliation:**
The State Management Committee shall have the power to affiliate with any industrial, educational or political organisations within the State over which they have jurisdiction, provided such affiliation is sanctioned by a majority of the members voting. Such affiliation shall not interfere with the personal rights of the member's political code.

13.21 District Committees may be formed and shall have local autonomy in such matters as the full State Management Committee may determine.

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13.22 **Delegating powers:**
In the event of a dispute arising, no official of this union shall interview the management with whom our union is in dispute on any contract unless accompanied by at least one member actively concerned in the dispute.

13.23 **Trustees:**
The State Management Committee shall elect from among their members three trustees, any two with the State Secretary, or in the latter's absence, the State Assistant Secretary to operate.

13.23.1 The property and finances of the union shall be vested in the names of the three trustees.

13.23.2 The funds of the union shall be banked in the manner prescribed in Rule 9.

13.23.3 On a written authority, signed by the State President and the State Secretary, any two of the three Trustees shall sign cheques for such sums as may be voted by the State Management Committee or the State Management Committee Executive, in accordance with these rules. Such cheques shall be countersigned by the State Secretary.

13.23.4 The trustees shall have all powers and immunities conferred on such trustees by Statute.

13.24 **Returning Officer and Scrutineers:**
The State Management Committee shall appoint a Returning Officer and two Scrutineers who shall not hold any office in, and not be an employee of, the organisation, Sub-Branch, section or division of the organisation, to conduct all required ballots, including the quadrennial ballot; that, after applications for the position have been called through all sub-branches of the union. The appointment shall be made by a majority vote of members of the State Management Committee at its last meeting prior to the quadrennial ballot.

13.24.1 Returning Officers may at any time in writing resign their position and shall resign if they desire to become a candidate at any elections held under the rules of the union.

13.24.2 Any casual vacancy of Returning Officer shall be filled by the State Management Committee. Nomination for the position shall be called for by the State Management Committee, by notification in the union journal or the daily newspaper circulating in the capital city and in each Sub-Branch or district area at least twenty-eight (28) days before the closing of nominations.

13.25 **Election of delegates:**
The State Management Committee shall also elect delegates to the Australian Council of Trade Unions Congress, the Trades and Labor Council, the Queensland Building Trades Group and other such bodies.

13.26 **Elections by State Management Committee:**
In any election by the State Management Committee the following procedure shall be observed.

13.26.1 In all State Management Committee members are in attendance at the State Management Committee meeting at which the election is to be held, viz. in the case of the State Vice-President and the Trustees during the month of January following the quadrennial elections, and in the case of other positions as may be determined by the State Management Committee, nominations shall be called and a ballot shall be held.

13.26.2 A member of the State Management Committee unable to attend the meeting of the State Management Committee at which an election was to have been held and who desires to nominate himself or some other qualified person for a position may do so by written notification to the State President. Such notification shall be sent to the State President not later than the time fixed for the commencement of the meeting.

13.26.3 The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give him the opportunity of remedying the defect within a reasonable period.

13.26.4 The Returning Officer shall obtain sufficient ballot papers and envelopes for the election. He shall have a booth arranged so constructed as to enable the voter to mark his ballot paper without the names for which such delegate voted being seen.

13.26.5 The Returning Officer shall initial all ballot papers which shall not bear any other distinguishing mark. He shall provide for the voters identical means of marking the ballot papers. He shall issue to each voter a ballot paper and an envelope. The voter, after marking the ballot paper, shall place same in the ballot box provided by the Returning Officer for such purpose. Such ballot box may be inspected and/or sealed by any members of the State Management Committee or candidate.

13.26.6 Voting shall close one hour after the commencement of the meeting or at such times as all State Management Committee members have voted.

13.26.7 The Returning Officer shall thereupon open the ballot box and in the presence of the State Management Committee members who desire to be present, proceed to count the ballot. The candidate or candidates up to the number required receiving the highest number of votes shall be declared elected.

13.26.8 In the case of an equality of votes for any two or more candidates, the Returning Officer shall determine by casting his vote which of the candidates is elected.

13.26.9 The Returning Officer shall notify the State Management Committee of the result of the ballot and the State Management Committee shall publish same in the State Management Committee minutes.

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13.26.10 Should a vacancy occur in any of the above positions, the State Management Committee may fill the position within one m[illegible]; but if the term remaining is more than twelve (12) months, and the State Management Committee desires to fill the position, an election shall be held to fill the vacancy. In any such election, provisions of this rule shall apply with any necessary modifications.

13.26.11 Where the State Executive decides not to convene a meeting for the purposes of filling a casual vacancy, a postal ballot of all members of the State Management Committee shall be held.

13.26.12 In such election the Returning Officer shall immediately post to each State Management Committee member a properly initialled ballot paper on which no other distinguishing mark appears together with a business reply or stamped envelope for the return of same to the Post Office box marked on the envelope.

13.26.13 On the morning of the eighth day following the dispatch of the ballot papers by the Returning Office, the Returning Officer and the scrutineers appointed by the State Management Committee shall collect the ballot papers from the Post Office box and then proceed to the union office where they shall count the ballot. The candidate or candidates up to the number required receiving the highest number of votes shall be declared elected.

13.26.14 The Returning Officer shall notify the State Management Committee of the result of the ballot and the State Management Committee shall publish same in the State Management Committee minutes.

13.26.15 The State Management Committee shall appoint one of its members who is not a candidate as scrutineer and any candidate may appoint any member of the union to act as scrutineer on his behalf. Any scrutineer shall be entitled to be present at and to observe all stages of the ballot.

13.26.16 Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate the election if such omission or error appears not to have affected the result of an election.

13.26.17 In any election the Returning Officer and scrutineers shall conduct themselves in a sober, proper and impartial manner and do all things necessary to preserve the secrecy of the ballot.

13.26.18 Scrutineers shall, as far as practicable, be present at all stages of the ballot.

13.26.19 They shall obey any directions given to them by the Returning Officer.

13.26.20 If any scrutineers or scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

DUTIES OF STATE SECRETARY

14.1 The State Secretary shall be under the control of the State Management Committee and shall devote the whole of his working time to the business of the union.

14.1.1 The State Secretary shall be the registered State officer to sue or be sued on behalf of the union in the State in regard to any legal matter within the State in which the State Management Committee has jurisdiction.

14.1.2 The State Secretary shall keep a correct record of the members in the State and shall, when instructed by the State Management Committee sue for the recovery of arrears of contributions or other moneys due to the union by the members in the State.

14.1.3 The State Secretary shall keep or cause to be kept proper books of accounts showing the receipts and expenditure of the union, and separate accounts of receipts from all Sub-Branches, and also correct records of all moneys received or paid on account of any particular fund, and separate accounts of all management expenses and of all contributions on account thereof, as required by the Industrial Conciliation and Arbitration Act 1961-1980 and amendments thereof.

14.1.4 The State Secretary shall endorse all vouchers for payment certifying to their correctness, and shall prepare a balance sheet in accordance with Rule 14.1.6.

14.1.5 The State Secretary shall submit to each meeting of the State Management Committee an interim statement of receipts and payments made up to the end of the week preceding the meeting.

14.1.6 Arbitration Commission and Wages Boards: The State Secretary shall attend to all Arbitration Commission hearings, Wages Boards and the Arbitration Court, and other legal matters coming within the jurisdiction of the State Management Committee.

14.1.7 The State Secretary shall keep all books and documents necessary to a proper working of the office of the State Management Committee and shall prepare a half-yearly report and also a yearly balance sheet showing the income and expenditure for that term and upon the same being audited and adopted by the State Management Committee, he shall send a copy to the Sub-Branches over which the State Management Committee has jurisdiction.

14.1.8 The State Secretary shall prepare and forward to the Industrial Registrar all returns required by law.

14.1.9 **Neglect of duty:**
Should the State Secretary fail to carry out his duties to the satisfaction of the State Management Committee he may be dealt with by such committee in the manner prescribed in Rule 8.

14.1.10 **Resignation or removal:**
In the event of the State Secretary desiring to resign, he shall give

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at least one month's notice or be fined ten dollars ($10). Upon resigning or being removed from office, according to rule [illegible] shall, within seven (7) days, deliver up to whatever person the State Management Committee may appoint, all books, documents and other property of the union then in his possession. Before the books are handed over to his successor in office they shall be audited.

RULE 15
DUTIES OF ASSISTANT SECRETARY

15.1 The Assistant State Secretary shall work under the direction of the State Management Committee and the State Secretary. He shall assist the State Secretary in the carrying out of the duties set out in rule 14 and shall act as the Acting State Secretary in the absence of the State Secretary. He shall be subject to rules 14.1.8 and 14.1.9.

15.1.1 The State Secretary or the Assistant State Secretary shall act as the Secretary of the Brisbane Sub-Branch.

RULE 16
POWERS AND DUTIES OF SUB-BRANCHES

16.1 For the convenience of members, Sub-Branches may be opened in any town in the State. No Sub-Branch shall be opened without the consent of the State Management Committee. Each Sub-Branch shall have power to elect its own officers and with the consent of the State Management Committee generally control its own business.

16.2 **When disbanded:**
In no case shall any Sub-Branch close or disband without the authority of the State Management Committee in which case all cash or other property shall be handed over to the State Management Committee.

16.3 **Visiting members:**
Members of any Sub-Branch may visit any other Sub-Branch on production of their financial card and with the permission of the Sub-Branch may speak on any question before the Sub-Branch but shall not vote.

16.4 **Clearances:**
Any member entering a Sub-Branch by clearance shall not have a vote in that Sub-Branch until his clearance has been accepted by such Sub-Branch.

16.5 Sub-Branches shall accept a transfer for any member, and issue a transfer for any member who applies for same, subject to the provisions of rule 16.29 and all arrears of contributions shown on the clearance card sent from a Sub-Branch in one State to a Sub-Branch in another State shall be collected and retained by the Sub-Branch to which the members have been transferred.

16.6 Each Sub-Branch may obtain a room and a safe and/or steel cabinet and office equipment for the safe keeping of union property provided the State Management Committee is advised of the cost.

of such facility and has approved with a view to payment is necessary to secure such facilities.

16.7 **Interpretation of rules:**
Should any rules require interpretation, or be not clearly defined, they shall be sent to the State Management Committee for their decision. All decisions shall be inserted in the minute book of the Sub-Branch.

16.8 **Resolutions to State Management Committee:**
Resolutions to the State Management Committee shall be submitted in writing to the Sub-Branch President, and the numbers of votes for and against such resolution, shall be stated when the resolutions are sent to the State Management Committee.

16.9 **Correspondence confidential:**
All communications or copies of correspondence from the State Management Committee shall remain the property of the union and information relating to the same shall not be divulged to any outside body or bodies without first obtaining the sanction of the State Management Committee.

16.10 **Sub-Branches allowed:**
In all cities and towns there shall be only one Sub-Branch and no other Sub-Branch shall operate within a radius of eight kilometres of the meeting place of such Sub-Branch except with the consent of the State Management Committee.

16.11 **Sub-Branch officers:**
Sub-Branches shall elect the Sub-Branch Committee. The Sub-Branch Committee shall consist of President, Vice-President and Secretary and six committee men, one of whom may be an apprentice. Sub-Branches with more than 100 members may also elect a Money Steward and Doorkeeper. The Sub-Branch Secretary may appoint Sick Stewards as they are required.

16.12 Any member neglecting the duties for which he is elected shall, unless a satisfactory apology is furnished, be fined by his Sub-Branch or the State Management Committee any amount not exceeding ten dollars ($10).

16.13 **Meetings: When held:**
Sub-Branches of the union shall meet at least monthly to transact business and the time of opening and closing the Sub-Branch meeting shall be at the discretion of each Sub-Branch.

16.14 The books of each Sub-Branch shall be sent each half-year to the State Office for audit.

16.15 Sub-Branches shall have power to strike a levy of not more than $4 for purely local purposes, provided due notice thereof has been given to members and provided that two-thirds of the members voting shall decide in favour of the levy. Voting shall be by ballot of the members of the Sub-Branches concerned. In no circumstances shall any levy be imposed which would so operate as to impose a liability for levies in a sum exceeding $4 per annum on a member.

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16.16 Any member residing within a five kilometre radius of the meeting place of the Sub-Branch who fails to attend a summonsed meeting shall be fined a sum not exceeding 30c unless a satisfactory excuse is tendered.

16.17 The Sub-Branch President and Secretary, on a requisition signed by ten per centum of the members of the Sub-Branch shall call a special meeting of the Sub-Branch. No business shall be transacted at such a meeting other than the business set out in the requisition or in the notice calling the meeting.

16.18 Sub-Branch by-laws shall be registered under the "Industrial Conciliation and Arbitration Act 1961-1980" (and amendments thereof). The precise location of all meetings at which the business of the Sub-Branch shall be conducted shall be published six months in advance in the notice published half-yearly for that purpose. Copy of each such half-yearly notice shall be filed forthwith with the Industrial Registrar.

16.19 **Sub-Branch President:**
The Sub-Branch President shall preside at all meetings of the Sub-Branch and Sub-Branch Committee, and shall conduct business according to the rules laid down for his guidance. If he is not present at the time of opening the meeting the Vice-President shall take the chair. Should the Vice-President be absent, the members shall elect a chairman pro tem. He shall not enter debate on any question, but shall endeavour to bring the business to a speedy and successful issue. He shall have a deliberate vote only.

16.19.1 **Bank book: countersign orders for payments; branch resolutions:**
The Sub-Branch President shall sign the Sub-Branch minutes of the previous meeting, after they have been confirmed by the Sub-Branch. He shall examine the Sub-Branch bank book each meeting night (when such book is not held by the bank) and report to the Sub-Branch the result of each banking transaction, the record to be inserted in the minute book. He shall countersign all orders for payment of money authorised by the Sub-Branch, and all orders for remittances to the State Management Committee when requested to do so by the State Secretary, and for capitation fees due to the State Management Committee under rule 13.19.1. He shall also cause to be recorded in the minute book the number voting for and against all suggestions for alteration of rules or resolutions intended for the State Management Committee and the numbers present when the vote is taken.

16.20 **Sub-Branch Secretary:**

16.20.1 **Correspondence; keep account of income and expenditure; clearances:**
The Sub-Branch Secretary shall attend all meetings of the Sub-Branch or Committee. He shall conduct all correspondence and take the minutes of committee meetings. He shall be responsible for the collecting of contributions, fines, and other money due to the union by members of his Sub-Branch.

16.20.2 The Sub-Branch Secretary shall keep a clear and correct account of all receipts and expenditure in connection with the Sub-Branch. He shall register carefully the name, age and residence of every member, and shall within one month, forward to the State Secretary correctly filled in registration cards for all members admitted into the Sub-Branch, and also transfer cards for all members leaving the Sub-Branch. He shall also notify the State Secretary of all registrations and deaths.

16.20.3 **Balance Sheets:**
The Sub-Branch Secretary shall prepare, in duplicate, a half-yearly balance sheet and report, setting out all income and expenditure incurred during the period covered by such balance sheet, one copy to be forwarded to the State Management Committee within seven days after the half-yearly meeting. He shall close his books at the end of January and July each year. Contributions for the next half year shall be due and payable at the end of March and September each year. He shall give every facility to the auditors to examine all books and papers in connection with the Sub-Branch. He shall read out to the Sub-Branch meeting a cash account. He shall be the custodian of the official stamp of the Sub-Branch, and be ex-officio member of all sub-committees, but shall not have a vote on any matter in which he is personally or financially interested.

16.20.4 **Half-Yearly Summons:**
The Sub-Branch Secretary shall supply all necessary advice to the State Office to enable it to advise the Sub-Branch members of the time, place and date of the half-year meeting, which shall be in March and September of each year. The State Secretary shall forthwith notify all Sub-Branch members thereof. He shall supply all details to the State Office to enable it to advise members in arrears. Special meetings of the Sub-Branch may be called as decided by the Sub-Branch. He shall perform all clerical and other duties appertaining to the position of the Secretary.

16.20.5 All Sub-Branch meetings called in accordance with this sub-clause shall be held at the place fixed by rule 16.18 for conduct of the business of the Sub-Branch.

16.20.6 **Suspended members:**
Members who owe one year's arrears of contributions shall be suspended. The State Office shall be advised regarding such members. They shall not be included in returns of membership or recognised when computing the number of members in the sub-branch.

16.20.7 **Clearances and Transfers:**
The Sub-Branch Secretary shall accept all clearances (that are permitted) from other unions, also transfers from other Sub-Branches or other States, and shall issue transfers for any members applying for same. He shall also transfer all members who do not comply with rule 16.29.2 to the Sub-Branches nearest to which they reside.

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16.20.8 Sub-Branch Secretaries obtaining the transfers of members from other States or other unions shall immediately fill in a duplicate card and forward same to the State Office.

16.20.9 **Pay benefits:**
The Sub-Branch Secretary shall pay all benefits according to rules 21 and 22 and he may be made to refund all expenditure that is made contrary to the provisions of these rules.

16.20.10 **Resignation or removal:**
In the event of resigning the Sub-Branch Secretary shall give one month's notice, or be fined $1, except in the case of illness or removal from the town.

16.20.11 On his resignation or being removed from office, or on demand of the State Management Committee, or whomsoever they may authorise, the Sub-Branch Secretary shall, within seven days, deliver up all books, documents and property of the said Sub-Branch to the State Management Committee or Trustee. Before the books are handed over to his successor in office they shall be audited.

16.20.12 **Neglect of duty:**
Should the Sub-Branch Secretary fail to carry out any of his duties to the satisfaction of the Sub-Branch, the Sub-Branch shall, upon the matter being reported, refer it to the Sub-Branch Committee, who shall investigate it and report to a subsequent meeting, which shall have power to deal with him according to the provisions of rule 16.12.

16.21 **Vice-President:**
The Vice-President shall record the minutes of all Sub-Branch and special meetings and shall preside over meetings in the absence of the Sub-Branch President.

16.22 **Doorkeeper:**
The Doorkeeper shall attend at the opening time of each Sub-Branch meeting, and shall assist the Sub-Branch President in maintaining order by keeping the door closed whilst any member is addressing the meeting, he shall not admit any disorderly member into the room, neither shall he admit anyone who is not a member or who is not a candidate.

16.23 **Sub-Branch finances:**

16.23.1 The funds of each Sub-Branch shall be banked as provided in the rules.

16.23.2 On a written authority signed by the Sub-Branch President and Sub-Branch Secretary any two members of the Sub-Branch Committee shall sign cheques for payment of accounts for expenditure, in conformity with the rules. Such cheques shall be countersigned by the Sub-Branch Secretary.

16.24 **Sub-Branch Committee:**
In every Sub-Branch there shall be a Committee elected in accord-

ance with rule 16.11 which shall meet when required on being summoned by the Sub-Branch Secretary, three to form a quorum. The President shall have a deliberate vote only. The minutes of the proceedings shall be signed by the Chairman at the close of each meeting, and submitted to the next Sub-Branch meeting for confirmation or otherwise. If necessary they shall examine and determine claims for lost tools. In the event of a member being charged with acting contrary to the policy of the union the Sub-Branch Committee shall have power to refuse payment of any benefit to such member until the charge has been investigated by the State Management Committee and its decision conveyed to the Sub-Branch. They shall hear and decide all cases of appeal from a member against an officer of the Sub-Branch. Any member of a Sub-Branch Committee who is absent without reasonable excuse from three consecutive meetings shall be deemed to have vacated his seat, and the Sub-Branch shall fill the vacancy. The Committee shall meet at least once per half-year for the purpose of drawing up an agenda and making a report of the half-year's work for the half-yearly meeting of the Sub-Branch.

16.25 **Sick Stewards:**
Sick Stewards shall, when instructed by the Sub-Branch Secretary visit any member who is sick or who has met with an accident, and report to the next Sub-Branch meeting.

16.26 **Sub-Branch Returning Officer and Scrutineers:**

16.26.1 The Sub-Branch Committee shall appoint a Sub-Branch Returning Officer and two Scrutineers who shall not hold any office in, and not be an employee of, the organisation, branch section or division of the organisation to conduct all required ballots. The appointment shall be made by a majority vote of Sub-Branch Committee members at the first meeting of the Committee immediately following the yearly Sub-Branch elections.

16.26.2 Provided that should any vacancy occur in these positions the Sub-Branch Committee shall be empowered to fill such vacancy.

16.27 **Money Stewards:**
The Money Stewards shall attend the half-yearly Sub-Branch meetings punctually at the time of commencing of business, and shall take money and issue receipts to members.

16.28 **Election of Sub-Branch officers:**

16.28.1 The election of Sub-Branch officers shall be held in March of each year and be under the control of the Sub-Branch Returning Officer assisted by the Scrutineers.

16.28.2 The Sub-Branch Returning Officer shall call nominations for all Sub-Branch positions by notification in a newspaper circulating in the Sub-Branch area at least thirty-five (35) days prior to the March yearly Sub-Branch meeting.

16.28.3 Nominations shall be in writing and be signed by two financial members. The person nominating must be a member of the Sub-

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Branch and financial no later than fourteen (14) days prior to nominations being called.

16.28.4 No member shall be a candidate for two or more offices that, if elected to, he shall be unable to hold at the one time.

