

[128V-ELE: Incorporates alterations certified on 06/08/2015 in matter R2015/66.]

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 83 both inclusive contain a true and correct copy of the registered rules of the Electrical, Energy and Services Division of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia

DELEGATE OF THE GENERAL MANAGER

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission]

Rules of the CEPU Electrical, Energy and Services Division Contents

Section "B" - Electrical, Energy and Services Division	1
1 - NAME & REGISTERED ADDRESS OF DIVISION	1
2 - DEFINITIONS.....	1
3 - NEW RULES & ALTERATIONS OR RESCISSION OF RULES.....	3
4 - MEMBERSHIP.....	3
5 - ENTRANCE FEES AND CONTRIBUTIONS	6
6 - UNFINANCIAL MEMBERS.....	11
7 - DIVISIONAL COUNCIL	12
8 - DIVISIONAL EXECUTIVE.....	18
9 - DIVISIONAL EXECUTIVE OFFICERS.....	20
10 - DIVISIONAL EXECUTIVE COMMITTEE.....	22
11 - DIVISIONAL BRANCHES AND SUB BRANCHES.....	23
12 - DIVISIONAL BRANCH OFFICERS	31
13 - MANNER OF SUMMONING MEETINGS.....	34
14 - EXPENSES FOR UNION BUSINESS.....	36
15 - ELECTIONS.....	36
16 - CASUAL VACANCIES	49
17 - CONTROL OF THE DIVISION AND DIVISIONAL BRANCHES BY THE MEMBERS.....	50
18 - INDUSTRIAL AGREEMENTS AND EXECUTION OF DOCUMENTS.....	52
19 - NOTIFICATION OF INDUSTRIAL DISPUTES AND OTHER LEGAL PROCEEDINGS.....	54
20 - PROPERTY AND FUNDS OF THE UNION.....	54
21 - DIVISIONAL & BRANCH EXPENDITURE POLICIES AND PROCEDURES.....	60
22 - OFFICERS TO UNDERTAKE TRAINING.....	61
23 - DISCLOSURE OF OFFICERS RELEVANT REMUNERATION AND NON-CASH BENEFITS.....	61
24 - DISCLOSURE OF DIVISIONAL OFFICER'S MATERIAL PERSONAL INTERESTS	62
25 -DISCLOSURE OF BRANCH OFFICER'S MATERIAL PERSONAL INTERESTS.....	63
28 - FINANCIAL REPORTS, AUDIT & REVIEW BY MEMBERS.....	65
29 - REGISTERED OFFICERS	67
30 - AGENTS, SHOP STEWARDS AND OCCUPATIONAL HEALTH AND SAFETY REPRESENTATIVES.....	68
31 - OFFICERS SALARIES, LEAVE & RETIRING ALLOWANCE.....	70
32 -SUSPENSION OR REMOVAL OF OFFICERS.....	73
33 - ENFORCING DIVISIONAL DECISIONS.....	73
34 - OFFENCES AND PENALTIES.....	74
35 - RULES OF DEBATE	77
36 - REGULARITY OF PROCEEDINGS.....	80
37 - GUARANTEE BONDS.....	80
38 - UNION BADGE.....	81
39 - UNION MAGAZINE, JOURNAL OR NEWSPAPER.....	81
40 - REGISTER OF MEMBERS.....	81
41 - INSPECTION OF BOOKS.....	82
42 - DISTRESS AND MORTALITY FUND.....	82
43 - TRUST FUNDS.....	82

Section "B" - Electrical, Energy and Services Division

1 - NAME & REGISTERED ADDRESS OF DIVISION

1.1 Name of Division

The name of this Division shall be the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia, Electrical, Energy and Services Division. The Division shall also be known as the Electrical Trades Union Division.

1.2 Registered Address of the Division

The registered office of the Division shall be located in a place decided by a majority of the members of the Divisional Council.

1.3 Registered Address of Divisional Branch Offices

The registered Divisional Branch Offices shall be located in the capital city in each state unless otherwise decided at a duly summoned meeting of the members of the Divisional Branch or by resolution of the Divisional Branch State Council.

2 - DEFINITIONS

2.1 Authorised Collectors

2.1.1 For the purposes of collecting membership subscriptions, fees, dues, fines or levies, "authorised collectors" shall include the following:

- 2.1.1.1 the union;
- 2.1.1.2 a shop steward;
- 2.1.1.3 an organiser;
- 2.1.1.4 the employer;
- 2.1.1.5 banking and other financial institutions;
- 2.1.1.6 any other authorised collection agent as specified in these rules.

2.2 "Board" - means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors.

2.3 "Declared person or body" - A person is a declared person or body if:

- 2.3.1 an officer of the Division, or Divisional Branch as the case may be, has disclosed a material personal interest under rule 24; and
- 2.3.2 the interest relates to, or is in, the person or body; and
- 2.3.3 the officer has not notified the Division or relevant Branch that the officer no longer has the interest.

2.4 "Disclosure period"- for the purpose of these rules means the financial year unless a shorter period is specified.

- 2.5** “**Divisional Branch**” means a branch of the Electrical, Energy and Services Division of the Union;
- 2.6** “**Divisional Branch Officer**” means an officer of a Divisional Branch;
- 2.7** “**Divisional Governing Committees** - Divisional governing committees shall comprise the Divisional Executive Committee, Divisional Executive and the Divisional Council and at a Branch level, shall mean governing bodies established in accordance with rule 11.3.
- 2.8** “**Divisional Officer**” means the holder of an office with responsibility extending beyond an individual Divisional Branch and includes the offices of:
- 2.8.1 Divisional President;
 - 2.8.2 Divisional Vice-President
 - 2.8.3 the Divisional Secretary;
 - 2.8.4 Divisional Assistant Secretary;
 - 2.8.5. Divisional Councillor;
 - 2.8.6 Divisional Executive member;
 - 2.8.7 Divisional Executive Committee member; and
 - 2.8.8 National Councillor.
- 2.9** **Divisional State Council** shall mean the State Council of a Divisional Branch of the Electrical, Energy and Services Division.
- 2.10** **Facsimile Transmission** - means the transmission of material by telefacsimile or any system which allows for the transmitting and reproducing of printed matter by telephone.
- 2.11** “**Financial duties**” include duties that relate to the financial management of the Division or a Divisional Branch of the union.
- 2.12** “**General Manager**” means the General Manager of the Fair Work Commission.
- 2.13** “**Non-cash benefit**” means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.
- 2.14** “**Office**” has the same meaning as defined by section 9 of the *Fair Work (Registered Organisations) Act 2009*.
- 2.15** “**Officer**” has the same meaning as defined by section 6 of the *Fair Work (Registered Organisations) Act 2009*.
- 2.16** “**Peak council**” has the same meaning as defined by section 12 of the Fair Work Act 2009.
- 2.17** “**Related party**” has the same meaning as defined by section 9B of the *Fair Work (Registered Organisations) Act 2009*.
- 2.18** “**Relative**” in relation to a person, means:
- 2.18.1 parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or

2.18.2 the spouse of the first mentioned person.

2.19 “Relevant non-cash benefits” in relation to an officer of the Division or Divisional Branch