16.28.5 Nominations shall close twenty-one (21) days prior to the March yearly Sub-Branch meeting.

16.28.6 Should only sufficient nominations have been received by the Sub-Branch Returning Officer for the positions, as advertised, the Sub-Branch Returning Officer shall declare the person or persons so nominated as elected and supply forthwith a declaration of the ballot to the Sub-Branch Secretary, a copy of which shall be forwarded to the State Secretary.

16.28.7 Should there be more valid nominations than the number required to fill the vacancies the Sub-Branch Returning Officer shall conduct a ballot which shall be held at the March yearly meeting.

16.28.8 Fourteen (14) days prior to such ballot taking place the Sub-Branch Returning Officer shall publish in a newspaper circulating in the Sub-Branch area a list of positions vacant, the names of persons nominating for each position/positions, the date and time of the ballot, and notifying all financial members they are eligible to vote either in person at the meeting or by application to the Sub-Branch Returning Officer for an absentee vote.

16.28.9 The Sub-Branch Returning Officer shall procure sufficient ballot papers to enable each member to vote should they so desire. For such purpose the Sub-Branch Secretary shall provide the Sub-Branch Returning Officer with a list of financial members eligible to vote. Each such ballot paper issued shall be signed by the Sub-Branch Returning Officer.

16.28.10 The Sub-Branch Returning Officer, upon receipt of an application for an absentee vote, shall forward to the applicant in a sealed envelope a signed ballot paper and a stamped envelope addressed to the Sub-Branch Returning Officer.

16.28.11 All completed ballot papers must be in the hands of the Sub-Branch Returning Officer by 9 p.m. on the night of the March yearly meeting when the ballot shall close.

16.28.12 The absentee vote envelopes shall then be opened and those votes, together with the votes cast at the meeting, be counted under the supervision of the Sub-Branch Returning Officer and Scrutineers and the result declared immediately.

16.28.13 The person or persons obtaining the highest number of votes shall be declared elected.

16.28.14 The Sub-Branch Returning Officer shall submit a report to the Sub-Branch Secretary. A copy of same to be forwarded to the State Secretary, showing the number of ballot papers printed, the absentee vote applications, the number used and the names of the candidates with the vote of each recorded.

16.28.15 The ballot papers used and unused and the absentee vote applications shall be held for a period of twelve (12) months before being destroyed.

16.28.16 The Sub-Branch Committee shall be empowered to fill, by appointment, any vacancy or vacancies occurring in the period of twelve (12) months following the ballot for positions.

16.29 **Duties of members:**

16.29.1 No member shall call on or write to any Sub-Branch Secretary at the works where he is employed.

16.29.2 Members shall belong to the Sub-branch that meets nearest to their place of residence.

16.29.3 Members changing their residence shall inform the Sub-Branch Secretary in writing within three months of such change of address.

16.30 **Misconduct of members:**

16.30.1 Subject to rule 8, any member knowingly violating any registered rule of the union may be fined a sum not exceeding $4 by the Sub-Branch. Should, however, the matter be referred to the State Management Committee, they shall have the power to fine the member an amount not exceeding $10, expel him from membership or suspend him from benefit for a period of not more than six months for such an offence.

16.30.2 Any member acting in a disorderly manner during a meeting or acting in opposition to the ruling of the Presiding Officer, may be fined a sum not exceeding $2 and should he persist, the Presiding Officer shall have power to call on the members to expel him from such meeting until such time as the fine is paid and an apology is tendered for such conduct.

16.30.3 It shall be competent for the State Management Committee to inflict a fine not exceeding $10, suspend from benefit for a period not exceeding three years, or expel from the union a member upon satisfactory proof that such member has refused to comply with its decision.

16.30.4 Charges under these rules shall be made in writing within one month of the discovery of the incident to which it refers, to the Sub-Branch or State Management Committee. The member so charged shall be summoned to attend a meeting of Sub-Branch Committee or State Executive, or State Management Committee by a written notice giving the short substance of the charges and notifying the time and place of meeting. Such notice shall be sufficient if posted to his last known place of abode not less than five days, or in the case of a member whose last known place of abode is situated more than 160 kilometres from Brisbane, not less than ten days before the date of such meeting.

16.30.5 At the appointed time and place the charge shall be investigated either by the Sub-Branch or State Executive or State Management Committee, whether or not the member shall be in attendance.

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The decision of the Sub-Branch or Executive shall be binding on the member, subject to the right of appeal to the State Management Committee whose decision shall be final on all matters whether by appeal or otherwise. All meetings, in accordance with this sub-clause, shall be held at the place fixed by the Registered Rules for the conduct of the business of the union or Sub-Branch.

16.30.6 A member may, if he desires, make his answer to the charges in writing.

16.30.7 Any member making a charge which upon investigation proves to be false or frivolous shall be dealt with by the State Management Committee provided that the maximum fine that may be imposed shall not exceed $10.

16.30.8 Any member, members, or persons who by false representation or imposition, obtain possession of money, securities, books, papers or other effects of the union or having same in their possession withhold or mis-apply them shall render themselves liable to be summonsed before a Court of summary jurisdiction.

16.30.9 Any member or officer who is fined for any offence under these rules shall pay the fine on or before the date of the meeting of his Sub-Branch immediately following the imposition of the fine. Should the fine not be paid it shall at once be added to the member's dues by the Sub-Branch Secretary, and shall be deducted from any money paid by the member as contributions or may be recovered by legal process.

RULE 17
APPEALS OF MEMBERS AND SUB-BRANCHES AND STATE MANAGEMENT COMMITTEE

17.1 **Right of appeal:**
Any member finding himself aggrieved against the actions or decisions of the officers or members of the union may, in the case of any grievance, appeal to his Sub-Branch for redress, and, if still aggrieved, he may further appeal to the State Management Committee within one month, whose decisions shall be final and such decision must be conveyed to those concerned.

17.1.1 **Not to furnish other evidence:**
Neither a member appealing nor the officer or the body appealed against shall furnish any other evidence to the State Management Committee than that heard in the original appeal. Such evidence shall be submitted in writing to the Sub-Branch before forwarding to the State Management Committee. The members of the State Management Committee shall give reasons when deciding appeals.

17.2 **When not considered:**
The State Management Committee shall not consider any appeal for assistance pursuant to Rule 24 from any member whose total dues to the union amount to twelve months' contributions or more.

17.3 All provisions of this rule shall apply also to next of kin claiming on account of deceased members.

RULE 18
ELECTION OF STATE SECRETARY, ASSISTANT STATE SECRETARY, STATE MANAGEMENT COMMITTEE MEMBERS, ORGANISERS

18.1 **Branch elections:**
Any member of the union who is financial as provided for in sub-clause (6) of this rule at the time of nominations and has financial membership of the union in accordance with the scale set out in Rule 18.4 may nominate for such positions according to this scale. Provided that any member who has ceased to work in the industry and has reached the age of sixty-five (65) years may not nominate for any position. Provided further that no member who has reached the age of sixty-five (65) years may nominate for a full time position.

18.2 The first elections for above officers of the union shall be held in 1983 and until such elections are held, the officers of the union shall be as is provided for in Rule 13.

18.2.1 Provided that as from the 1983 election for officers of the union, in addition to the provisions of Rule 13.2.1, further provision is made that not less than one of the elected full time paid officers of the union shall be a plasterer for the one ensuing period of office only. For the purposes of this sub rule paid officers are as follows:– State Secretary; Assistant State Secretary; Organisers.

18.2.2 This shall not preclude all of the above positions being filled by ballot where no plasterers' nominations are received for those positions by the Returning Officer.

18.2.3 Provided further that until the election for officers of the union in 1983, the full time paid officers of the union shall be the existing full time paid officers of the former Amalgamated Society of Carpenters and Joiners and Bricklayers and the Secretary/Treasurer of the former Queensland Plasterers' Union of Employees.

18.3 No member shall be a candidate for two or more offices that, if elected, he would be unable to hold at the same time.

18.4 The scale of financial membership of the union necessary for members to be qualified to nominate for the following positions, is as under:–

State Secretary Assistant State Secretary	Three years financial membership
State Executive Members District Secretary/Organiser State Organisers	One years financial membership
State Committee Members	Financial membership

18.5 The term of office for the above positions shall be four years and such term shall commence from the date the successful candidates are declared elected by the Returning Officer conducting the ballot.

18.5.1 Nominations for the above positions shall be called by the Returning Officer by notification in the union journal or in one daily newspaper circulating in the capital city and in each Sub-

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then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.

18.8 Any candidate at his own expense, may appoint a financial member of the union to act as his Scrutineer by notification in writing to the Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.

18.9 The Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

18.10 In the case of an equality of votes for any two or more candidates the Returning Officer shall determine by casting his vote which of the candidates is elected, provided that where an electoral officer is the Returning Officer he shall determine his casting vote by casting lots.

18.11 The Returning Officer shall declare the successful candidates elected and notify the Executive of the result of the ballot and the Executive shall issue instructions for the publication of same in their minutes and in the Building Worker. He shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the union area.

18.11.1 The Returning Officer's report to the State Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

18.12 The successful candidates shall remain elected until their successors take up office.

18.13 Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

18.14 In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

18.15 Should a vacancy occur in any of the abovementioned offices, the State Management Committee may fill the position within one month if the term remaining is not more than twelve (12) months. Where a ballot is required, the State Executive may conduct a postal ballot of S.M.C. members.

18.15.1 If the term remaining is more than twelve (12) months and the State Executive desires to fill the vacancy, an election shall be held according to the provisions of this rule with any necessary modification.

18.16 **Definitions:**
"Preferential Voting" shall mean a system of voting in which the voter shall place a number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and shall place the number 2, 3, 4 (and so on as the case required) in the squares opposite the names of all the remaining candidates so as to indicate the order of the preference for them. In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate. If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast he shall be declared elected.

18.16.1 If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference. If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

RULE 19
ORGANISERS

19.1 The State Management Committee shall not less than two months prior to the closing of nominations as prescribed in rule 18, determine the number of Organisers to be elected. They shall also determine the area of the State in which Organisers shall reside and operate.

19.1.1 The Organisers shall be under the control of the State Management Committee and shall when required, attend meetings of the State Management Committee. They shall perform such organising duties as may be required and shall visit shops and jobs where members of the union and other workers eligible to join are employed and endeavour to enrol new members. They shall co-operate with all Shop and Job Stewards and Sub-Branch Secretaries, and carry out organisational work in any part of the State as directed by the State Management Committee.

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19.1.2 State Organisers may be elected and remain in office for a period of four years, provided that if the funds are insufficient to meet the half-yearly expenditure, their services may be dispensed with at the discretion of the State Management Committee.

19.1.3 The State Management Committee may appoint temporary Organisers for a period not exceeding six (6) months, the duties of Organisers to be determined by the State Management Committee.

19.2 Any Sub-Branch may, subject to the consent of the State Management Committee appoint a local Organiser for a period of not exceeding six months. An amount equal to 10 per centum of the previous half-year's income may be used for this purpose. This amount may be subsidised by the State Management Committee on application by the Sub-Branch.

RULE 20
SHOP STEWARDS

20.1 For the convenience of members, Shop or Job Stewards may be appointed by Sub-Branches within the district under their control.

20.2 Should any Shop or Job Steward be victimised, or be reasonably supposed to be victimised, from carrying out any duties to the union, the State Management Committee shall take all necessary steps to see that the member is compensated for any loss he may incur.

RULE 21
FUNERAL ALLOWANCE

21.1 The union shall pay out of its funds a funeral allowance to the representatives of deceased members who have been members for a period of twelve months. On the death of a member who does not owe more than one half-year's contributions, a sum of money in accordance with the appended scale of funeral allowances shall be paid to his widow, next of kin, or nominee, or whomsoever may, in the opinion of the union, prove to have an equitable claim to it, provided that at the time of such member joining the union he was not over fifty (50) years of age.

21.1.1 **Scale of funeral allowances:**
On the death of a financial member who has been a member of the union for twelve (12) months, the funeral allowance shall be six dollars ($6.00), and shall increase at the rate of six dollars ($6.00) per annum, the maximum to be one hundred and twenty dollars $120).

RULE 22
SALARIES OF OFFICERS

22.1 The State Management Committee shall from time to time set down a scale of payments for Sub-Branch Secretaries, Sub-Branch Presidents, Vice-Presidents, Delegates, Money Stewards, Sick Stewards, Sub-Branch Committee, Returning Officers and Deputy Returning Officers, and Scrutineers, and notify Sub-Branches of same.

RULE 23
OFFICERS' HOLIDAYS

23.1 All full-time officers of this union shall be allowed four weeks' holiday each year on full pay. Such holidays shall be taken in each year, and are not to be allowed to accumulate. The committee controlling the officers shall decide when each officer's holidays shall be taken.

RULE 24
CONTINGENT FUND

24.1 **Banked by State Management Committee:**
All money collected for the Contingent Fund shall be forwarded by the Sub-Branch Secretaries to the State Management Committee each half-year, at the same time as the dues under rule 13.19 are remitted, and shall be banked by the State Management Committee in the name of the union in a separate account.

24.2 **How used:**
The Contingent Fund shall be used for the purpose of relieving cases of distress amongst members that are recommended by the Sub-Branches to and approved of, by the State Management Committee. It may be used for assisting our own or any other trade.

24.3 **Applications to State Management Committee:**
All applications for donations to members shall be on a schedule provided by the union and no donation shall be made unless such schedule is filled in by the Sub-Branch Secretary and approved by the State Management Committee.

24.4 Requests for donations for purposes other than the relief of members shall be forwarded to the State Management Committee and shall contain full particulars of the purpose of the proposed donation.

24.5 **Qualifications for assistance:**
No member who has been less than three months in the union shall be eligible for assistance from this fund, but in no case shall this fund be used for the payment of benefit to which a member is otherwise dis-entitled.

RULE 25
APPRENTICES

25.1 An apprentice making application to join the union shall pay the current entrance fee only. No further fees shall be paid until completion of the apprenticeship. Thereinafter he shall be transferred to full membership and payment of union dues, levies, etc. shall commence.

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RULE 26
ALTERATION OF RULES

26.1 These rules may be altered or deleted or additions made thereto by a majority of members of the State Management Committee provided that at least 28 days notice to alter rules has been given by the State Management Executive to the State Management Committee.

26.1.1 Provided that the State Management Committee may alter rules of which previous notice has not been given subject to two-thirds of State Management Committee members voting in favour of the alterations.

26.1.2 Provided further that alterations to rules of an urgent nature may be made by a postal ballot of State Management Committee members to determine for or against the adoption of the alterations.

RULE 27
REFERENDUM

27.1 Upon request of a majority of Sub-Branches comprising ten per centum of the membership requesting a referendum upon any matter, the State Management Committee shall immediately take a referendum to the whole membership and should any such referendum be carried by a majority of members voting by ballot, the same shall be binding upon members of the union.

RULE 28
DISSOLUTION

28.1 Whenever the number of members in this union is reduced to twenty-one (21) by deaths or exclusions, a majority of the remaining members may, at a meeting assembled at the Registered Office, finally dissolve the union subject to discharging all debts and liabilities legally incurred in the union's name and shall pay any balance to the Building Workers' Industrial Union of Australia.

RULE 29
STANDING ORDERS AND RULES OF DEBATE

29.1 **Call to speak:**
The first speaker who attracts the attention of the President shall have precedence in speaking.

29.2 Members addressing the meeting shall direct their speech to the Presiding Officer, and remain standing while so doing.

29.3 **Motions:**
No discussion shall take place on any motion unless such motion is duly proposed and seconded. Any number of amendments may be proposed.

29.4 **Amendments:**
When a motion shall have been duly proposed and seconded, the President shall proceed at once to take the votes thereon: unless some member rises to oppose it or to propose an amendment; but no amendment shall be in order unless notice be given to move the same before the proposer of the resolution has replied.

29.5 No more than two members shall speak against any question before the meeting, and, if at the conclusion of the second speaker's remarks, no member rises to speak on the other side, the motion or amendment shall be put at once to the meeting.

29.6 **Question be now put:**
It shall be competent at any time during a debate for a member who has not already spoken to the question before the chair to move, without discussion, "That the question be now put", which n being duly seconded and carried, shall necessitate the submission of the motion at once to the meeting after the mover has replied.

29.7 **Speak only once:**
Except in explanation, no member, other than the mover, shall speak more than once on the same motion.

29.8 **Time limit:**
No member shall be allowed more than ten minutes to speak on a motion unless with the concurrence of the meeting.

29.9 **Reply:**
The mover only shall have the privilege of reply, after which the motion shall be forthwith put to the meeting.

29.10 Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion for that purpose.

29.11 **President's right to speak:**
The President or Chairman for the time being may speak only on questions in which the interests of the office he represents are directly involved. In the event of the President or Chairman desiring to speak on any question, he shall vacate the chair.

29.12 **Limit to debate:**
Should any question have occupied the attention of the meeting for thirty (30) minutes, the discussion on such question shall be deemed to have closed, and the President shall forthwith call on the mover to reply, unless the meeting decided by resolution (carried by a majority of the members present) to continue the discussion of the matter in question.

29.13 **Notice of motion:**
At any meeting of the Sub-Branch any member may give notice of motion for a future meeting by (1) reading such notice to the meeting, or (2) handing a copy thereof to the President. Such notice of motion shall take precedence in the order in which it stands in the minute book, in relation to other similar notices,

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unless otherwise ordered by the Sub-Branch, and shall lapse if the members, or some member on his behalf, be not present when the order of the day for such notice is read.

29.13.1 **Motion to adjourn:**
No motion for the adjournment of the meeting shall be received while there is business before the President.

29.14 **Moving dissent from Chairman's ruling:**
Any member dissatisfied with the ruling of the Chairman may move a motion of dissent as follows, "That the Chairman's ruling be dissented from".

29.14.1 **How put:**
The motion shall then be put to the meeting by the Vice Chairman, without discussion, in the following manner: –

29.14.2 That the question is, "That the Chairman's ruling be upheld". Those in favour of upholding the Chairman's ruling say, "Aye". Those against the Chairman's ruling being upheld say, "No".

29.14.3 The mover only shall speak to the motion, except the Chairman, who may explain his reasons for the ruling given.

29.14.4 The Vice-Chairman shall not give a ruling on the question involved in the Chairman's ruling.

29.14.5 The Vice-Chairman's ruling shall only be dissented from a direct appeal to the meeting, the question being put by the Vice-Chairman without discussion.

RULES AS REGISTERED WITH THE INDUSTRIAL COMMISSION 30/6/82.

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[Form 17

Industrial Conciliation and Arbitration Act 1961–197

(Section 46, Regulation 15)

Form of Application for Registration of Partial Alteration of Rules

Name of Industrial Union: AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS AND PLASTERERS OF AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND

1. This application is for the registration of a partial alteration of the Rules of the abovenamed Industrial Union, and is made by the persons whose names are subscribed at the foot hereof.

2. The partial alteration submitted for registration consists of the addition of the rule accompanying this application (signed by the applicants) in addition to the substitution of the rule (or rules) three copies whereof accompany this application (and signed by the applicants) for No. 21.1 of the rules already registered, or the rescission of the rule (or rules) (or part or parts) of the rule (or rules) hereunder set forth).

This application is accompanied by a statutory declaration (Form No. 19) of HUGH ROSS HAMILTON, an officer of this Industrial Union, to the effect that in making the alteration of rules now submitted for registration the rules of the AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS AND PLASTERERS OF AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLA Industrial Union were duly complied with.

We have been duly authorised by the abovenamed Industrial Union to make this application on its behalf, such authority consisting of a decision of the State Management Committee as provided for in Rule 26 of the union's Registered Rules

A fee of $20.30 is enclosed herewith.

Dated this SIXTEENTH day of JUNE 19 83.

(Signed) A J McLean
President

Hugh R Hamilton
Secretary

To the Industrial Registrar,
Brisbane

* If there was no such resolution, state in what other way the authorisation was given.

I CERTIFY that the amendment of the Rules of the Amalgamated Society of Carpenters Joiners Bricklayers and Plasterers of Australasia Union of Employees Queensland referred to in this application is not contrary to the provisions of the Industrial Conciliation and Arbitration Act 1961–197.

Dated at Brisbane the twentieth day of June 1983.

Certifying Barrister

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$20.30
17-6-83

INDUSTRIAL REGISTRAR
17 JUN 83
QUEENSLAND

Govt. Printer, Brisbane (X)

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[Form 19

Industrial Conciliation and Arbitration Act 1961–1975

(Section 46, Regulation 15)

Declaration Accompanying Alteration of Rules

AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS AND PLASTERERS OF AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND

Industrial Union ..... Register No. .....

I, HUGH ROSS HAMILTON of 42 Kertes Rd., Camira 4300

holding the office of STATE SECRETARY of the abovenamed Industrial Union, do solemnly and sincerely declare that in making the alteration of the Rules of the Industrial Union the application for the registration of which is appended to this declaration—the Rules of said Industrial Union have been duly complied with.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the "Oaths Act of 1867."

Taken and received before me, one of Her Majesty's Justices of the Peace, at BRISBANE this SIXTEENTH day of JUNE 19 83.

INDUSTRIAL REGISTRAR
17 JUN 83
QUEENSLAND

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PROPOSED ALTERATIONS TO THE RULES OF
AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS AND PLASTERERS OF AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND

OLD RULE	AMENDMENT TO OLD RULE	NEW RULE TO BE REGISTERED
21. FUNERAL ALLOWANCE:	21. FUNERAL ALLOWANCE	21. FUNERAL ALLOWANCE:
21.1 The union shall pay out of its funds a funeral allowance to the representatives of deceased members who have been members for a period of twelve months. On the death of a member who does not owe more than one half-year's contributions, a sum of money in accordance with the appended scale of funeral allowances shall be paid to his widow, next of kin, or nominee, or whomsoever may, in the opinion of the union, prove to have an equitable claim to it, provided that at the time of such member joining the union he was not over fifty (50) years of age. Provided, however, that this provision shall not apply to any member who joined the union prior to its amalgamation.	21.1 Delete all words after the word "age" in the third last line, viz. "Provided, however, that this provision shall not apply to any member who joined the union prior to its amalgamation."	21.1 The union shall pay out of its funds a funeral allowance to the representatives of deceased members who have been members for a period of twelve months. On the death of a member who does not owe more than one half-year's contributions, a sum of money in accordance with the appended scale of funeral allowances shall be paid to his widow, next of kin, or nominee, or whomsoever may, in the opinion of the union, prove to have an equitable claim to it, provided that at the time of such member joining the union he was not over fifty (50) years of age.

INDUSTRIAL REGISTRAR
17 JUN 93
QUEENSLAND

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(Form 20

Industrial Conciliation and Arbitration Act 1961–1983

(Section 46, Regulation 15)

Certificate of Registration of Partial Alteration of Rules

Industrial Union THE AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS AND PLASTERERS OF AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND

I HEREBY CERTIFY that the Amendment to Rule No. 21.1

of the rules of the ~~XX~~ THE AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS AND PLASTERERS OF AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND

a copy of which is appended hereto, has been registered under the Industrial Conciliation and Arbitration Act 1961–1983.

DATED this TWENTY-EIGHTH day of JUNE 1983

Industrial Registrar

INDUSTRIAL REGISTRAR
28 JUN 1983
QUEENSLAND

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Building Workers' Industrial Union of Australia

Amalgamated Society of Carpenters, Joiners, Bricklayers & Plasterers, of Australasia, Queensland

QUEENSLAND BRANCH

State President, L. J. LAKE

State Secretary, W. W. TROHEAR

Assistant State Secretary, R. A. HUNTER

366 UPPER ROMA ST., BRISBANE. 4000

Telex No. 41834 PHONE: (07) 229 6355

FAX: (07) 229 1137

.RJW

December 21, 1987

INDUSTRIAL REGISTRAR
22 DEC 87
QUEENSLAND

Mr. Kevin Edwards,

Industrial Registrar,
State Industrial Commission,
202 Adelaide Street,
BRISBANE 4000

Dear Kevin,

Re Rule Changes

Enclosed is final draft as I think it should look after the discussion I had with you in our Office last week.

I won't be here next year so I suggest that you make contact with Wally Trohear, the new Secretary, and I will leave a message with Wally to follow this matter through.

Yours faithfully,

H.R. Hamilton
NATIONAL PRESIDENT

COM.0001.0014.5461

RULE CHANGES

REGISTERED RULES TO BE SUBSTITUTED BY NEW RULES

OLD RULE	NEW RULE
Rule No. 2.5 To establish a funeral and other benefit funds.	 To pay funeral and other benefits to members in distress.
Rule No. 11.1 The registered office of the union in Queensland shall be at Construction House, 130 Petrie Terrace, Brisbane, to which all communications and notices shall be addressed.	 The registered office of the union in Queensland shall be at Union House, 366 Upper Roma Street, Brisbane, to which all communications and notices shall be addressed.
Rule No. 13.3 State Management Committee - Meeting Place: The State Management Committee shall meet at Construction House, 130 Petrie Terrace, Brisbane or such other place as may be decided for the purpose of controlling the business of the union.	 State Management Committee - Meeting Place The State Management Committee shall meet at Union House, 366 Upper Roma Street, Brisbane, or such other place as may be decided for the purpose of controlling the business of the union.
Rule No. 13.4.4 He shall, upon the minutes being confirmed, sign the minute book in the presence of the meeting, and he shall have the meeting, by resolution, endorse or reject all accounts submitted for payment.	 He shall, upon the minutes being confirmed sign the minute book in the presence of the meeting, and he shall have the meeting by resolution, endorse or reject all payments submitted for ratification.
Rule No. 13.11 The State Management Committee shall have the power to grant donations from the Contingent Fund when application has been made in accordance with the provisions of Rule 24.	 The State Management Committee shall have the power to grant donations when application has been made in accordance with the provisions of Rule 24.

INDUSTRIAL REGISTRAR
22DEC87
QUEENSLAND

RULE CHANGES

OLD RULE	NEW RULE
Rule No. 13.19.2	
The State Management Committee may disperse moneys for the purpose set out in the objects of the union, and such funds may be invested from time to time in such manner as may be determined by the State Management Committee. No donation exceeding $200 shall be made from the Contingent Fund without the sanction of a majority of the Sub-Branches in Queensland.	The State Management Committee may disperse moneys for the purposes set out in the objects of the union, and such funds may be invested from time to time in such manner as may be determined by the State Management Committee. The State Management Committee may delegate authority to the State Secretary to authorise payments (or in his absence the Acting State Secretary). No donation exceeding $200 shall be made without the approval fo the State Management Committee.
Rule No. 14.1	
The State Secretary shall be under the control of the State Management Committee and shall devote the whole of his working time to the business of the union.	The State Secretary shall be under the control of the State Management Committee and may be authorised by the State Management Committee to incur expenditure on behalf of the Union. Provided that the State Management Committee may withdraw such authorisation at any time or for any period it sees fit. All expenditure incurred by this authorisation shall be placed before the State Managment Committee for consideration and ratification.

INDUSTRIAL REGISTRAR
18 FEB 1988
QUEENSLAND

Copy Pg 7 of 16

OLD RULE	NEW RULE
Rule No. 13.19 State Management Committee Finance and Contingent Fund: The State Management Committee shall have control of the property in their State and, in addition to the provision of Rule 7, shall draw from each Sub-Branch, Job Stewards and Organisers, the total contributions, entrance fees and fines collected.	State Management Committee Finance: The State Management Committee shall have control of the property in their State and, in addition to the provision of Rule 7, shall draw from each Sub-Branch, Job Stewards and Organisers, the total contributions, entance fees and fines collected.
Rule No. 13.19.2 The State Management Committee may disperse moneys for the purpose set out in the objects of the union, and such funds may be invested from time to time in such manner as may be determined by the State Management Committee. No donation exceeding $200 shall be made from the Contingent Fund without the sanction of a majority of the Sub-Branches in Queensland.	The State Management Committee may disperse moneys for the purposes set out in the objects of the union, and such funds may be invested from time to time in such manner as may be determined by the State Management Committee. The State Management Committee may delegate authority to the State Secretary (or in his absence the Acting State Secretary No donation exceeding $200 shall be made without the approval of the State Management Committee.
RULE NO. 24 CONTINGENT FUND 24.1 Banked by State Management Committee: All money collected for the Contingent Fund shall be forwarded by the Sub-Branch Secretaries to the State Management Committee each half-year, at the same time as the dues under rule 13.19 are remitted, and shall be banked by the State Management Committee in the name of the union in a separate account. 24.2 How Used: The Contingent Fund shall be used for the purpose of relieving cases of distress amongst members that are recommended by the Sub-Branches to and approved of, by the State Management Committee. It may be used for assisting our own or any other trade.	RULE NO. 24 DONATIONS 24.1 Payments may be made for the purpose of relieving cases of distress amongst members that are recommended by the Sub-Branches to and approved of, by the State Management Committee. It may be used for assisting our own or any other trade. 24.2 Applications to State Management Committee: All applications for donations to members shall be on a schedule provided by the union and no donation shall be made unless such schedule is filled in by the Sub-Branch Secretary and approved by the State Management Committee.

INDUSTRIAL REGISTRAR
22 DEC 87
QUEENSLAND

continued over/....

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Copy Pg 9 of 16

OLD RULE	NEW RULE
Rule No. 24 (Continued)....	Rule No. 24 (Continued).....
24.3 Applications to State Management Committee: All application for donations to members shall be on a schedule provided by the union and no donation shall be made unless such schedule is filled in by the Sub-Branch Secretary and approved by the State Management Committee.	24.3 Requests for donations for purpos other than the relief of members shall be forwarded to the State Management Committee and shall contain full particulars of the purpose of the proposed donation.
24.4 Requests for donations for purposes other than the relief of members shall be forwarded to the State Management Committee and shall contain full particulars of the purpose of the proposed donation.	24.4 Qualifications for assistance: No member who has been less than three (3) months in the union shall be eligible for assistance, and in no case shall payment of benefit be made to a member who is otherwise dis-entitled.
24.5 Qualifications for assistance: No member who has been less than three months in the union shall be eligible for assistance from this fund, but in no case shall this fund be used for the payment of benefit to which a member is otherwise dis-entitled.	
2.4 To establish a fund for the assistance and support of trade unionists and to carry out the foregoing objects.	2.4 To establish a fund for the assistance and support of trade unionists and to carry out the objects of the union.
5.1 The payment of membership contributions shall be half-yearly and shall not exceed on percentum (1%) of the National Building Trades Construction Award base rate for a carpenter multiplied by twenty-six (26).	5.1 The payment of membership contributions shall be half-yearly and shall not exceed on percentum (1%) of the National Building Trades Construction Award rate for a carpenter multifpied by twenty-six (26).

INDUSTRIAL REGISTRAR
22DEC87
QUEENSLAND

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Copy Pg 11 of 16

NEW RULE IN ADDITION TO THE REGISTERED RULES

Rule No. 13.5.2

All accounts paid by the union shall be submitted to the Executive of the State Management Committee for ratification.

INDUSTRIAL REGISTRAR
22DEC87
QUEENSLAND

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Copy Pg 13 of 16

REGISTERED RULES TO BE RESCINDED:

Rule No. 5.1.2

Nothwithstanding the provisions of Rule 5.1 the State Management Committee, where it can be proved that circumstances warrant it, shall be empowered to determine a special rate of contributions for half yearly membership, provided that such contribution as determined shall not exceed the provisions of Rule 5.1.

Rule No. 5.1.4

10¢ of each half-yearly contribution shall be retained by a Sub-Branch as a benefit fund which shall be governed by uniform rates drawn up by the State Management Committee.

Rule No. 5.1.5

10¢ of each half-yearly contribution shall be paid into the Contingent Fund and be forwarded to and used by the State Management Committee in the manner laid down in Rule 24.

Rule No. 5.1.6

Each of the above Funds shall be audited and a copy of the statement of half-yearly receipts and expenditure shall be forwarded to State Office.

INDUSTRIAL REGISTRAR
22DEC87
QUEENSLAND

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08891

Copy Pg 15 of 16

Building Workers' Industrial Union of Australia

Amalgamated Society of Carpenters, Joiners, Bricklayers & Plasterers, of Australasia, Queensland

QUEENSLAND BRANCH

State President, L. J. LAKE

State Secretary, W. W. TROHEAR

Assistant State Secretary, R. A. HUNTER

366 UPPER ROMA ST., BRISBANE. 4000

Telex No. 41834 PHONE: (07) 229 6355

FAX: (07) 229 1137

W:JS-H

10th February, 1988

F A X

ATTENTION: KEVIN EDWARDS

Industrial Registrar
State Industrial Commission
202 Adelaide Street
BRISBANE. Q. 4000

INDUSTRIAL REGISTRAR
10 FEB 1988
QUEENSLAND

RE: RULE CHANGES

Fax Header Date 10.2.88 Time 3.00 No. of Pages 2

To: Kevin Edwards

From: B.W.I.U

PATENT PENDING FAX PAC BRISBANE 12234

Form 14

QUEENSLAND

Industrial Conciliation and Arbitration Act 1961-1987
(Section 46)

Industrial Conciliation and Arbitration Regulations 1987
(Regulation 18)

Certificate of Registration of Alteration of Rules

I hereby certify that pursuant to the Act the alteration of rule(s) no(s) 2.4, 2.5, 5.1, 5.1.2, 5.1.4, 5.1.5, 5.1.6, 11.1, 13.3, 13.4.4, 13.5.2, 13.11, 13.19, 13.19.2, 14.1 and 24 of the rules of THE AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS AND PLASTERERS OF AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND, a copy of which is appended hereto, has been registered.

Dated at BRISBANE this EIGHTEENTH day of APRIL, 19 88

Industrial Registrar

INDUSTRIAL REGISTRY
18 APR 1988
BRISBANE
QUEENSLAND

F 781—Govt. Printer, Qld.

Copy Pg 3 of 18

INVOICE RECORD (including Credit Memos)

Department of Industrial Affairs

CLAIMANT	A.K. HERBERT
ADDRESS:	INNS OF COURT
	107 NORTH QUAY
	BRISBANE QLD 4000

Purchase Order No.	EM
Vendor No.	V0233
Invoice No.	CERTBAR 1304
Invoice Date	13/04/88
Gross Amount	24.00
Invoice Type	
Payment Due Date	
Manual Cheque No.	
Voucher No.	

DESC. NUMBER	PARTICULARS OF CLAIM	$
	CERTIFYING Partial Alteration of Rules	24.00
	TO fee as Certifying Barrister under the Industrial Conciliation and Arbitration Act 1961 - 1987 in respect of the partial alteration of the rules of The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensalnd.	
	TOTAL $	24.00

CLAIMANT'S CERTIFICATION

The total amount of this claim set forth above is due and payable to me for goods supplied, services rendered, or works constructed as indicated and hereby authorise the payment of that sum.

14/4/88 — Date

A.K. Herbert — Signature

RECEIVAL ADVICE

Goods Supplied/Services Rendered or Works Constructed.

Date: 18-4-88 — Signature

CERTIFICATES OF AUTHORISED ACCOUNTING OFFICERS

(a) VERIFICATION

The necessary examinations have been made to ensure that—

- this expenditure has been approved by a competent authority;
- the goods have been supplied, services rendered or works constructed;
- the price or rate of charge is correct;
- available discounts or allowances have been deducted from the claim;
- computation of the claim is arithmetically correct;
- the claim or any part of it has not been previously paid.

18-4-88 — Date

Signature

(b) VERIFICATION

Such verifications as are necessary have been performed to ensure that this claim is properly payable.

18-4-88 — Date

Signature

Assistant Industrial Registrar.

(c) APPROVAL (for Direct Invoices only)

Signature

18-4-88 — Date

Industrial Registrar. — Designation

GENERAL LEDGER DISTRIBUTION			Sign Code	Desc. Number
Account	Centre	Amount		
5RC5451	2101	24.00		
		$ 24.00		

NOTE

SIGN CODE (a) "6" — credit entries

(b) otherwise blank

78154—Govt. Printer, Qld.

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08897

13 April 1988.

Mr. A.K. Herbert, LL.B.,
Certifying Barrister,
16th Level,
Inns of Court,
107 North Quay,
BRISBANE, 4000.

Dear Sir,

Please find enclosed application dated 11 April 1988 by The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland, for registration of partial alteration of Rules.

A copy of the current registered rules is also enclosed.

If you are satisfied that the Rules applied for are not contrary to the provisions of the Industrial Conciliation and Arbitration Act 1961 - 1987, please complete the Certificate and return the file to me.

Yours faithfully,

Industrial Registrar.

FORM 12

QUEENSLAND

Industrial Conciliation and Arbitration Act 1961-1987

(Section 46)

Industrial Conciliation and Arbitration Regulations 1987

(Regulation 18)

APPLICATION FOR REGISTRATION OF ALTERATION OF RULES

To: The Industrial Registrar,
Brisbane.

Application is hereby made by AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS & PLASTERERS, OF AUSTRALASIA, QUEENSLAND pursuant to the Act for registration of an alteration of the industrial union's rules.

Enclosed herewith is the prescribed fee of $33.60

We, LINDSAY JOHN LAKE and WILLIAM WALLACE TROHEAR declare that:

(a) We are the President and the Secretary respectively of the applicant industrial union and we are duly authorised by -

+ resolution passed by a postal ballot of the State Management Committee of the industrial union declared on the 8th April, 1988, to sign this application on behalf of the industrial union;

(b) the alteration submitted for registration comprises -

+ new rule, 3 copies of which signed by us accompany this application, in addition to the registered rules;

+ new rules, 3 copies of which signed by us accompany this application in substitution for registered rules nos. AS PER ATTACHED SCHEDULE , 3 copies of which registered rules signed by us also accompany this application together with an explanation of the proposed alteration;

+ the recision of RULE NOS. AS PER ATTACHED SCHEDULE , 3 copies of which rules signed by us accompany this application; and

(c) the rules of the industrial union have been complied with in making the alteration of the rules.

Declared at BRISBANE this ELEVENTH day of APRIL, 19.88

INDUSTRIAL REGISTRAR
13 APR 1988
QUEENSLAND

Signed L J Lake
President

W Wallace Trohear
Secretary

CERTIFYING BARRISTER'S CERTIFICATE

I certify that the alteration of the rules of AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS & PLASTERERS, OF AUSTRALIA, QUEENSLAND the subject of this application are in conformity with the provisions of the Act.

Dated at BRISBANE this 14th day of April, 19.88

Certifying Barrister

AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS & PLASTERERS, OF AUSTRALASIA, QUEENSLAND

NEW RULE

RULE NO. 13.5.2

All accounts paid by the union shall be submitted to the Executive of the State Management Committee for ratification.

President

Secretary

INDUSTRIAL REGISTRAR
13 APR 1966
QUEENSLAND

AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS & PLASTERERS, OF AUSTRALASIA, QUEENSLAND

NEW RULES IN SUBSTITUTION OF REGISTERED RULES

RULE NO. 2.4

To establish a fund for the assistance and support of trade unionists and to carry out the objects of the union.

##########

RULE NO. 2.5

To pay funeral and other benefits to members in distress.

##########

RULE NO. 5.1

The payment of membership contributions shall be half-yearly and shall not exceed one percentum (1%) of the National Building Trades Construction Award rate for a carpenter multiplied by twenty-six (26).

##########

RULE NO. 11.1

The registered office of the union in Queenslnad shall be at Union House, 366 Upper Roma Street, Brisbane, to which all communications and notices shall be addressed

##########

QUEENSLAND

RULE NO. 13.3

State Management Committee - Meeting Place:

The State Management Committee shall meet at Union House, 366 Upper Roma Street, Brisbane, or such other place as may be decided for the purpose of controlling the business of the union.

##########

Copy Pg 13 of 18

RULE NO. 13.4.4

He shall, upon the minutes being confirmed sign the minute book in the presence of the meeting, and he shall have the meeting by resolution, endorse or reject all payments submitted for ratification.

##########

RULE NO. 13.11

The State Management Committee shall have the power to grant donations when application has been made in accordance with the provisions of Rule 24.

##########

RULE NO. 13.19

State Management Committee Finance

The State Management Committee shall have control of the property in their State and, in addition to the provision of Rule 7, shall draw from each Sub-Branch, Job Stewards and Organisers, the total contributions entrance fees and fines collected.

##########

RULE 13.19.2

The State Management Committee may disperse moneys for the purposes set out in the objects of the union, and such funds may be invested from time to time in such manner as may be determined by the State Management Committee. The State Management Committee may delegate authority to the State Secretary to authorise payments (or in his absence the Acting State Secretary). No donation exceeding $200 shall be made without the approval of the State Management Committee.

REGISTRAR
13 APR 1988
QUEENSLAND

##########

RULE NO. 14.1

The State Secretary shall be under the control of the State Management Committee and may be authorised by the State Management Committee to incur expenditure on behalf of the Union. Provided that the State Management Committee may withdraw such authorisation at any time or for any period it sees fit.

All expenditure incurred by this authorisation shall be placed before the State Management Committee for consideration and ratification.

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##########

RULE NO. 24

DONATIONS

24.1

Payments may be made for the prupose of relieving cases of distress amongst members that are recommended by the Sub-Branches to and approved of, by the State Management Committee. It may be used for such payments assisting our own or any other trade.

24.2

All applications for donations to members shall be on a schedule provided by the union and no donation shall be made unless such schedule is filled in by the Sub-Branch Secretary and approved by the State Management Committee.

24.3

Requests for donations for purpose other than the relief of members shall be forwarded to the State Management Committee and shall contain full particulars of the prupose of the proposed donation.

24.4

No member who has been less than three (3) months in the union shall be eligible for assistance, and in no case shall payment of benefit be made to a member who is otherwise dis-entitled.

####################

President

Secretary

13 APR. 1968

QUEENSLAND

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AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS & PLASTERERS, OF AUSTRALASIA, QUEENSLAND

REGISTERED RULES TO BE RESCINDED

RULE NO. 5.1.2

Notwithstanding the provisions of Rule 5.1 the State Management Committee, where it can be proved that circumstances warrant it, shall be empowered to determine a special rate of contributions for half yearly membership, provided that such contributions as determined shall not exceed the provisions of Rule 5.1.

****

RULE NO. 5.1.4

10c of each half-yearly contributions shall be retained by a Sub-Branch as a benefit fund which shall be governed by uniform rates drawn up by the State Management Committee.

****

RULE NO. 5.1.5

10c of each half-yearly contribution shall be paid into the Contingent Fund and be forwarded to and used by the State Management Committee in the manner laid down in Rule 24.

****

RULE NO. 5.1.6

Each of the above Funds shall be audited and a copy of the statement of half-yearly receipts and expenditure shall be forwarded to State Office.

****

L. J. Lake
President

Wallace Dorhear
Secretary

INDUSTRIAL REGISTRAR
13 APR 1988
QUEENSLAND

Form 14

QUEENSLAND

[redacted]

Industrial Relations Act 1990
Industrial Conciliation and Arbitration Regulations 1987
(Regulation 18)

Certificate of Registration of Alteration of Rules

I hereby certify that pursuant to the Act the alteration of rule(s) no(s) 3.1, 13.2, 18 of the rules of The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland a copy of which is appended hereto, has been registered.

Dated at Brisbane this eighth day of October, 1990

Assistant Industrial Registrar

INDUSTRIAL REGISTRAR
OCT 1990
QUEENSLAND

F 781—Govt. Printer, Qld

Copy Pg 3 of 46

INVOICE RECORD (including Credit Memos)

Department of Industrial Affairs

CLAIMANT: A K HERBERT
16th LEVEL NEW INNS OF COURT
ADDRESS: BUILDING 107 NORTH QUAY
BRISBANE QLD

Purchase Order No.	[redacted] EM
Vendor No.	[redacted] V 0 2 3
Invoice No.	[redacted] ASCJBPA 0 9 9
Invoice Date	[redacted] 2 1 0 9 9
Gross Amount	[redacted] 3 0 0
Invoice Type	[redacted]
Payment Due Date	[redacted]
Manual Cheque No.	[redacted]
Voucher No.	[redacted]

DESC. NUMBER	PARTICULARS OF CLAIM	$
	Certifying Partial Alteration of Rules	30.00
	To fee as Certifying Barrister under the Industrial Relations Act 1990 in respect of the partial alteration of the rules of The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland	
	TOTAL $	30.00

CLAIMANT'S CERTIFICATION

The total amount of this claim set forth above is due and payable to me for goods supplied, services rendered, or works constructed as indicated and hereby authorise the payment of that sum.

25/9/99
Date

Signature

RECEIVAL ADVICE

Goods Supplied/Services Rendered or Works Constructed

Date

Signature

CERTIFICATES OF AUTHORISED ACCOUNTING OFFICERS

(a) VERIFICATION

The necessary examinations have been made to ensure that—

- this expenditure has been approved by a competent authority;
- the goods have been supplied, services rendered or works constructed;
- the price or rate of charge is correct;
- available discounts or allowances have been deducted from the claim;
- computation of the claim is arithmetically correct;
- the claim or any part of it has not been previously paid.

Date

Signature

(b) VERIFICATION

Such verifications as are necessary have been performed to ensure that this claim is properly payable.

Date

Signature

(c) APPROVAL (for Direct Invoices only)

Signature

25/9/99
Date

Assistant Industrial Registrar
Designation

GENERAL LEDGER DISTRIBUTION

Account	Centre	Amount	Sign Code	Desc. Number
5 R H 37 9 1	2 1 1 0 0 1	3 0 0 0		

Industrial Registrar's Office
Industrial Relations Commission of Queensland

5th Floor, 202 Adelaide Street, (Cnr. Edward St.), Brisbane, Q. 4000.
Postal Address: G.P.O. Box 373, Brisbane, 4001.
Telephone: (07) 227 8634 Facsimile: (07) 221 6074

21 September 1990

Mr A.K. Herbert, LL.B.
Certifying Barrister
16th Level
Inns of Court
107 North Quay
BRISBANE QLD 4000

Dear Sir

Please find enclosed application dated 14 September 1990, by The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland for registration of partial alteration of Rules.

A copy of the current registered rules is also enclosed.

If you are satisfied that the Rules applied for are not contrary to the provisions of the Industrial Relations Act 1990, please complete the Certificate and return the file to me.

Yours faithfully

Industrial Registrar

QUEENSLAND

Industrial Conciliation and Arbitration Act 1961-19
(Section 46)

Industrial Conciliation and Arbitration Regulations 19
(Regulation 18)

Application for Registration of Alteration of Rules

To: The Industrial Registrar,
Brisbane.

Application is hereby made by *The Amalgamated Society of Carpenters, Joiners,* (insert name of industrial union)
Bricklayers & Plasterers, of Australasia, Union of Employees, Queensland
pursuant to the Act for registration of an alteration of the industrial union's rules.

Enclosed herewith is the prescribed fee of $ *47.00* .

We, *Lindsay John Lake* and *William Wallace Trohear* ,
declare that:—

(a) we are the *president/chairman and the secretary respectively of the applicant industrial union and are duly authorised by—

\+ resolution passed at a general meeting of the industrial union on *27th July 1990* (insert date)

\+ ..... (if no such resolution was passed, specify here other authority)

to sign this application on behalf of the industrial union;

(b) the alteration submitted for registration comprises—

\+ new rule(s), 3 copies of which signed by us accompany this application, in addition to the registered rules;

\+ new rule(s), 3 copies of which signed by us accompany this application, in substitution for registered rule(s) no(s) *3.1, 13 and 18* , 3 copies of which registered rule(s) signed by us also accompany this application together with an explanation of the proposed alteration;

\+ the rescission of *3.1, 13.2.1, 13.2.2, 13.2.3, 18.2, 18.2.1, 18.2.2, 18.2.3* (insert rules(s) no(s) or part(s) rescinded)
3 copies of which *rule(s)/part signed by us accompany this application;

and

(c) the rules of the industrial union have been complied with in making the alteration of the rules.

Declared at *BRISBANE* this *14TH* day of *SEPTEMBER* , 19*90*

V028999.

INDUSTRIAL REGISTRAR
14 SEP 1990
QUEENSLAND

Signed .....
*President/Chairman

.....
Secretary

$42.00.

INDUSTRIAL REGISTRAR
14 SEP 1990
QUEENSLAND

* Delete whichever does not apply.

\+ Delete and/or complete as necessary.

Note: This application should be lodged in triplicate.

Certifying Barrister's Certificate

I certify that the alteration of the rules of *The Amalgamated Society of Carpenters, Joiners, Bricklayers & Plasterers of Australasia, Union of Employees, Queensland* the subject of this application are in conformity with the provisions of the Act.

Dated at *BRISBANE* this *25th* day of *September* , 19*90* .

.....
Certifying Barrister.

F 779—Govt. Printer, Qld.

Copy Pg 9 of 46

necessary for members to be qualified to nominate the following positions, is as under:-

State Secretary)	Three years
Assistant State Secretary)	financial
	membership
State Executive Members)	One years
District Secretary/)	financial
Organiser)	membership
State Organisers)	

State Committee Members...financial membership

Rule No. 18.5

The term of office for the above positions shall be four years and such term shall commence from the date the successful candidates are declared elected by the Returning Officer conducting the ballot.

Rule No. 18.5.1

Nominations for the above positions shall be called by the Returning Officer by notification in the union journal or in one daily newspaper circulating in the capital city and in each Sub-Branch or district area on or before the last day of August

INDUSTRIAL REGISTRAR
14 SEP 1990
QUEENSLAND

Rule No. 18.4.3.

Any member desiring to nominate for the above positions shall apply either personally or in writing to the Returning Officer for a nomination form. Such forms shall be signed by the candidate and by two financial members and forwarded by registered post to the Returning Officer or handed personally at the Union office of the union and a receipt thereupon obtained.

Rule No. 18.4.4

Nominations shall be closed at 4 p.m. on the last Friday of September 1983 and each four (4) years thereafter following that date.
Nominations must be received by the Returning Officer by that time on that date to be eligible.

Rule No. 18.4.5

Candidates may include with their nomination form a statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement.

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of every fourth (4th) year commencing as on and from the last day of August 1983.

Rule No. 18.5.2

All Sub-Branches shall be notified by circular of the opening and closing date of nominations.

Rule No. 18.5.3

Any member desiring to nominate for the above positions shall apply either personally or in writing to the Returning Officer for a nomination form. Such forms shall be signed by the candidate and by two financial members and forwarded by registered post to the Returning Officer or handed personally at the Union Office of the union and a receipt thereupon obtained.

Rule No. 18.5.4

Nominations shall be closed at 4 p.m. on the last Friday of September 1983 and each four (4) years thereafter following that date. Nominations must be received by the Returning Officer by that time on that date

INDUSTRIAL REGISTRAR
14 SEP 1990
QUEENSLAND

Rule No. 18.4.6

The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give him the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

Rule No. 18.4.7

If at the closing date for nominations only sufficient nominations have been received by the Returning Officer to fill any vacancy or vacancies the Returning Officer shall thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Executive and candidates by submitting a Returning Officer's report to the Union Secretary.

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to be eligible.

Rule No. 18.5.5

Candidates may include with their nomination form a statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement.

Rule No. 18.5.6

The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give him the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

Rule No. 18.5.7

If at the closing date for nominations only sufficient nominations have been received by the Returning Officer to fill any vacancy or vancancies the Returning Officer shall

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Rule No. 18.4.8

If all nominations are received and there are more nominations than there are vacancies the Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

Rule No. 18.4.9

The Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

Rule No. 18.4.10

Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the

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thereupon declare person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Executive and candidates by submitting a Returning Officer's report to the Union Secretary.

Rule No. 18.5.8

If all nominations are received and there are more nominations than there are vacancies the Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or his nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

Rule No. 18.5.9

The Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable him to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

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number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

Rule No. 18.4.11

Where a ballot is required, the Secretary of the Union shall provide, within twenty-eight (28) days of the closing of nominations, a certified list of financial members entitled to vote to the Returning Officer.

Rule No. 18.4.12

The Returning Officer shall on a date which will enable the ballot paper to be posted not later than fourteen (14) clear days defore the closing date of the ballot, send by pre-paid post to each member eligible to vote in the election an envelope addressed to such member at his address appearing on the list of members eligible to vote supplied to the Returning Officer by the State Secretary, and that envelope shall contain only the following documents:

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Rule No. 18.5.10

Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

Rule No. 18.5.11

Where a ballot is required, the Secretary of the Union shall provide, within twenty-eight (28) days of the closing of nominations, a certified list of financial members entitled to vote to the Returning Officer.

Rule No. 18.5.12

The Returning Officer shall on a date which will enable the ballot paper to be posted not later than fourteen (14) clear days before the closing date of the ballot, send by pre-paid post to each member eligible to vote in the election an envelope

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Rule No. 18.4.13

a ballot paper initialled by the Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

Rule No. 18.4.14

an empty unsealed pre-paid post envelope addressed to the Returning Officer, C/- the numbered mail box referred to in this rule;

Rule No. 18.4.15

Such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Returning Officer may consider necessary;

Rule No. 18.4.16

The candidates statement provided for and in accordance with rule 18.4.5

Rule No. 18.5

For the purpose of the election the books of the Union shall be deemed to have closed as at 31st August preceding the election. Only members who

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addressed to such member at his address appearing on the list of members eligible to vote supplied to the Returning Officer by the State Secretary, and that envelope shall contain only the following documents:

Rule No. 18.5.13

a ballot paper initialled by the Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

Rule No. 18.5.14

an empty unsealed pre-paid post envelope addressed to the Returning Officer, C/- the numbered mail box referred to in this rule;

Rule No. 18.5.15

such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Returning Officer may consider necessary;

Rule No. 18.5.16

The candidates statement provided for and in accord-

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are shown in the records at the office of the Union as having paid all contributions, levies and fines fourteen (14) clear days prior to the 31st day of August shall be entitled to vote.

Rule No. 18.5.1

Provided that any member who at any time prior to the closing of the ballot satisfied the Returning Officer that he has paid all contributions levies and fines prior to the 31st day of August preceding the election shall be entitled to receive a ballot paper and the Returning Officer shall send by pre-paid post a ballot paper in accordance with rule 18.4.12.

Rule No. 18.6

The opening date of the ballot shall be on the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Returning Officer, C/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Returning Officer prior

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ance with rule 18.5.5.

Rule No. 18.6

For the purpose of the election the books of the union shall be deemed to have closed as at 31st August preceding the election. Only members who are shown in the records at the office of the union as having paid all contributions, levies and fines fourteen (14) clear days prior to the 31st day of August shall be entitled to vote.

Rule No. 18.6.1

Provided that any member who at any time prior to the closing of the ballot satisfied the Returning Officer that he has paid all contributions levies and fines prior to the 31st day of August preceding the election shall be entitled to receive a ballot paper and the Returning Officer shall send by pre-paid post a ballot paper in accordance with rule 18.5.12.

Rule No. 18.7

The opening date of the ballot shall be on the 2nd day of November and the closing

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to the dispatch of the ballot papers or if a box has been previously used by the union he shall cause the lock to be changed.

Rule No. 18.6.1

The Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

RULE No. 18.6.2.

At the conclusion of the ballot the ballot box shall be picked up by the Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scruntineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

Rule No. 18.7

Any candidate at his own expense, may appoint a

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AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS & PLASTERERS, OF AUSTRALASIA, QUEENSLAND

RULE CHANGES

OLD RULE	AMENDMENTS	NEW RULE
Rule No. 3.1 - Entrance Fee The Entrance Fee shall be $10 or any other sum, as the State Management Committee may decide, but not more than $30.	Delete Rule No. 3.1 and insert New Rule No. 3.1	Rule No. 3.1 - Entrance Fee The entrance fee shall be any sum, as the State Management Committee may decide, but not more than three (3) months dues contributions.
Rule No. 13.2 - Composition of State Management Committee: The State Management Committee shall consist of fourteen (14) members, including the State Secretary and the State Assistant Secretary, all of whom shall be elected in 1983 in accordance with the provisions of Rule 18. Rule No. 13.2.1 As from the first election for officers of the union held in 1983, provision is	Delete Rule No. 13.2.1, 13.2.2, 13.2.3 and renumber the subsequent 13.2 rules INDUSTRIAL REGISTRAR 14 SEP 1983 QUEENSLAND	Rule No. 13.2 - Composition of State Management Committee: The State Management Committee shall consist of fourteen (14) members, including the State Secretary and the State Assistant Secretary, all of whom shall be elected in 1983 in accordance with the provisions of Rule 18. Rule No. 13.2.1 Any eight (8) members of the State Management Committee shall constitute a quorum.

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made that not less than two (2) of the fourteen (14) elected members of the State Management Committee shall be plasterers.

Rule No. 13.2.2

This shall not preclude all of the above positions being filled by ballot where no plasterers' nominations for those positions are received by the Returning Officer.

Rule No. 13.2.3

Provided that during the period until the first election for officers of the union is held in 1983, the State management Committee shall be sixteen (16) members comprising the existing fourteen (14) members of the former Amalgamated Society of Carpenters and Joiners and Bricklayers of Australasia, Union of Employees, Queensland Branch, and the Secretary/Treasurer and one executive member of the former Queensland Plasterers' Union of Employees.

Rule No. 13.2.4

Any eight (8) members of the State Management Committee shall constitute a quorum.

Rule No. 13.2.2

The State Management Committee shall elect from its members a State President and a State Vice President: any nominee for these positions must have had one years financial membership.

Rule No. 13.2.3

A full time official of the union shall not be eligible to stand either for the position of State President or State Vice President.

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Rule No. 13.2.5

The State Management Committee shall elect from its members a State President and a State Vice President; any nominee for these positions must have had one years financial membership.

Rule No. 13.2.6

A full time official of the union shall not be eligible to stand either for the position of State President or State Vice President.

Rule No. 18 - Election of State Secretary, Assistant State Secretary, State Management Committee Members, Organisers

Rule No. 18.1 Branch elections:

Any member of the union who is financial as provided for in sub clause (6) of this rule at the time of nominations and has financial membership of the union in accordance with the scale set out in Rule 18.4 may nominate for such positions

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Delete Rule No. 18.2, 18.2.1, 18.2.2, 18.2.3, and renumber the subsequent Rule No. 18.

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Rule No. 18 - Election of State Secretary, Assistant State Secretary, State Management Committee Members, Organisers

Rule No. 18.1 - Branch elections:

Any member of the union who is financial as provided for in sub clause (6) of this rule at the time of nominations and has financial membership of the union in accordance with the scale set out in Rule 18.4 may nominate for such positions according to

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according to this scale. Provided that any member who has ceased to work in the industry and has reached the age of sixty-five (65) years may not nominate for any position. Provided further that no member who has reached the age of sixty-five (65) years may nominate for a full time position.

Rule No. 18.2

The first elections for above officers of the union shall be held in 1983 and until such elections are held, the officers of the union shall be as is provided for in Rule 13.

Rule No. 18.2.1

Provided that as from the 1983 election for officers of the union, in addition to the provisions of Rule 13.2.1, further provision is made that not less than one of the elected full time paid officers of the union shall be a plasterer for the one ensuing period of office only. For the purposes of this sub rule paid officers are as follows: State Secretary; Assistant

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this scale. Provided that any member who has ceased to work in the industry and has reached the age of sixty-five (65) years may not nominate for any position. Provided further that no member who has reached the age of sixty-five (65) years may nominate for a full time position.

Rule No. 18.2

No member shall be a candidate for two or more offices that, if elected, he would be unable to hold at the same time.

Rule No. 18.3

The scale of financial membership of the union necessary for members to be qualified to nominate for the following positions, is as under:

State Secretary Assistant State Secretary	) Three years) financial) membership
State Executive Members District Secretary/ Organiser State Organisers	) One years) financial) membership)

State Committee Members....Financial Membership

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State Secretary; Organisers.

Rule No. 18.2.2

This shall not preclude all of the above positions being filled by ballot where no plasterers' nominations are received for those positions by the Returning Officer.

Rule No. 18.2.3

Provided further that until the election for officers of the union in 1983, the full time paid officers of the union shall be the existing paid full time officers of the former Amalgamated Society of Carpenters and Joiners and Bricklayers and the Secretary/Treasurer of the former Queensland Plasterers' Union of Employees.

Rule No. 18.3

No member shall be a candidate for two or more offices that, if elected, he would be unable to hold at the same time.

Rule No. 18.4

The scale of financial membership of the union

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Rule No. 18.4

The term of office for the above positions shall be four years and such term shall commence from the date the successful candidates are declared elected by the Returning Officer conducting the ballot.

Rule No. 18.4.1

Nominations for the above positions shall be called by the Returning Officer by notification in the union journal or in one daily newspaper circulating in the capital city and in each Sub-Branch or district area on or before the last day of August of every fourth (4th) year commencing as on and from the last day of August 1983.

Rule No. 18.4.2

All Sub-Branches shall be notified by circular of the opening and closing date of nominations.

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date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Returning Officer, C/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union he shall cause the lock to be changed.

Rule No. 18.7.1

The Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office until the commencement of the count of the ballot.

Rule 18.7.2

At the conclusion of the ballot the ballot box shall be picked up by the Returning Officer at a time reasonable notice of which has been given to the scrutineers and taken to the union rooms and be opened in the presence of the scrutineers and counting shall then proceed.

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financial member of the union to act as his scrutineer by notification in writing to the Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.

Rule No. 18.8

The Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

Rule No. 18.9

In the case of an equality of votes for any two or more candidates the Returning Officer shall determine by casting his vote which of the candidates is elected, provided that where an electoral officer is the Returning Officer he shall determine his casting vote by casting lots.

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If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a scrutineer.

Rule No. 18.8

Any candidate at his own expense, may appoint a financial member of the union to act as his scrutineer by notification in writing to the Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Returning Officer is also present.

Rule No. 18.9

The Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.

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Rule No. 18.10

The Returning Officer shall declare the successful candidates elected and notify the Executive of the result of the ballot and the Executive shall issue instructions for the publication of same in their minutes and in the Building Worker. He shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Union area.

Rule No. 18.10.1

The Returning Officer's report to the State Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused the number of votes received by each candidate, the names of those nominated for each office and their proposers.

Rule No. 18.11

The successful candidates shall remain elected until their successors take up office.

Rule No. 18.12

Any accidental or unavoidable omission or error in the carrying out or observance

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Rule No. 18.10

In the case of an equality of votes for any two or more candidates the Returning Officer shall determine by casting his vote which of the candidates is elected, provided that where an electoral officer is the Returning Officer he shall determine his casting vote by casting lots.

Rule No. 18.11

The Returning Officer shall declare the successful candidates elected and notify the Executive of the result of the ballot and the Executive shall issue instructions for the publication of same in their minutes and in the Building Worker. He shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Union area.

Rule No. 18.11.1

The Returning Officer's report to the State Management Committee shall contain all relevant information including the number of ballot papers printed, the number posted,

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of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

Rule No. 18.13

In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Returning Officer. If any scrutineers or scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

Rule No. 18.14

Should a vacancy occur in any of the abovementioned offices, the State Management Committee may fill the position within one month if the term remaining is not more than twelve (12) months. Where a ballot is required, the State Executive may conduct a postal ballot of S.M.C. members.

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the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

Rule No. 18.12

The successful candidates shall remain elected until their successors take up office.

Rule No. 18.13

Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

Rule No. 18.14

In any election the Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Returning Officer. If any Scrutineers

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Rule No. 18.14.1

If the term remaining is more than twelve (12) months and the State Executive desires to fill the vacancy, an election shall be held according to the provisions of this rule with any necessary modification.

Rule No. 18.15

Definitions:

"Preferential Voting" shall mean a system of voting in which the voter shall place a number 1 in the square opposite the name of the candidate for whom he votes as his first preference, and shall place the number 2, 3, 4 (and so on as the case required) in the squares opposite the names of all the remaining candidates so as to indicate the order of the preference for them. In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate. If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast he shall be declared

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or scrutineer are not present at any stage or stages of the ballot the Returning Officer may proceed nonetheless.

Rule No. 18.15

Should a vacancy occur in any of the abovementioned offices, the State Management Committee may fill the position within one month if the term remaining is not more than twelve (12) months. Where a ballot is required, the State Executive may conduct a postal ballot of S.M.C. members.

Rule No. 18.15.1

If the term remaining is more than twelve (12) months and the State Executive desires to fill the vacancy, an election shall be held according to the provisions of this rule with any necessary modification.

Rule No. 18.16 - Definitions:

"Preferential Voting" shall mean a system of voting in which the voter shall place a number 1 in the square opposite the name of the candidate for whom he votes as his first preference,

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elected.

Rule No. 18.15.1

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference. If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority

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and shall place the number 2, 3, 4(and so on as the case required) in the squares opposite the names of all the remaining candidates so as to indicate the order of the preference for them. In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate. If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast he shall be declared elected.

Rule No. 18.16.1

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicted for such candidate shall be counted to the remaining candidates next in the voters' order of preference. If a candidate has then an absolute majority of votes he shall be elected, but if no candidate then has a majority of votes the process of excluding the candidate who has the fewest

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of votes shall be elected.

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votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

.....

W.W. Trohear
STATE SECRETARY.

.....

L.J. Lake
STATE PRESIDENT.

INDUSTRIAL REGISTRAR
14 SEP 1990
QUEENSLAND

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Industrial Registrar's Office
Industrial Relations Commission of Queensland

6th Floor, 202 Adelaide Street, (Cnr. Edward St.), Brisbane, Q. 4000.
Postal Address: G.P.O. Box 373, Brisbane, 4001.
Telephone: (07) 227 8634 Facsimile: (07) 221 6074

3 July 1991

The Secretary
The Amalgamated Society of Carpenters, Joiners,
Bricklayers and Plasterers of Australasia,
Union of Employees, Queensland
366 Upper Roma Street
BRISBANE QLD 4000

Dear Sir

Re: ~~Application for Partial Alteration of Rules~~
(Case No. U8 of 1991).

I have to advise that the Registrar has granted leave to withdraw the application dated 19 March 1991.

Yours faithfully

M.J. CALLEN
Industrial Registrar

U20/91

Building Workers' Industrial Union of Australia

Amalgamated Society of Carpenters, Joiners, Bricklayers & Plasterers of Australasia, Union of Employees, Queensland

QUEENSLAND BRANCH
"Building Unity"
366 UPPER ROMA ST., BRISBANE. 4000

State President, L.J. LAKE
State Secretary, W.W. TROHEAR
State Assistant Secretary R.A. HUNTER

PHONE: (07) 236 2355
FAX: (07) 236 2230

WT:JH

June 25, 1991

INDUSTRIAL REGISTRAR
26 JUN 1991
QUEENSLAND

The Registrar
State Industrial Commission
202 Adelaide Street
BRISBANE. Q. 4000.

Dear Sir,

Please find enclosed an Application for a Rule Change of The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland Branch.

You will note that the Union applied for an Application to change the Rules in a similar matter on the 12th March, 1991, but asked that the Rule changes not be registered until further notice.

We wish now to withdraw the earlier Application and proceed with a new Application which in essence shortens the term of the 1991 elections within The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland, to 18 months to simultaneously line up with elections within the B.W.I.U. and Australian Timber Workers' Union in 1993.

We note your advice that the certifying barrister had approved our earlier Application and advise that this additional Application does no more than carry out the mechanics necessary to shorten the term to 18 months instead of 2 years as was proposed by our earlier Application.

Leave to withdraw granted

INDUSTRIAL REGISTRAR
1/7/91

We would request that if there is any difficulty with the structure of our proposed Rule change that we be advised as soon as possible so we can make the necessary amendments so as to ensure that the Rule changes are registered prior to our forthcoming election in August of this year.

Seeking your co-operation in this matter.

With best wishes.

Yours faithfully,

W.W. Trohear
STATE SECRETARY

L.J. Lake
STATE PRESIDENT

INVOICE RECORD (including Credit Memos)

Department of Industrial Affairs

MANT A K HERBERT
16TH LEVEL NEW INNS OF COURT
ODRESS: BUILDING 107 NORTH QUAY
BRISBANE QLD 4000

Purchase Order No.	
Vendor No.	E M
Invoice No.	V
Invoice Date	A S C B
Gross Amount	2 1
Invoice Type	
Payment Due Date	
Manual Cheque No.	
Voucher No.	

DESC. NUMBER	PARTICULARS OF CLAIM	$
	Certifying Partial Alteration of Rules	
	To fee as Certifying Barrister under the Industrial Relations Act 1990 in respect of the partial alteration of the rules of The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland	30.00
	TOTAL $	30.00

CLAIMANT'S CERTIFICATION

The total amount of this claim set forth above is due and payable to me for goods supplied, services rendered, or works constructed as indicated and hereby authorise the payment of that sum.

23/5/91
Date

Signature

RECEIVAL ADVICE

Goods Supplied/Services Rendered or Works Constructed.

Date

Signature

CERTIFICATES OF AUTHORISED ACCOUNTING OFFICERS

(a) VERIFICATION

The necessary examinations have been made to ensure that—

- this expenditure has been approved by a competent authority;
- the goods have been supplied, services rendered or works constructed;
- the price or rate of charge is correct;
- available discounts or allowances have been deducted from the claim;
- computation of the claim is arithmetically correct;
- the claim or any part of it has not been previously paid.

Date

Signature

VERIFICATION

ch verifications as are necessary have been performed ensure that this claim is properly payable.

Date

Signature

PPROVAL (for Direct Invoices only)

Signature

Date

Industrial Registrar
Designation

GENERAL LEDGER DISTRIBUTION

Account	Centre	Amount	Sign Code	Desc. Number
5 R H 3 7 9 1	2 1 1 0 0 1	3 0 0 0		

$ 3 0 0 0

NOTE

SIGN CODE (a) "6" — credit entries

Industrial Relations Act 1990

(No. U8 of 1991)

CERTIFICATE OF CERTIFYING BARRISTER

I certify that the alteration of the rules of The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland which are the subject of application number U 8 of 1991 are in conformity with the provisions of the Industrial Relations Act 1990.

Dated at Brisbane this 23rd day of May, 1991.

.....
Certifying Barrister

U8/9

Industrial Registrar's Office
The Industrial Court and The Industrial Relations Commission
of Queensland

6th Floor, 202 Adelaide Street, (Cnr. Edward St.), Brisbane, Q. 4000.
Postal Address: G.P.O. Box 373, Brisbane, 4001.
Telephone: (07) 227 8634 Facsimile: (07) 221 6074

23 May 1991

The Secretary
The Amalgamated Society of Carpenters,
Joiners, Bricklayers and Plasterers
of Australasia, Union of Employees,
Queensland
366 Upper Roma Street
BRISBANE QLD 4000

Dear Sir

Re: Partial Alteration of Rules

Your partial Alteration of Rules Application No. U8 of 1991 forwarded to the Certifying Barrister on 21 March 1991 has been returned to this Office with a signed certificate from the Certifying Barrister.

Due to your request in your letter of 12 March 1991 no further process of the rule change will take place until further instruction from you is received.

Yours faithfully

R.H. BLUMSOM
Assistant Industrial Registrar

Industrial Registrar's Office
Industrial Relations Commission of Queensland

6th Floor, 202 Adelaide Street, (Cnr. Edward St.), Brisbane, Q. 4000.
Postal Address: G.P.O. Box 373, Brisbane, 4001.
Telephone: (07) 227 8634 Facsimile: (07) 221 6074

21 March 1991

Mr A.K. Herbert, LL.B.
Certifying Barrister
16th Level
Inns of Court
107 North Quay
BRISBANE QLD 4000

Dear Sir

Please find enclosed application dated 19 March 1991, by The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland for registration of partial alteration of Rules.

A copy of the current registered rules is also enclosed.

If you are satisfied that the Rules applied for are not contrary to the provisions of the Industrial Relations Act 1990, please complete the Certificate and return the file to me.

Yours faithfully

R.H. BLUMSOM
Assistant Industrial Registrar

U8/

Building Workers' Industrial Union of Australia

QUEENSLAND BRANCH

Amalgamated Society of Carpenters, Joiners, Bricklayers & Plasterers of Australasia, Union of Employees, Queensland

"Building Unity"

State President, L.J. LAKE

State Secretary, W.W. TROHEAR

State Assistant Secretary R.A. HUNTER

366 UPPER ROMA ST., BRISBANE. 4000

PHONE: (07) 236 2355
FAX: (07) 236 2230

W:JB

12th March, 1991

INDUSTRIAL REGISTRAR
18 MAR 1991
QUEENSLAND

The Registrar
State Industrial Commission
202 Adelaide Street
BRISBANE. Q. 4000

Dear Max,

Please find enclosed an application for a Rule Change of the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland, as discussed with you in late February, 1991.

The ASCJB&P Queensland elections have always run concurrently with the Building Workers' Industrial Union, Queensland Branch elections, and simultaneous terms. Because of the current restructuring in the Australian Trade Union Movement where the Building Workers' Industrial Union is involved in various amalgamations, the first one of which being with the Australian Timber Workers' Union, it is likely that the 1991 elections within the BWIU will be postponed to line up simultaneously with the Australian Timber Workers' Union elections.

I understand that such a postponement or deferment will be two (2) years.

The effect of such a postponement would mean that the term of office of the officers who will be elected at the forthcoming 1991 ASCJB&P Queensland elections would be two years longer than the BWIU Queensland current officers.

In order to avoid such a possibility we are foreshadowing the enclosed rule change subject to the anticipated amalgamation with the Timber Workers going through and the successful application to the Australian Industrial Relations Commission for a two-year deferment of the BWIU 1991 elections, that our rules be changed to shorten the term of the 1991 elections, thereby ensuring that there are elections in the ASCJB&P simultaneously with the BWIU Queensland Branch in August of 1993.

Unfortunately, the time frame between having the knowledge that there is to be a deferment of the 1991 BWIU elections and the date for the calling of nominations in the ASCJB&P Queensland shall be short by approximately between four and eight weeks.

Therefore, we are requesting that you process the enclosed application for Rule Change but do not register the rule change until advised by the State Secretary of the ASCJB&P that the 1991 elections of the BWIU are to be postponed.

In the event that the elections in the BWIU are to go ahead be advised that we will be withdrawing the application for the attached changes to Rule 18.

The intent of this early application is to avoid any possible delays in the registering of the rule changes in the limited time available mid-year.

Seeking your co-operation in this matter.

With best wishes,

Yours faithfully,

Wallace Trohear

W.W. Trohear,
STATE SECRETARY.

L.J. Lake,
STATE PRESIDENT.

QUEENSLAND INDUSTRIAL REGISTRAR

Industrial Relations Act 1990

(No. U....8...of 1991)

APPLICATION

TO: The Industrial Registrar, Industrial Registrar's Office, sixth floor, State Government Building, 202 Adelaide Street (Cnr. Edward St.), Brisbane, and such other persons as the registrar may direct.

TAKE NOTICE THAT WE Lindsay John Lake and William Wallace Trohear being the State President and State Secretary respectively of the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland, and being authorised by that Organisation to make this application:-

1. Apply for a partial alteration of Rule Nos. 18.4; 18.4.1; 18.4.4. of The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland, under Section 13.20 of the Act, and attach as Schedule 1 to this Application a full statement of my claim in accordance with Rule 43.4 (b) and (c), (or Rule 43.7 (b) and (c)) and further declare that:

   (a) Schedule 2 is a true and correct copy of a resolution passed in accordance with the existing Organisation's rules agreeing to such alterations;

   (b) The rules proposed are in accordance with the provisions of the Industrial Relations Act 1990; and

   (c) The existing rules have been complied with in making the new rules.

INDUSTRIAL REGISTRAR
19 MAR 1991
QUEENSLAND

Additionally, we declare as follows:

2. We are fully authorised to make this Application.

3. All details contained in this application are to the best of our knowledge, information or belief true and correct.

.....
L.J. Lake
STATE PRESIDENT.

.....
W.W. Trohear
STATE SECRETARY.

Dated at Brisbane this 19th day of March, 1991

NOTE 1: If there is no attendance before the Registrar, by the respondent or agent, counsel or solicitor at the time and place fixed by the Registrar, the proceeding may be heard and the respondent will be liable to suffer Decision or an order against such person in their absence.

INDUSTRIAL REGISTRAR
1 9 MAR 1991
QUEENSLAND

Copy Pg 23 of 40

SCHEDULE NO. 1

AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS AND PLASTERERS OF AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND

RULE CHANGES

OLD RULE	AMENDMENT	NEW RULE
Rule No. 18.4 The term of office for the above positions shall be four years and such term shall commence from the date the successful candidates are declared elected by the Returning Officer conducting the ballot.	**Delete Rule No. 18.4** **Insert new Rule No. 18.4**	**Rule No. 18.4** The term of office for the above positions shall be two years for the 1991 elections and four years thereafter from the 1993 elections, and such terms shall commence from the date the successful candidates are declared elected by the Returning Officer conducting the ballot.
Rule No. 18.4.1 Nominations for the above positions shall be called by the Returning Officer by notification in the union journal or in one daily newspaper circulating in the capital city and in each Sub-branch or district area on or before the last day of August of every fourth (4th) year commencing as on and from the last day of August 1983.	**Delete Rule No. 18.4.1** **Insert New Rule No. 18.4.1**	**Rule No. 18.4.1** Nominations for the above positions shall be called by the Returning Officer by notification in the union journal or in one daily newspaper circulating in the capital city and in each Sub-Branch or district area on or before the last day of August 1991, thereafter every fourth (4th) year commencing as on and from the last day of August 1993.

INDUSTRIAL REGISTRAR
19 MAR 1991
QUEENSLAND

COM.0001.0014.5465_0023

08981

Copy Pg 25 of 40

COM.0001.0014.5465_0025

08983

OLD RULE	AMENDMENT	NEW RULE
Rule No. 18.4.4	***Delete Rule No. 18.4.4***	***Rule No. 18.4.4***
Nominations shall be closed at 4 p.m. on the last Friday of September 1983 and each four (4) years thereafter following that date.	***Insert New Rule No. 18.4.4***	Nominations shall be closed at 4 p.m. on the last Friday of September 1991, the last Friday of September 1993, and each four (4) years thereafter following that date.
Nominations must be received by the Returning Officer by that time on that date to be eligible.		Nominations must be received by the Returning Officer by that time on that date to be eligible.

INDUSTRIAL REGISTRAR
19 MAR 1991
QUEENSLAND

SCHEDULE NO. 2

EXTRACT FROM:

THE MINUTES OF THE STATE MANAGEMENT COMMITTEE MEETING OF THE AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS & PLASTERERS OF AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND AND THE BUILDING WORKERS' INDUSTRIAL UNION OF AUSTRALIA, QUEENSLAND BRANCH HELD ON THURSDAY, 28TH FEBRUARY AND FRIDAY, 1ST MARCH, 1991, AT 366 UPPER ROMA STREET, BRISBANE,

"Moved: B. Hall Seconded: K. Carroll

That conditional on the BWIU 1991 elections being deferred for two years because of the forthcoming amalgamation with the Australian Timber and Allied Industries Union that Rule 18 of the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland Rules be altered as tabled to effect a shortened term for the 1991 elections of the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland to effect simultaneous election dates with the then 1993 BWIU Queensland Branch elections.

That the State Secretary and President be authorised to make application to the Queensland Industrial Registrar for the proposed rule changes requesting the Industrial Registrar not to register or effect the Rule change until advised by the State Secretary that the 1991 elections of the BWIU are to be postponed.

Upon making the application for the proposed Rule changes, the Secretary is also to advise the Industrial Registrar that in the event of the 1991 BWIU elections not being postponed and taking place as scheduled in 1991, the proposed changes to Rule 18 will be withdrawn:

INDUSTRIAL REGISTRAR
19 MAR 1991
QUEENSLAND

RULE NO. 18.4

Existing Rule

The term of office for the above positions shall be four years and such term shall commence from the date the successful candidates are declared elected by the Returning Officer conducting the ballot.

New Rule

The term of office for the above positions shall be two years for the 1991 elections and four years thereafter from the 1993 elections, and such terms shall commence from the date the successful candidates are declared elected by the Returning Officer conducting the ballot.

RULE NO. 18.4.1

Existing Rule

Nominations for the above positions shall be called by the Returning Officer by notification in the union journal or in one daily newspaper circulating in the capital city and in each Sub-Branch or district area on or before the last day of August of every fourth (4th) year commencing as on and from the last day of August 1983.

New Rule

Nominations for the above positions shall be called by the Returning Officer by notification in the union journal or in one daily newspaper circulating in the capital city and in each Sub-Branch or district area on or before the last day of August 1991, thereafter every fourth (4th) year commencing as on and from the last day of August 1993.

INDUSTRIAL REGISTRAR
19 MAR 1991
QUEENSLAND

RULE NO. 18.4.4
Existing Rule Nominations shall be closed at 4 p.m. on the last Friday of September 1983 and each four (4) years thereafter following that date. Nominations must be received by the Returning Officer by that time on that date to be eligible.
New Rule Nominations shall be closed at 4 p.m. on the last Friday of September 1991, the last Friday of September 1993, and each four (4) years thereafter following that date. Nominations must be received by the Returning Officer by that time on that date to be eligible.

Carried"

INDUSTRIAL REGISTRAR
19 MAR 1991
QUEENSLAND

APPLICATION NO. U OF 1991

QUEENSLAND INDUSTRIAL REGISTRAR, SIXTH FLOOR, STATE GOVERNMENT BUILDING, 202 ADELAIDE STREET (CNR. EDWARD STREET), BRISBANE

Industrial Relations Act 1990

IN THE MATTER of an application by the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland for partial alteration of Registered Rules.

INDUSTRIAL REGISTRAR
19 MAR 1991
QUEENSLAND

Filed by: Mr. W.W. Trohear, State Secretary, and Mr. L.J. Lake, State President, Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland

Address: 366 Upper Roma Street
BRISBANE. Q. 4000

Phone: 236 2355
Facsimile No. 236 2230

NOTE: This address is the address for sedrvice of the above party.

V024642

$ 4200

COM.0001.0014.5465_0034

U8/91

CHECKLIST FOR CHANGE OF RULES APPLICATION

Application is receipted and name is checked to ensure that the correct registered name of the State registered Industrial Organization is included.

If the name is incorrect, action will need to be taken to correct the name by the filing of replacement pages or some other suitable method.

All documents and correspondence should be entered on the cover sheet for the application and all important events throughout the processing of the application should be entered in the progress report on the inside front cover of the application.

(1) Create file. ☑

(2) Enter application in register of applications. ☑

(3) Check the old rule column with the copy of the registered rules as they exist at this point in time. ☑

(4) Check the amendments column to ensure that it makes sense. ☑

(5) Check the new rule column to ensure that it is an exact result of the combination of the old rule column and the amendment column. ☑

(6) If application requires corrections to be made, contact applicant and clarify problem areas. (Replacement pages may be needed or you may be able to complete the corrections yourself. Ensure corrections are made on all copies.) ☑

(7) Once the application is correct, arrange to have typed:-

(a) the letter to the Certifying Barrister; ☑

(b) the voucher to be signed by the Barrister; ☑

(c) the Certificate of the Certifying Barrister. ☑

(8) Have the letter signed by the Registrar and forward to the Certifying Barrister accompanied by a copy of the current registered rules and the original of the application. ☑

Keep an eye on the application and ring the Barrister to follow it up if it seems to take too long to be certified. Use your own judgement as to how long an application should take to be certified.

(9) When the application is returned from the Certifying Barrister:-

(a) mark in voucher book. ☐

(b) mark on industrial organisation card. ☐

(c) enter outcome in applications register. ☐

(d) amend cut and paste copy of industrial organization rules. ☐

(e) arrange to have certificate of registration of alteration to industrial organization rules typed. ☐

(f) arrange to have copies of rules amended. ☐

(10) Get Registrar to sign certificate of registration and voucher. ☐

(11) Photocopy certificate of certifying Barrister. ☐

(12) Photocopy voucher and certificate of registration of alteration to rules. ☐

(13) Give original of voucher to Administration Officer. ☐

(14) Give original of certificate of registration and a copy of the application to the applicant. ☐

(15) Give copy of certificate of Certifying Barrister to applicant. ☐

(16) On file should be:-

(a) copy of certificate of registration of alteration to rules. ☐

(b) original of application. ☐

(c) copy of voucher. ☐

(d) original of certificate of Certifying Barrister. ☐

COM.0001.0014.5465_0039

7

Industrial Relations Act 1990--1991
(Section 13.20)

(No. U20 of 1991)

CERTIFICATE OF REGISTRATION OF ALTERATION OF RULES

I hereby certify that pursuant to the Act the alteration of rule(s) no(s) 18.4, 18.4.1, 18.4.4, 18.5, 18.5.1, 18.6 and 18.8 of the rules of The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland, a copy of which is appended hereto, has been registered.

Dated at Brisbane this ninth day of July, 1991.

.....
Industrial Registrar

Copy Pg 3 of 42

INVOICE RECORD (including Credit Memos)

Department of Industrial Affairs

CLAIMANT:	A K HERBERT
	16TH LEVEL NEW INNS OF COURT
ADDRESS:	BUILDING 107 NORTH QUAY
	BRISBANE QLD

Purchase Order No.	EM
Vendor No.	V0023
Invoice No.	ASC07 91
Invoice Date	02 07 9
Gross Amount	30.00
Invoice Type	
Payment Due Date	
Manual Cheque No.	
Voucher No.	

DESC. NUMBER	PARTICULARS OF CLAIM	$
	Certifying Partial Alteration of Rules	30.00
	To fee as Certifying Barrister under the Industrial Relations Act 1990-1991 in respect of the partial alteration of the rules of The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland	
	TOTAL $	30.00

CLAIMANT'S CERTIFICATION

The total amount of this claim set forth above is due and payable to me for goods supplied, services rendered, or works constructed as indicated and hereby authorise the payment of that sum.

7/7/91 (Date) — (Signature)

RECEIVAL ADVICE

Goods Supplied/Services Rendered or Works Constructed.

Date — Signature

CERTIFICATES OF AUTHORISED ACCOUNTING OFFICERS

(a) VERIFICATION

The necessary examinations have been made to ensure that—

- this expenditure has been approved by a competent authority;
- the goods have been supplied, services rendered or works constructed;
- the price or rate of charge is correct;
- available discounts or allowances have been deducted from the claim;
- computation of the claim is arithmetically correct;
- the claim or any part of it has not been previously paid.

Date — Signature

(b) VERIFICATION

Such verifications as are necessary have been performed to ensure that this claim is properly payable.

Date — Signature

(c) APPROVAL (for Direct Invoices only)

9/7/91 (Date) — Signature — Industrial Registrar (Designation)

GENERAL LEDGER DISTRIBUTION

Account	Centre	Amount	Sign Code	Desc. Number
5W102	9200	3000		
	0N00			
	0			
$		3000		

NOTE

SIGN CODE (a) "6" — credit entries

(b) otherwise blank

COM.0001.0014.5463_0003

09001

Industrial Relations Act 1990--1991

(No. U20 of 1991)

CERTIFICATE OF CERTIFYING BARRISTER

I certify that the alteration of the rules of The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland which are the subject of application number U20 of 1991 are in conformity with the provisions of the Industrial Relations Act 1990--1991.

Dated at Brisbane this ....7th.... day of ....July...., 1991.

.....
Certifying Barrister

Industrial Registrar's Office
Industrial Relations Commission of Queensland

6th Floor, 202 Adelaide Street, (Cnr. Edward St.), Brisbane, Q. 4000.
Postal Address: G.P.O. Box 373, Brisbane, 4001.
Telephone: (07) 227 8634 Facsimile: (07) 221 6074

3 July 1991

Mr A.K. Herbert, LL.B.
Certifying Barrister
16th Level
Inns of Court
107 North Quay
BRISBANE QLD 4000

Dear Sir

Please find enclosed covering letter and application dated 26 June 1991, by The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland for registration of partial alteration of Rules.

A copy of the current registered rules is also enclosed.

If you are satisfied that the Rules applied for are not contrary to the provisions of the Industrial Relations Act 1990--1991, please complete the Certificate and return the file to me.

Yours faithfully

M.J. CALLEN
Industrial Registrar

U20/91

Building Workers' Industrial Union of Australia

QUEENSLAND BRANCH

Amalgamated Society of Carpenters, Joiners, Bricklayers & Plasterers of Australasia, Union of Employees, Queensland

"Building Unity"

366 UPPER ROMA ST., BRISBANE. 4000

State President, L.J. LAKE

State Secretary, W.W. TROHEAR

State Assistant Secretary R.A. HUNTER

PHONE: (07) 236 2355
FAX: (07) 236 2230

WT:JH

July 1, 1991

INDUSTRIAL REGISTRAR
1 JUL 1991
QUEENSLAND

The Registrar
State Industrial Commission
202 Adelaide Street
BRISBANE. Q. 4000.

Dear Sir,

Attention: Juanita

Please find attached hereto corrected pages in our Application following our telephonic discussions this morning.

Yours faithfully,

W.W. Trohear
STATE SECRETARY

Enc.

COM.0001.0014.5463_0009

Copy Pg 11 of 42

4/20/91

CHECKLIST FOR CHANGE OF RULES APPLICATION

Application is receipted and name is checked to ensure that the correct registered name of the State registered Industrial Organization is included.

If the name is incorrect, action will need to be taken to correct the name by the filing of replacement pages or some other suitable method.

All documents and correspondence should be entered on the cover sheet for the application and all important events throughout the processing of the application should be entered in the progress report on the inside front cover of the application.

(1) Create file. ☑

(2) Enter application in register of applications. ☑

(3) Check the old rule column with the copy of the registered rules as they exist at this point in time. ☑

(4) Check the amendments column to ensure that it makes sense. ☑

(5) Check the new rule column to ensure that it is an exact result of the combination of the old rule column and the amendment column. ☑

(6) If application requires corrections to be made, contact applicant and clarify problem areas. (Replacement pages may be needed or you may be able to complete the corrections yourself. Ensure corrections are made on all copies.) Amendment ☑

(7) Once the application is correct, arrange to have typed:-

(a) the letter to the Certifying Barrister; ☑

(b) the voucher to be signed by the Barrister; ☑

(c) the Certificate of the Certifying Barrister. ☑

COM.0001.0014.5463_0011

09009

(8) Have the letter signed by the Registrar and forward to the Certifying Barrister accompanied by a copy of the current registered rules and the original of the application.

Keep an eye on the application and ring the Barrister to follow it up if it seems to take too long to be certified. Use your own judgement as to how long an application should take to be certified.

(9) When the application is returned from the Certifying Barrister:-

(a) mark in voucher book.

(b) mark on industrial organisation card.

(c) enter outcome in applications register.

(d) amend cut and paste copy of industrial organization rules.

(e) arrange to have certificate of registration of alteration to industrial organization rules typed.

(f) arrange to have copies of rules amended.

(10) Get Registrar to sign certificate of registration and voucher.

(11) Photocopy certificate of certifying Barrister.

(12) Photocopy voucher and certificate of registration of alteration to rules.

(13) Give original of voucher to Administration Officer.

(14) Give original of certificate of registration and a copy of the application to the applicant.

(15) Give copy of certificate of Certifying Barrister to applicant. ☑

(16) On file should be:-

(a) copy of certificate of registration of alteration to rules. ☑

(b) original of application. ☑

(c) copy of voucher. ☑

(d) original of certificate of Certifying Barrister. ☑

Building Workers' Industrial Union of Australia

Amalgamated Society of Carpenters, Joiners, Bricklayers & Plasterers of Australasia, Union of Employees, Queensland

QUEENSLAND BRANCH
"Building Unity"
366 UPPER ROMA ST., BRISBANE. 4000

State President, L.J. LAKE
State Secretary, W.W. TROHEAR
State Assistant Secretary R.A. HUNTER

PHONE: (07) 236 2355
FAX: (07) 236 2230

WT:JH

original filed on 08/91.

June 25, 1991

INDUSTRIAL REGISTRAR
28 JUN 1991
QUEENSLAND

The Registrar
State Industrial Commission
202 Adelaide Street
BRISBANE. Q. 4000.

Dear Sir,

Please find enclosed an Application for a Rule Change of The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland Branch.

You will note that the Union applied for an Application to change the Rules in a similar matter on the 12th March, 1991, but asked that the Rule changes not be registered until further notice.

We wish now to withdraw the earlier Application and proceed with a new Application which in essence shortens the term of the 1991 elections within The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland, to 18 months to simultaneously line up with elections within the B.W.I.U. and Australian Timber Workers' Union in 1993.

We note your advice that the certifying barrister had approved our earlier Application and advise that this additional Application does no more than carry out the mechanics necessary to shorten the term to 18 months instead of 2 years as was proposed by our earlier Application.

Leave to withdraw granted

INDUSTRIAL REGISTRAR
1/8/91

COM.0001.0014.5463_0017

We would request that if there is any difficulty with the structure of our proposed Rule change that we be advised as soon as possible so we can make the necessary amendments so as to ensure that the Rule changes are registered prior to our forthcoming election in August of this year.

Seeking your co-operation in this matter.

With best wishes.

Yours faithfully,

W.W. Trohear
STATE SECRETARY

L.J. Lake
STATE PRESIDENT

QUEENSLAND INDUSTRIAL REGISTRAR

Industrial Relations Act 1990

(No. U...20...of 1991)

INDUSTRIAL REGISTRAR
26 JUN 1991
QUEENSLAND

APPLICATION

TO: The Industrial Registrar, Industrial Registrar's Office, sixth floor, State Government Building, 202 Adelaide Street (Cnr. Edward St.), Brisbane, and such other persons as the registrar may direct.

TAKE NOTICE THAT WE Lindsay John Lake and William Wallace Trohear being the State President and State Secretary respectively of the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland, and being authorised by that Organisation to make this application:-

1. Apply for a partial alteration of Rule Nos. 18.4; 18.4.1; 18.4.4.; 18.5; 18.5.1; 18.6; 18.8 of The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland, under Section 13.20 of the Act, and attach as Schedule 1 to this Application a full statement of my claim in accordance with Rule 43.4 (b) and (c), (or Rule 43.7 (b) and (c)) and further declare that:

   (a) Schedule 2 is a true and correct copy of a resolution passed in accordance with the existing Organisation's rules agreeing to such alterations;

   (b) The rules proposed are in accordance with the provisions of the Industrial Relations Act 1990; and

   (c) The existing rules have been complied with in making the new rules.

COM.0001.0014.5463_0021

Additionally, we declare as follows:

2. We are fully authorised to make this Application.

3. All details contained in this application are to the best of our knowledge, information or belief true and correct.

.....
L.J. Lake
STATE PRESIDENT.

.....
W.W. Trohear
STATE SECRETARY.

Dated at Brisbane this 26th day of June, 1991

NOTE 1: If there is no attendance before the Registrar, by the respondent or agent, counsel or solicitor at the time and place fixed by the Registrar, the proceeding may be heard and the respondent will be liable to suffer Decision or an order against such person in their absence.

INDUSTRIAL REGISTRAR
26 JUN 1991
QUEENSLAND

Copy Pg 25 of 42

COM.0001.0014.5463_0025

09023

ALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS AND PLASTERERS OF AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND

RULE CHANGES

OLD RULE	AMENDMENT	NEW RULE
Rule No. 18.4 The term of office for the above positions shall be four years and such term shall commence from the date the successful candidates are declared elected by the Returning Officer conducting the ballot.	*Delete Rule No. 18.4* *Insert new Rule No. 18.4* INDUSTRIAL REGISTRAR 26 JUN 1991 QUEENSLAND	*Rule No. 18.4* The term of office for the above positions shall be 18 months for the 1991 elections and four years thereafter from the 1993 elections, and such terms shall commence from the date the successful candidates are declared elected by the Returning Officer conducting the ballot.
Rule No. 18.4.1 Nominations for the above positions shall be called by the Returning Officer by notification in the union journal or in one daily newspaper circulating in the capital city and in each Sub-branch or district area on or before the last day of August of every fourth (4th) year commencing as on and from the last day of August 1983.	*Delete Rule No. 18.4.1* *Insert New Rule No. 18.4.1*	*Rule No. 18.4.1* Nominations for the above positions shall be called by the Returning Officer by notification in the union journal or in one daily newspaper circulating in the capital city and in each Sub-branch or district area on or before the last day of August 1991, thereafter every fourth (4th) year commencing as on and from the last day of February 1993.

Copy Pg 27 of 42

OLD RULE	AMENNDMENT	NEW RULE
Rule No. 18.4.4	***Delete Rule No. 18.4.4***	**Rule No. 18.4.4**
Nominations shall be closed at 4 p.m. on the last Friday of September 1983 and each four (4) years thereafter following that date.	***Insert New Rule No. 18.4.4***	Nominations shall be closed at 4 p.m. on the last Friday of September 1991, the last Friday of March 1993, and each four (4) years thereafter following that date.
Nominations must be received by the Returning Officer by that time on that date to be eligible.	INDUSTRIAL REGISTRAR 1 JUL 1991 QUEENSLAND	Nominations must be received bythe Returning Officer by that time on that date to be eligible.
Rule No. 18.5	***Delete Rule No. 18.5***	***Rule No. 18.5***
For the purpose of the election the books of the Union shall be deemed to have closed as at 31st August preceding the elction. Only members who are shown in the records at the office of the Union as having paid all contributions, levies and fines fourteen (14) clear days prior to the 31st day of August shall be entitled to vote.	***Insert New Rule No. 18.5***	For the purposes of the election, the books of the Union shall be deemed to have closed as of the 31st August for the 1991 elecction, thereafter at the last day of February preceding the election. Only members who are shown in the records at the office of the Union as having paid all contributions, levies and fines fourteen (14) clear days prior to the 31st day of August for the 1991 election and thereafter the last day of February, shall be entitled to vote.

COM.0001.0014.5463_0027

09025

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COM.0001.0014.5463_0029

09027

OLD RULE	AMENNDMENT	NEW RULE
Rule No. 18.4.4	***Delete Rule No. 18.4.4***	**Rule No. 18.4.4**
Nominations shall be closed at 4 p.m. on the last Friday of September 1983 and each four (4) years thereafter following that date. Nominations must be received by the Returning Officer by that time on that date to be eligible.	***Insert New Rule No. 18.4.4*** INDUSTRIAL REGISTRAR 26 JUN 1991 QUEENSLAND	Nominations shall be closed at 4 p.m. on the last Friday f September 1991, the last Friday of February 1993, and each four (4) years thereafter following that date. Nominations must be received by the Returning Officer by that time on that date to be eligible.
Rule No. 18.5	***Delete Rule No. 18.5*** ***Insert New Rule No. 18.5*** see replacement page filed 1/7/91	***Rule No. 18.5***
For the purpose of the election the books of the Union shall be deemed to have closed as at 31st August preceding the election. Only members who are shown in the records at the office of the Union as having paid all contributions, levies and fines fourteen (14) clear days prior to the 31st day of August shall be entitled to vote.		For the purposes of the election, the books of the Union shall be deemed to have closed as of the 31st August for the 1991 election, thereafter at the last day of February preceding the election. Only members who are shown in the records at the office of the Union as having paid all contributions, levies and fines fourteen (14) clear days prior to the 31st day of August for the 1991 election and thereafter the last day of February, shall be entitled to vote.

Copy Pg 31 of 42

OLD RULE	AMENDMENT	NEW RULE
Rule No. 18.5.1 Provided that any member who at any time prior to the closing of the ballot satisfied the Returning Officer that he has paid all contributions levies and fines prior to the 31st day of August preceding the election shall be entitled to receive a ballot paper and the Returning Officer shall send by pre-paid post a ballot paper in accordance with rule 18.5.12.	*Delete Rule 18.5.1* *Insert New Rule No. 18.5.1*	*Rule No. 18.5.1* Providing that any member who at the time prior to the closing of the ballot, satisfies the Returning Officer that he has paid all contributions, levies and fines prior to the 31st day of August 1991 and thereafter the last day of February preceding the election, shall be entitled to receive a ballot paper and the Returning Officer shall send by pre-paid post a ballot paper in accordance with Rule 18.5.12.

INDUSTRIAL REGISTRAR
26 JUN 1991
QUEENSLAND

COM.0001.0014.5463_0031
09029

Copy Pg 33 of 42

COM.0001.0014.5463_0033

09031

OLD RULE	AMENDMENT	NEW RULE
Rule No. 18.6 The opening date of the ballot shall be on the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union he shall cause the lock to be changed.	*Delete Rule No. 18.6* *Insert New Rule No. 18.6* REGISTRAR 1 JUL 1991 QUEENSLAND	*Rule No. 18.6* The opening date of the ballot shall be on the 2nd day of November for the 1991 elections and thereafter the 2nd day of May and the closing date shall be noon on the 16th day of November for the 1991 election and thereafter noon on the 16th day of May in each year which the ballot is held. All ballot papers shall be returned to the Returning Officer, c/- the Post Office Box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers, or if a box has been previously used by the Union, he/she shall cause the lock to be changed.

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COM.0001.0014.5463_0035

09033

OLD RULE	AMENDMENT	NEW RULE
Rule No. 18.6	***Delete Rule No. 18.6***	***Rule No. 18.6***
The opening date of the ballot shall be on the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union he shall cause the lock to be changed.	***Insert New Rule No. 18.6***	The opening date of the ballot shall be on the 2nd day of November for the 1991 elections and thereafter the 2nd day of May and the closing date shall be noon on the 16th day of November for the 1991 election and thereafter noon on the 16th day of May in each year which the ballot is held. All ballot papers shall be returned to the Returning Officer, c/- the Post Office named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Returning Officer prior to the dispatch of the ballot papers, or if a box has been previously used by the Union, shall cause the lock to be changed.

INDUSTRIAL REGISTRAR
26 JUN 1991
QUEENSLAND

see replacement page filed 1/7/91

Copy Pg 37 of 42

COM.0001.0014.5463_0037

09035

OLD RULE	AMENDMENT	NEW RULE
Rule No. 18.8 The Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall be completed not later than the first day of December following the closing of the ballot.	*Delete Rule No. 18.8* *Insert New Rule No. 18.8* INDUSTRIAL REGISTRAR 26 JUN 1991 QUEENSLAND	*Rule No. 18.8* The Returning Officer shall proceed to count the ballot on the preferential system provided for in this Rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall be completed not later than the 1st day of December for the 1991 elections, thereafter the 1st day of June following the closing of the ballot.

SCHEDULE NO. 2

EXTRACT FROM:

THE MINUTES OF THE STATE MANAGEMENT COMMITTEE MEETING OF THE AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS & PLASTERERS OF AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND AND THE BUILDING WORKERS' INDUSTRIAL UNION OF AUSTRALIA, QUEENSLAND BRANCH HELD ON THURSDAY, 28TH FEBRUARY AND FRIDAY, 1ST MARCH, 1991, AT 366 UPPER ROMA STREET, BRISBANE.

"Moved: B. Hall Seconded: K. Carroll

That conditional on the BWIU 1991 elections being deferred for two years because of the forthcoming amalgamation with the Australian Timber and Allied Industries Union that Rule 18 of the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland Rules be altered as tabled to effect a shortened term for the 1991 elections of the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland to effect simultaneous election dates with the then 1993 BWIU Queensland Branch elections.

That the State Secretary and President be authorised to make application to the Queensland Industrial Registrar for the proposed rule changes requesting the Industrial Registrar not to register or effect the Rule change until advised by the State Secretary that the 1991 elections of the BWIU are to be postponed.

Upon making the application for the proposed Rule changes, the Secretary is also to advise the Industrial Registrar that in the event of the 1991 BWIU elections not being postponed and taking place as scheduled in 1991, the proposed changes to Rule 18 will be withdrawn:

Carried

INDUSTRIAL REGISTRAR
26 JUN 1991
QUEENSLAND

W.W. Trohear
STATE SECRETARY

L.J. Lake
STATE PRESIDENT

APPLICATION NO. U OF 1991

QUEENSLAND INDUSTRIAL REGISTRAR, SIXTH FLOOR, STATE GOVERNMENT BUILDING, 202 ADELAIDE STREET (CNR. EDWARD STREET), BRISBANE

Industrial Relations Act 1990

IN THE MATTER of an application by the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland for partial alteration of Registered Rules.

INDUSTRIAL REGISTRAR
26 JUN 1991
QUEENSLAND

Filed by: Mr. W. Trobear, State Secretary, and Mr. L.J. Lake, State President, Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland

Address: 366 Upper Roma Street
BRISBANE. Q. 4000

Phone: 236 2355
Facsimile No. 236 2230

NOTE: This address is the address for sedrvice of the above party.

X92517

and Fee
$42.00

Industrial Relations Act 1990--1991
(Section 13.20)

(No. U54 of 1991)

CERTIFICATE OF REGISTRATION OF ALTERATION OF RULES

I hereby certify that pursuant to the Act the alteration of rule no 9.1 of the rules of The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland, a copy of which is appended hereto, has been registered.

Dated at Brisbane this sixth day of January, 1992.

.....
Industrial Registrar

Department of Industrial Affairs

CLAIMANT:	A.K. HERBERT
	16TH LEVEL NEW INNS OF COURT
ADDRESS:	BUILDING 107 NORTH QUAY
	BRISBANE QLD

Purchase Order No.	EM
Vendor No.	V0233
Invoice No.	ASC&J 1291
Invoice Date	23/12/91
Gross Amount	30.00
Invoice Type	
Payment Due Date	
Manual Cheque No.	
Voucher No.	

DESC. NUMBER	PARTICULARS OF CLAIM	$
	Certifying Partial Alteration of Rules	30.00
	To fee as Certifying Barrister under the Industrial Relations Act 1990--1991 in respect of the partial alteration of the rules of The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland	
	TOTAL $	30.00

CLAIMANT'S CERTIFICATION

The total amount of this claim set forth above is due and payable to me for goods supplied, services rendered, or works constructed as indicated and hereby authorise the payment of that sum.

6/1/92 Date

Signature

RECEIVAL ADVICE

Goods Supplied/Services Rendered or Works Constructed.

Date Signature

CERTIFICATES OF AUTHORISED ACCOUNTING OFFICERS

(a) VERIFICATION

The necessary examinations have been made to ensure that—

- this expenditure has been approved by a competent authority;
- the goods have been supplied, services rendered or works constructed;
- the price or rate of charge is correct;
- available discounts or allowances have been deducted from the claim;
- computation of the claim is arithmetically correct;
- the claim or any part of it has not been previously paid.

Date Signature

(b) VERIFICATION

Such verifications as are necessary have been performed to ensure that this claim is properly payable.

Date Signature

(c) APPROVAL (for Direct Invoices only)

Signature

Date Industrial Registrar Designation

GENERAL LEDGER DISTRIBUTION

Account	Centre	Amount	Sign Code	Desc. Number
5W102	92000	3000		
	0N000			
	0			
$		3000		

NOTE

SIGN CODE (a) "6" — credit entries

(b) otherwise blank

COM.0001.0014.5464_0003

Copy Pg 5 of 24

Industrial Relations Act 1990--1991

(No. U54 of 1991)

CERTIFICATE OF CERTIFYING BARRISTER

I certify that the alteration of the rules of The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland which are the subject of application number U54 of 1991 are in conformity with the provisions of the Industrial Relations Act 1990--1991.

Dated at Brisbane this 6th day of January, 1992

.....
Certifying Barrister

COM.0001.0014.5464_0005

09045

54/91

3

Industrial Registrar's Office
The Industrial Court and The Industrial Relations Commission of Queensland

6th Floor, 202 Adelaide Street, (Cnr. Edward St.), Brisbane, Q. 4000.
Postal Address: G.P.O. Box 373, Brisbane, 4001.
Telephone: [redacted] Facsimile: (07) 221 6074
(07) 227 8060

24 December 1991

Mr A.K. Herbert, LL.B.
Certifying Barrister
16th Level
Inns of Court
107 North Quay
BRISBANE QLD 4000

Dear Sir

Please find enclosed application dated 19 December 1991, by The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland for registration of partial alteration of Rules.

A copy of the current registered rules is also enclosed.

If you are satisfied that the Rules applied for are not contrary to the provisions of the Industrial Relations Act 1990--1991, please complete the Certificate and return the file to me.

Yours faithfully

M.J. CALLEN
Industrial Registrar

U54/9

CHECKLIST FOR CHANGE OF RULES APPLICATION

Application is receipted and name is checked to ensure that the correct registered name of the State registered Industrial Organization is included.

If the name is incorrect, action will need to be taken to correct the name by the filing of replacement pages or some other suitable method.

All documents and correspondence should be entered on the cover sheet for the application and all important events throughout the processing of the application should be entered in the progress report on the inside front cover of the application.

(1) Create file. ☑

(2) Enter application in register of applications. ☑

(3) Check the old rule column with the copy of the registered rules as they exist at this point in time. ☑

(4) Check the amendments column to ensure that it makes sense. ☑

(5) Check the new rule column to ensure that it is an exact result of the combination of the old rule column and the amendment column. ☑

(6) Check rule changes are in compliance with the Act. ☑

(7) If application requires corrections to be made, contact applicant and clarify problem areas. (Replacement pages may be needed or you may be able to complete the corrections yourself. Ensure corrections are made on all copies.) N/A

(8) Once the application is correct, arrange to have typed:-

(a) the letter to the Certifying Barrister; ☑

(b) the voucher to be signed by the Barrister; ☑

(c) the Certificate of the Certifying Barrister. ☑

(9) Have the letter signed by the Registrar and forward to the Certifying Barrister accompanied by a copy of the current registered rules and the original of the application.

Keep an eye on the application and ring the Barrister to follow it up if it seems to take too long to be certified. Use your own judgement as to how long an application should take to be certified.

(10) When the application is returned from the Certifying Barrister:-

(a) mark in voucher book.

(b) mark on industrial organisation card.

(c) enter outcome in applications register.

(d) amend cut and paste copy of industrial organization rules.

(e) arrange to have certificate of registration of alteration to industrial organization rules typed.

(f) arrange to have copies of rules amended.

(11) Get Registrar to sign certificate of registration and voucher.

(12) Photocopy certificate of certifying Barrister.

(13) Photocopy voucher and certificate of registration of alteration to rules.

(14) Give original of voucher to Administration Officer.

(15) Give original of certificate of registration and a copy of the application to the applicant.

(16) Give copy of certificate of Certifying Barrister to applicant. ☑

(17) On file should be:-

(a) copy of certificate of registration of alteration to rules. ☑

(b) original of application. ☑

(c) copy of voucher. ☑

(d) original of certificate of Certifying Barrister. ☑

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1990

(No.....154...of 1991)

INDUSTRIAL REGISTRAR
20 DEC 1991
QUEENSLAND

APPLICATION

To: The Industrial Registrar, Industrial Registrar's Office, sixth floor, State Government Building, 202 Adelaide Street (Cnr. Edward St.), Brisbane, and such other persons as the Registrar may direct.

TAKE NOTICE THAT WE Peter John Stone and William Wallace Trohear being the State President and State Secretary respectively of the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland, and being authorised by that organisation to make this application:

1. Apply for an alteration of Rule No. 9.1 of the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland, under Section 13.20 of the Act, and attach as Schedule 1 to this Application a full statement of our claim in accordance with Rule 43.4 (b) and (c), (or Rule 43.7 (b) and (c)) and further declare that:

   (a) Schedule 2 is a true and correct copy of a resolution passed in accordance with the existing organisation's rules agreeing to such an alteration;

   (b) The rules proposed are in accordance with the provisions of the Industrial Relations Act 1990; and

   (c) The existing rules have been complied with in making the new rules.

Additionally, we declare as follows:

2. We are fully authorised to make this Application.

3. All details contained in this application are to the best of our knowledge, information or belief true and correct.

.....
P.J. Stone
STATE PRESIDENT.

.....
W.W. Trohear
STATE SECRETARY.

Dated at Brisbane this nineteenth day of December 1991

NOTE 1: If there is no attendance before the Registrar, by the respondent or agent, counsel or solicitor at the time and place fixed by the Registrar, the proceeding may be heard and the respondent will be liable to suffer Decision or an order against such person in their absence.

INDUSTRIAL REGISTRAR
20 DEC 1991
QUEENSLAND

Copy Pg 19 of 24

ALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS AND PLASTERERS OF AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND

RULE CHANGES

OLD RULE	AMENDMENT	NEW RULE
Rule No. 9.1	**Delete Rule No. 9.1**	**Rule No. 9.1**
All moneys of the union in Queensland shall be banked by the State and Sub-Branch officers in the Commonwealth Bank of Australia, or such other bank as the State Management Committee may decide.	**Insert new Rule No. 9.1**	All moneys of the union in Queensland shall be banked by the State and Sub-Branch officers in a registered banking institution or other such financial institution as the State Management Committee may decide.

20 DEC 1991
QUEENSLAND

COM.0001.0014.5464_0019

09059

SCHEDULE NO. 2

EXTRACT FROM:

THE MINUTES OF THE STATE MANAGEMENT COMMITTEE OF THE ATAIU AND BWIU AMALGAMATED UNION, QUEENSLAND BRANCH, BWIU DIVISION AND THE AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS & PLASTERERS OF AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND HELD AT 366 UPPER ROMA STREET, BRISBANE, ON THE 14TH AND 15TH NOVEMBER, 1991, COMMENCING AT 10.00 A.M.

"Moved: W. Trohear Seconded: B. Tucker

That Rule No. 9.1 be amended to read: 'All moneys of the union in Queensland shall be banked by the State and Sub-Branch officers in a registered banking institution or other such financial institution as the State Management Committee may decide.'

Carried"

INDUSTRIAL REGISTRAR
20 DEC 1991
QUEENSLAND

.....
W.W. Trohear,
STATE SECRETARY.

.....
P.J. Stone
STATE PRESIDENT.

INDUSTRIAL REGISTRAR
20 DEC 1991
QUEENSLAND

X90374

Filed and Fee
$44.00

U1/93

6

Industrial Relations Act 1990--1991
(Section 13.20)

(No. U1 of 1993)

CERTIFICATE OF REGISTRATION OF ALTERATION OF RULES

I hereby certify that pursuant to the Act the alteration of rule no 18.4 of the rules of The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland, a copy of which is appended hereto, has been registered.

Dated at Brisbane this eleventh day of January, 1993.

.....
Industrial Registrar

COM.0001.0014.5470

09065

Department of Industrial Affairs

U/93

CLAIMANT:	A K HERBERT
	16TH LEVEL NEW INNS OF COURT
ADDRESS:	BUILDING 107 NORTH QUAY
	BRISBANE QLD

Purchase Order No.	[redacted] EM
Vendor No.	[redacted] V
Invoice No.	U1/93
Invoice Date	[redacted] 05019
Gross Amount	[redacted] 320
Invoice Type	[redacted]
Payment Due Date	[redacted]
Manual Cheque No.	[redacted]
Voucher No.	[redacted]

DESC. NUMBER	PARTICULARS OF CLAIM	$
	~~Certifying Partial Alteration of Rules~~	32.00
	To fee as Certifying Barrister under the Industrial Relations Act 1990--1991 in respect of the partial alteration of the rules of The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland	
	TOTAL $	32.00

CLAIMANT'S CERTIFICATION

The total amount of this claim set forth above is due and payable to me for goods supplied, services rendered, or works constructed as indicated and hereby authorise the payment of that sum.

8/1/93
Date

A K Herbert
Signature

RECEIVAL ADVICE

Goods Supplied/Services Rendered or Works Constructed.

Date

Signature

CERTIFICATES OF AUTHORISED ACCOUNTING OFFICERS

(a) VERIFICATION

The necessary examinations have been made to ensure that—

- this expenditure has been approved by a competent authority;
- the goods have been supplied, services rendered or works constructed;
- the price or rate of charge is correct;
- available discounts or allowances have been deducted from the claim;
- computation of the claim is arithmetically correct;
- the claim or any part of it has not been previously paid.

Date

Signature

(b) VERIFICATION

Such verifications as are necessary have been performed to ensure that this claim is properly payable.

Date

Signature

(c) APPROVAL (for Direct Invoices only)

Signature

Date

Industrial Registrar
Designation

GENERAL LEDGER DISTRIBUTION			Sign Code	Desc Number
Account	Centre	Amount		
5W102	81000	3200		
	0N00			
	0			
		$ 3200		

NOTE

SIGN CODE (a) "6" — credit entries

(b) otherwise blank

COM.0001.0014.5470_0002

09066

4

Industrial Relations Act 1990--1991

(No. U1 of 1993)

CERTIFICATE OF CERTIFYING BARRISTER

I certify that the alteration of the rules of The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland which are the subject of application number U1 of 1993 are in conformity with the provisions of the Industrial Relations Act 1990--1991.

INDUSTRIAL REGISTRAR
- 8 JAN 1993
QUEENSLAND

Dated at Brisbane this 8th day of January, 19.93

.....
Certifying Barrister

COM.0001.0014.5470_0003

09067

Industrial Registrar's Office
The Industrial Court and The Industrial Relations Commission of Queensland

6th Floor, 202 Adelaide Street, (Cnr. Edward St.), Brisbane, Q. 4000.
Postal Address: G.P.O. Box 373, Brisbane, 4001.
Telephone: (07) 227 8060 Facsimile: (07) 221 6074

U1/93

5 January 1993

Mr A.K. Herbert, LL.B.
Certifying Barrister
16th Level
Inns of Court
107 North Quay
BRISBANE QLD 4000

Dear Sir

Please find enclosed application dated 10 December 1992, by The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland for registration of partial alteration of Rules.

A copy of the current registered rules is also enclosed.

If you are satisfied that the Rules applied for are not contrary to the provisions of the Industrial Relations Act 1990—1991, please complete the Certificate and return the file to me.

Yours faithfully

M.J. CALLEN
Industrial Registrar

c/c (Industrial Organization)

COM.0001.0014.5470_0004

09068

01/93

CHECKLIST FOR CHANGE OF RULES APPLICATION

Application is receipted and name is checked to ensure that the correct registered name of the State registered Industrial Organization is included.

If the name is incorrect, action will need to be taken to correct the name by the filing of replacement pages or some other suitable method.

All documents and correspondence should be entered on the cover sheet for the application and all important events throughout the processing of the application should be entered in the progress report on the inside front cover of the application.

(1) Create file. ☑

(2) Enter application in computer register of applications. ☑
+Print screen " Print Scrn (F5)"
Place printout in register.

(3) Check the old rule column with the copy of the registered rules as they exist at this point in time. ☑

(4) Check the amendments column to ensure that it makes sense. ☑

(5) Check the new rule column to ensure that it is an exact result of the combination of the old rule column and the amendment column. ☑

(6) Check rule changes are in compliance with the Act. ☑

(7) If application requires corrections to be made, contact applicant and clarify problem areas. (Replacement pages may be needed or you may be able to complete the corrections yourself. Ensure corrections are made on all copies.) ☑

(8) Once the application is correct, arrange to have typed:-

(a) the letter to the Certifying Barrister; ☑

(b) the voucher to be signed by the Barrister; ☑

(c) the Certificate of the Certifying Barrister. ☑

COM.0001.0014.5470_0005

09069

(9) Have the letter signed by the Registrar and forward to the Certifying Barrister accompanied by a copy of the current registered rules and the original of the application, voucher and certificate.

(9A) Enter in computer register of applications date you send the items in (9) above to the Certifying Barrister.

Keep an eye on the application and ring the Barrister to follow it up if it seems to take too long to be certified. Use your own judgement as to how long an application should take to be certified.

(10) When the application is returned from the Certifying Barrister:-

(a) mark in voucher book.

(b) enter in computer register of applications date you received application back from the Certifying Barrister.

(c) enter outcome in computer applications register.

(d) amend cut and paste copy of industrial organization rules.

(e) arrange to have certificate of registration of alteration to industrial organization rules typed.

(f) arrange to have copies of rules amended.

(11) Get Registrar to sign certificate of registration and voucher.

(12) Photocopy certificate of certifying Barrister.

(13) Photocopy voucher and certificate of registration of alteration to rules.

(14) Give original of voucher to Administration Officer.

(15) Give original of certificate of registration and a copy of the application to the applicant.

(16) Give copy of certificate of Certifying Barrister to applicant. ☑

(17) On file should be:-

(a) copy of certificate of registration of alteration to rules. ☑

(b) original of application. ☑

(c) copy of voucher. ☑

(d) original of certificate of Certifying Barrister. ☑

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1990-1991

(No.....V1.....of 1993)

APPLICATION

To: The Industrial Registrar, Industrial Registrar's Office, sixth floor, State Government Building, 202 Adelaide Street (Cnr. Edward St.), Brisbane, and such other persons as the Registrar may direct.

TAKE NOTICE THAT WE Peter John Stone and William Wallace Trohear being the State President and State Secretary respectively of the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland, and being authorised by that organisation to make this application:

1. Apply for an alteration of Rule No. 18.4 of the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland, under Section 13.20 of the Act, and attach as Schedule 1 to this Application a full statement of our claim in accordance with Rule 43.4 (b) and (c), (or Rule 43.7 (b) and (c)) and further declare that:

   (a) Schedule 2 is a true and correct copy of a resolution passed in accordance with the existing organisation's rules agreeing to such an alteration;

   (b) The rules proposed are in accordance with the provisions of the Industrial Relations Act 1990-1991; and

   (c) The existing rules have been complied with in making the new rules.

INDUSTRIAL REGISTRAR
- 5 JAN 1993
QUEENSLAND

COM.0001.0014.5470_0008

Additionally, we declare as follows:

2. We are fully authorised to make this Application.

3. All details contained in this application are to the best of our knowledge, information or belief true and correct.

.....
P.J. Stone
STATE PRESIDENT.

.....
W.W. Trohear
STATE SECRETARY.

Dated at Brisbane this tenth day of December, 1992

NOTE 1: If there is no attendance before the Registrar, by the respondent or agent, counsel or solicitor at the time and place fixed by the Registrar, the proceeding may be heard and the respondent will be liable to suffer Decision or an order against such person in their absence.

INDUSTRIAL REGISTRAR
- 5 JAN 1993
QUEENSLAND

ALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS AND PLASTERERS OF AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND

RULE CHANGES

OLD RULE	AMENDMENT	NEW RULE
Rule No. 18.4 The term of office for the above positions shall be 18 months for the 1991 elections and four years thereafter from the 1993 elections, and such terms shall commence from the date the successful candidates are declared elected by the Returning Officer conducting the ballot.	Delete Rule No. 18.4 Insert new Rule No. 18.4	Rule No. 18.4 The term of office for the above positions shall be 18 months for the 1991 elections and four years thereafter from the 1993 elections, and such terms shall commence from the date the successful candidates are declared elected by the Returning Officer conducting the ballot for the 1991 elections. Thereafter the term of office shall commence from 2nd July following the election.

INDUSTRIAL REGISTRY
- 5 JAN 1993
QUEENSLAND

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SCHEDULE NO. 2

EXTRACT FROM:

THE MINUTES OF THE STATE MANAGEMENT COMMITTEE MEETING OF THE CONSTRUCTION, FORESTRY, MINING, AND ENERGY UNION - BWIU DIVISION, QUEENSLAND BRANCH, AND AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS & PLASTERERS OF AUSTRALISIA, UNION OF EMPLOYEES, HELD AT 366 UPPER ROMA STREET, BRISBANE, ON THE 12TH AND 13TH NOVEMBER, 1992

Moved: W. Trohear Seconded: K. Marcus

The term of office for the above positions shall be 18 months for the 1991 elections and four years thereafter from the 1993 elections, and such terms shall commence from the date the successful candidates are declared elected by the Returning Officer conducting the ballot for the 1991 elections. Thereafter the term of office shall commence from 2nd July following the election.

.....
W.W. Trohear
STATE SECRETARY

.....
P.J. Stone
STATE PRESIDENT

INDUSTRIAL REGISTRY
- 5 JAN 1993
QUEENSLAND

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ORIGINAL SIGNED COPY

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1990-1992

s.13.56 - Application for Amalgamation

Industrial Relations Regulations 1990

Regulations 3.18

INDUSTRIAL REGISTRAR
- 1 JUL 1993

TO: The Industrial Registrar, Industrial Registrar's Office, sixth floor, State Government Building, 202 Adelaide Street (Cnr.. Edward Street), Brisbane.

Application is hereby made by the Operative Painters and Decorators Union of Australia, Queensland Branch, Union of Employees and the Amalgamated Society of Carpenters, Joiners, Bricklayers & Plasterers of Australasia, Union of Employees, Queensland for approval to put a request for amalgamation to ballot.

We hereby state as follows:

1. The Amalgamated Society of Carpenters, Joiners, Bricklayers & Plasterers of Australasia, Union of Employees, Queensland is authorised to receive on behalf of the applicants, service of documents in connection with the proposed amalgamation.

2. The Amalgamated Society of Carpenters, Joiners, Bricklayers, Plasterers, Painters and Decorators of Australasia, Union of Employees, Queensland is to become the proposed amalgamated Industrial Organisation.

3. The proposed de-registering Industrial Organisation shall be the Operative Painters & Decorators Union of Australia, Queensland Branch, Union of Employees.

4. It is proposed that the name of the Operative Painters & Decorators Union of Australia, Queensland Branch, Union of Employees shall be changed to the Amalgamated Society of Carpenters, Joiners, Bricklayers, Plasterers, Painters and Decorators of Australasia, Union of Employees, Queensland.

5. All members of the proposed de-registered Industrial Organisation are to become, upon the coming into force of the amalgamation, without payment of an entrance fee, members of the proposed amalgamated Industrial Organisation.

6. The property and other assets of the old ASCJB&P and OPDU will become those of the new union. The management of the property and assets of the new union shall be in the hands of the State Management Committee.

INDUSTRIAL REGISTRY
- 1 JUL 1993
QUEENSLAND

7. The liabilities of the old ASCJB&P and OPDU will become those of the new union. The management of the liabilities of the new union shall be in the hands of the State Management Committee.

8. There will be no extension of eligibility rules of the new union. The constitution of the old Operative Painters and Decorators Union of Australia, Queensland Branch, Union of Employees will be included in the existing rules of the Amalgamated Society of Carpenters, Joiners, Bricklayers & Plasterers of Australasia, Union of Employees, Queensland to form the new union rules. That changes are attached and marked "A".

9. Attached hereto are two copies of proposed alterations to the existing rules of the Amalgamated Society of Carpenters, Joiners, Bricklayers & Plasterers of Australasia, Union of Employees Queensland (marked "B").

10. There is no proposed alternative amalgamation.

Additionally:

11. That we, the undersigned do solemnly and sincerely declare that:

    (i) The Committee of Management of the respective Industrial Organisations have passed a resolution approving the amalgamation and all alternative amalgamation listed in this application (marked "C").

    (ii) That any proposed alterations of rules of existing Industrial Organisations concerned in the amalgamation have been made under the rules of the Industrial Organisation.

    (iii) We are Officers of and are fully authorised in compliance with the Act and the Rules of Court to make this application on behalf of the respective Industrial Organisation.

    (iv) That all the statements made in this application and the annexed documents are to the best of our knowledge, information or belief true and correct in every particular.

And we make this solemn declaration conscientiously believing the same to be true by virtue of the provisions of the Oats Act 1967-1988.

REGISTRAR
- 1 JUL 1993
QUEENSLAND

Signed.....

(Printed Name) G. HOWCROFT

Designation ACTING SECRETARY

Signed.....

(Printed Name) Peter Stone

Designation PRESIDENT

for and on behalf of the Amalgamated Society of Carpenters, Joiners, Bricklayers & Plasterers of Australasia, Union of Employees, Queensland

Taken and Declared before me at Brisbane this FIRST day of JULY 1993.

R. J. Keating
A Justice of the Peace
R. J. KEATING

Signed.....

(Printed Name) P. B. WATERS

Designation SECRETARY

Signed.....

(Printed Name) M. J. RAVBAR

Designation INDUSTRIAL OFFICER

for and on behalf of the Operative Painters & Decorators Union of Australia, Queensland Branch, Union of Employees

Taken and Declared before me at Brisbane this FIRST day of JULY 1993.

R. J. Keating
A Justice of the Peace
R. J. KEATING

INDUSTRIAL REGISTRAR
- 1 JUL 1993
QUEENSLAND

Industrial Registrar's Office

Industrial Court and Queensland Industrial Relations Commission

6th Floor, 202 Adelaide Street, (Cnr. Edward St), Brisbane, Q. 4000.
Postal Address: G.P.O. Box 373, Brisbane, 4001.
General Enquiries: (07) 227 8060 Facsimile: (07) 221 6074

Contact Officer:

Telephone:

27 October 1993

The Secretary
The Amalgamated Society of Carpenters,
Joiners, Brickalyers and Plasterers of
Australasia, Union of Employees,
Queensland
366 Upper Roma Street
BRISBANE QLD 4000

Dear Sir

Reference is made to a decision by Chief Industrial Commissioner Hall of 8 October 1993 in case numbers B70 and B88 of 1993 altering your eligibility rule.

Enclosed is a Certificate of Registration of Alteration of Rules resulting from such decision.

Yours faithfully

M.J. CALLEN
Industrial Registrar

Industrial Relations Act 1990
(Section 213)

(Nos. B70 and B88 of 1993)

CERTIFICATE OF REGISTRATION OF ALTERATION OF RULES

I hereby certify that pursuant to the Act the alteration of rule no 1.2A of the rules of The Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland, a copy of which is appended hereto, has been registered.

Dated at Brisbane this eighth day of October, 1993.

.....
Industrial Registrar

Copy Pg 3 of 3

..title 257

RULES OF

THE AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS AND PLASTERERS OF AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND

1. NAME AND CONSTITUTION

1.1 The name shall be the Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia, Union of Employees, Queensland.

1.2 The Union shall consist of an unlimited number of persons, whether male or female, employed or usually employed as carpenters or joiners, including ship carpenters or joiners, or as stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions; also those employed in or usually employed in the following callings:- Bricklaying, tuckpointing, coke slab wall erection, gas retort repairers, fire clay block layers, floor tilers, roof tilers, slaters and shinglers, Terracotta fixer; majolica fixers, earthenware pipe drain layers in or about a building, cutters of brickwork for doorways, windows etc. plasterers; fibrous plasterers; tilers; floor specialists; lathers; together with such other persons, whether employees in the industry or not, as have been appointed officers of the Association and admitted as members hereof.

1.2A Nothing in these rules shall make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time.

1.3 The seal of the Union shall be oval in shape inscribed in the outer edge the words "Amalgamated Society of Carpenters, Joiners, Bricklayers and Plasterers of Australasia Union of Employees" and it shall have on the inner space the words "Queensland State Management Committee".

2. OBJECTS

2.1 To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the union and its members, and to assist them to obtain their rights under industrial and social legislation.

2.2 To regulate the conditions under which all members of the union may be employed.

2.3 To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial union, or association, or associations of trade unions, or any other organisation having objects similar in whole or in part to the objects of this union.

2.4 To establish a fund for the assistance and support of trade unionists and to carry out the objects of the union.

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INDUSTRIAL REGISTRAR
10 NOV 1993
QUEENSLAND

AMENDMENT

"B"

RULES OF THE AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS, PLASTERERS, PAINTERS AND DECORATORS OF AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND

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RULES OF

THE AMALGAMATED SOCIETY OF CARPENTERS, JOINERS, BRICKLAYERS, PLASTERERS, PAINTERS & DECORATORS OF AUSTRALASIA, UNION OF EMPLOYEES, QUEENSLAND

1. NAME AND CONSTITUTION

1.1 The name shall be the Amalgamated Society of Carpenters, Joiners, Bricklayers, Plasterers Painters & Decorators of Australasia, Union of Employees, Queensland.

1.2.1 The Union shall consist of an unlimited number of persons, employed or usually employed as carpenters or joiners, including ship carpenters or joiners, or as stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions; also those employed in or usually employed in the following callings:- Bricklaying, tuckpointing, coke slab wall erection, gas retort repairers, fire clay block layers, floor tilers, roof tilers, slaters and shinglers, Terracotta fixer; majolica fixers, earthenware pipe drain layers in or about a building, cutters of brickwork for doorways, windows etc. plasterers; fibrous plasterers; tilers; floor specialists; lathers; together with such other persons, whether employees in the industry or not, as have been appointed officers of the Association and admitted as members hereof.

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1.2.2 This union shall also consist of an unlimited number of persons employed in or usually employed in the painting and decorating industry in connection with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

(a) On ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind.

(b) The painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind.

(c) The painting of or in connection with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise). The painting of or in connection with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts or prefabricated building and structures as aforementioned.

(d) The painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensors, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or seas, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases.

(e) Glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars.

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(f) Paperhanging, applying and/or fixing wallhangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering.

(g) Signwriting, designing and/or lettering of price tickets and showcards.

(h) Pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering.

(i) Leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections.

(j) Employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, putty stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in rule 1.2.2, Constitution hereof (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, or caulking mixtures, compositions or compounds, oils, varnishes, water

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colours, lacquers, stains, wallpapers, wallhangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water solvents, electrical, mechanical, air powered or hand tools or by grit, shot, or other abrasives or by any other means.

(k) The union shall also consist of an unlimited number of persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the union or its branches and admitted as members thereof but shall not include persons employed in connection with the production or preparation of manufactured goods, plant, machinery, equipment, packages, or containers for sale or purposes of distribution.

1.3 The seal of the Union shall be oval in shape inscribed in the outer edge the letters "ASCJBPP & D of Australasia Union of Employees" and it shall have on the inner space the words "Queensland State Management Committee".

2. OBJECTS

2.1 To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the union and its members, and to assist them to obtain their rights under industrial and social legislation.

2.2 To regulate the conditions under which all members of the union may be employed.

2.3 To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial union, or association, or associations of trade unions, or any other organisation having objects similar in whole or in part to the objects of this union.

2.4 To establish a fund for the assistance and support of trade unionists and to carry out the objects of the union.

2.5 To pay benefits to members in distress.

2.6 To establish Sub-branches or sections of the union throughout the State.

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2.7 To further any scheme that has for its objects the establishment of Labour research and information, the establishment and maintenance of Labour and trade union newspapers and wireless broadcasting stations, and to invest in shares in such newspapers and radio stations.

2.8 To constitute, conduct, carry on and manage clubs in the interests of members.

2.9 To pay affiliation fees to and assist financially or otherwise any bona fide Labour or trade union organisation or association.

2.10 To establish and manage a union journal.

2.11 To hold, purchase, lease, sell, mortgage or otherwise deal in property.

2.12 To enter into contracts and agreements for the purpose of furthering directly or indirectly any one or more of these objects.

2.13 To raise money by levies and/or other means for the purpose of carrying on the objects of the union; such levy to be no more than $25.00 in any one half year with the amount of same to be determined by the State Management Committee.

2.14 To render legal and other assistance to members for the recovery of wages or compensation for injuries, to protect the interests of the trade in all its Branches, and to assist other trades by any legal method.

2.15 To obtain such other objects as may from time to time be determined in accordance with these rules.

2.16 To organise the education of members.

3. ENTRANCE FEE

3.1 The entrance fee shall be any sum, as the State Management Committee may decide, but not more than three (3) months dues contributions.

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4. APPLICATION FOR MEMBERSHIP

4.1 Application for membership shall be on the form provided, signed by the applicant and two financial members, who shall first satisfy themselves that the applicant is a fit and proper person to enter the union.

4.2 All applicants for membership in the union if residing within a five kilometre radius of the Sub-branch where they apply, must, unless a satisfactory reason is given, attend the meeting at which their application is considered.

4.3 All applications for membership shall be lodged together with the amount of Entrance Fee with the Sub-Branch Secretary, or such other person authorised by the State Management Committee. Applications for membership shall be dealt with by the Sub-branch or the State Management Committee, who shall, if satisfied that the applicant qualifies in terms of the rules, admit him to membership of the Sub-branch as from the date of the receipt of his/her application form by the Sub-branch Secretary, or other duly authorised person.

4.4 A new member shall pay on application for membership, or before the expiration of one month from the date the application is received by the Sub-branch Secretary or authorised person, the required Entrance Fee, and six months contributions.

4.5 Applicants for membership shall be of good character and shall, when admitted to membership, enjoy all advantages of membership so long as they comply with the registered rules of the union.

4.6 Applicants shall, if possible, attend the next meeting of the Sub-branch to which the applicant makes application. Failure to attend shall not necessarily exempt the candidate from election to membership.

4.7 Applicants for admission to the union and members entering the union on clearance, shall join the Sub-branch nearest to which they reside.

4.8 All members shall be supplied with a copy of the rules free of charge.

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5. CONTRIBUTIONS

5.1 The payment of membership contributions shall be half-yearly and shall not exceed one and one half percentum (1 1/2%) of the National Building Trades Construction Award rate for a carpenter multiplied by twenty-six (26).

5.1.1 The rate of contributions shall be determined by the State Executive on August 30th and February 28th of each year and shall apply for the following half-yearly period commencing 1st April and the 1st October respectively and shall be payable in advance.

5.1.2 (Rescinded)

5.1.3 25c of each half-yearly contribution or such amount as may be determined by the State Management Committee, shall be used to produce union publications, including "Building Worker" and to distribute same to financial members.

5.2 Exemption from contributions:

Sub-branch committees may grant exemption from contributions to members who have been unemployed for more than thirteen (13) weeks during any half year. Application for exemption must be made in writing with proof of unemployment being submitted.

5.3 Aged and infirm members:

All members over 65 years of age who have had 25 years' continuous membership in the union, who through physical infirmities, are unable to work continuously at the trade, may retain membership by paying one payment only of $5 in advance, for which they shall be entitled to receive the Union Journal only, provided that this does not apply to members who are over 50 years of age when joining the union. Members wishing to be placed under this rule shall make application to the Sub-branch Secretary.

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5.4 When unfinancial:

Any member who fails to pay the half-yearly contributions in advance on or before the half years ending March 31 and September 30 for the ensuing six months shall be deemed unfinancial.

Notwithstanding the foregoing, any member, financial at the time of commencement of pay roll deduction, or who subsequently pays all outstanding dues, shall be deemed to be a financial member while such deductions are continued.

5.5 Entrance between half-yearly meeting nights:

An applicant joining the union during the currency of any half-year shall be credited in the subsequent half-year for such period of the half-year as had elapsed before his/her joining. Such credit shall be calculated on a monthly basis.

5.6 Recovery of arrears:

If any member allows his/her arrears to amount to two half-years' contributions, due notice shall be sent to his/her last known address, and the State Management Committee shall take the necessary steps for the recovery of such arrears by legal process.

6. RESIGNATION OF MEMBERS

6.1 A member may resign membership of the union by notice in writing if the member ceases to be employed in the industry in connection with which the union is registered, or, the notice is given not less than three months before the resignation is to take effect and the payment of dues to the date of the resignation is to take effect.

6.1.1 Notice of resignation shall be addressed to the State Secretary or such other officer as may be provided for in the union rules and delivered to that officer personally or at the union office or such other office as is provided for in union rules or by post to such offices.

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6.1.2 The notice of resignation that has been received by the union shall not be invalidated by reasons of the fact that it has not been addressed and delivered in accordance with Clause 6.1.1 of this rule.

6.1.3 A resignation of membership of the union is valid notwithstanding that it is not effected in accordance with this rule if a member is informed in writing by or on behalf of the union that the resignation has been accepted.

6.1.4 Notice of resignation shall be dealt with at the Sub-branch meeting following receipt of the notice by the Secretary.

7. FUNDS AND THE PROPERTY OF THE MEMBERS GENERALLY

7.1 All moneys subscribed by the member shall be the property of the union and not of the Sub-branches to which the members respectively belong, and shall be held for and devoted to the payment of benefits specified in these rules, and carrying out the objects of the union.

8. REMOVAL OF OFFICERS

8.1 Any officer being charged with, in accordance with the rules of the union mis-appropriation of funds of the union or a substantial breach of the rules of the union or gross misbehaviour or gross neglect of duty or has ceased, according to the rules of the union, to be eligible to hold office, may be suspended immediately by decision of the State Management Committee.

8.1.1 Any officer so charged shall have the right of appeal to the membership against such suspension, provided that any such appeal must be lodged with the Secretary of the Sub-branch to which the member belongs within fourteen days.

8.1.2 Within two (2) months of the receipt of such an appeal the ballot shall have been conducted, in which there shall be sent to all members entitled to vote a statement not exceeding 600 words by the person proposing removal, and a statement not exceeding 600 words by the officer proposed to be removed. The decision of any such ballot shall be final.

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8.1.3 Should there be no appeal within the prescribed time, and/or the officer's appeal be rejected, the State Management Committee shall have power to dismiss the officer concerned; and, in the event of any officer being removed from office, an election must be held within one month of such removal from office in accordance with Rule 18.

9. BANKING AND EXPENDITURE OF FUNDS

9.1 All moneys of the union in Queensland shall be banked by the State and Sub-branch officers in a registered banking institution or other such financial institution as the State Management Committee may decide.

9.2 All expenditure from the funds shall be in accordance with the rules of the union and no expenditure shall be permitted for any purpose contrary to the objects of the union.

10. AUDIT OF ACCOUNTS

10.1 The State Management Committee shall appoint annually a competent person as its auditor who shall have full and complete access to all the books and documents of the branch. Such person shall audit annually the accounts of the branch. The accounts of Sub-branches shall be audited half-yearly in the manner provided in Rule 16.14.

10.1.1 A competent person, within the meaning of this rule, shall be a person, other than a member of the organisation, who is registered under a law of a state or territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a state or territory of the Commonwealth relating to companies.

11. REGISTERED OFFICE AND PLACE OF MEETING

11.1 The registered office of the union in Queensland shall be at Union House, 366 Upper Roma Street, Brisbane, to which all communications and notices shall be addressed.

11.1.2 This shall be the place of meeting for the purposes of conducting the business of the branch except where the State Management Committee directs otherwise.

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12. REGISTER OF MEMBERS

12.1 A register of members in the state shall be kept in the registered office.

12.2 A member of the union may at all reasonable times inspect the books, membership records, documents and other property of the union.

13. STATE MANAGEMENT COMMITTEE

13.1 For the purpose of controlling the affairs of the union in Queensland, a committee shall be elected to be known as the State Management Committee. They shall exercise full control over Sub-branches in the State. They shall from time to time fix the salaries of all officers under their control.

13.2 Composition of State Management Committee:

The State Management Committee shall consist of fourteen (14) members, including the State President, State Secretary and State Assistant Secretary, all of whom shall be elected in accordance with these Rules.

Further, until the 2nd January, 1997, there shall be a further three (3) representatives (Painters) who shall exercise a vote each 1/5th proportion of the size of painter membership within the Union.

And a further Vice President (Painter) and Assistant Secretary (Painter) both of whom shall exercise voting rights in accordance with 1/5th proportion of the size of Painter membership within the Union.

13.2.1 Any eight (8) members of the State Management Committee shall constitute a quorum.

13.2.2. The State Management Committee shall elect from its members two (2) Vice Presidents. Any nominee for these positions must have had one years financial membership.

13.2.3 A full time official of the union shall not be eligible to stand for the position of State President.

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13.3 State Management Committee - Meeting Place:

The State Management Committee shall meet at Union House, 366 Upper Roma Street, Brisbane, or such other place as may be decided for the purpose of controlling the business of the Union.

13.4 Duties of the State President:

13.4.1 The State President shall preside at all meetings of the State Management Committee, State Delegate or Special Convention and at meetings convened by the State Convention or the State Management Committee. The State President shall have a deliberative vote only. A State Vice-President shall take the chair in the absence of the State President.

13.4.2 The State President shall carry out such duties as may be assigned to him/her from time to time by the State Management Committee and by the State Secretary acting on their behalf.

13.4.3 The State President shall conduct the business in accordance with the standing orders and rules of debate.

13.4.4 The State President shall, upon the minutes being confirmed sign the minute book in the presence of the meeting, and shall have the meeting by resolution, endorse or reject all payments submitted for ratification.

13.5 State Management Committee and Executive:

The State Management Committee shall meet not less than three times each year: Provided that a special meeting of the State Management Committee may be called on a written requisition addressed to the State Secretary signed by five (5) members of the State Management Committee.

13.5.1 The State Management Committee shall elect from its members an executive of six members including the State Secretary and State Assistant Secretary. In addition to the above members there shall be a further two (2) (Painter) members of the State Executive, one of whom is Assistant Secretary (Painter).

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13.5.2 All accounts paid by the union shall be submitted to the Executive of the State Management Committee for ratification.

13.6 Delegation approval:

No sub-branch shall have the power to delegate any member on union business for any period above one week in any half-year without first obtaining the approval of the State Committee. Any infringement of this rule by any member or sub-branch shall be deemed misconduct, and members or sub-branches infringing this rule may be fined by the State Management Committee any sum not exceeding $20. This rule shall not affect the rule allowing 10 percent of the sub-branch income to be used for local organising.

13.7 Interpretation of rules:

The State Management Committee shall interpret all rules requiring interpretation.

13.8 Legal Proceedings:

The trustees of the union after being authorised by the State Management Committee shall be empowered to take legal proceedings for recovery of arrears of contributions and fines, breaches of awards and recovery of accident compensation.

13.8.1 The State Management Committee may from time to time place the collection of arrears of contributions owing by members in the hands of a solicitor or agent for collection.

13.9 Control and suspension of members:

The State Management Committee shall exercise general control over the members and shall have, subject to rules, power to fine, expel or suspend from benefit any member found guilty of wilfully acting contrary to the policy of the union.

13.9.1 Where such fine, expulsion or suspension is imposed, the State Management Committee shall immediately notify the sub-branch to which the member belongs, of its decision.

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13.9.2 A fine imposed under this rule shall not exceed $10, nor shall any suspension from benefit exceed a period of three years.

13.10 Transfer of members:

The State Management Committee shall have the power, at the request of a member, to order the transfer of any member from any sub-branch to any other sub-branch in Queensland, when, in the opinion of the State Management Committee such transfer is necessary to enable the member concerned to participate properly in the affairs of the Union.

13.11 The State Management Committee shall have the power to grant donations when application has been made in accordance with the provisions of rule 24.

13.12 Aggregate meetings:

Whenever it may be deemed necessary by the State Management Committee, or on the urgent representation of a majority of the sub-branches in the State, aggregate meetings shall be called by advertisement to decide such questions as the State Management Committee may decide or the sub-branches may require to be decided.

13.13 The State Management Committee shall have power to establish or disband sub-branches of fifty or more members on a locality basis and of less than fifty members on an industry basis if, in the opinion of the State Management Committee the members' industrial interests warrant the formation or disbandment of a sub-branch.

13.14 Delegates' meeting:

Whenever it is necessary to obtain the opinion of members in any district with five hundred (500) members and upwards, it may be done by special summoned meetings of the sub-branches in such district, when delegates shall be elected from each sub-branch in proportion to the sub-branch membership in accordance with the following scale: Under 100 members, one delegate; 100 and under 250 members, two delegates; 250 and upwards, three delegates; who shall be paid according to rule 22.

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13.15 Delegate convention

The State Management Committee shall convene at regular intervals not more than each two years (but at earlier intervals should it be deemed necessary) a state delegate convention consisting of delegates elected from sub-branches and jobs throughout the State and also comprised of members of the State Management Committee and full-time officials of the union.

13.15.1 The method of financing such convention and the number of delegates that sub-branches and jobs may elect to attend such convention, shall be determined by the State Management Committee from time to time.

13.15.2 A member nominating as a delegate to the State Delegate Convention must be financial at the time nominations are called.

13.15.3 Items for the agenda of the State Delegate Convention shall be called for at least three months before Convention assembles, and be in the hands of delegates to Convention at least seven days before Convention commences.

13.15.4 The State Delegate Convention may recommend to the State Management Committee proposals for rule and policy changes.

13.16 Special Auditors:

The State Management Committee may at any time appoint two auditors to audit the books of any sub-branch or direct that the books be forwarded to the State Office for audit.

13.17 The State Management Committee shall be in control of all organisers and shall determine the number required in accordance with rule 19 and may, if funds are sufficient, appoint additional organisers.

13.18 In districts where an Organiser-Secretary has been appointed or elected, he/she shall be under the control of the sub-branch he/she visits for organising purposes only for the period allotted by this district committee.

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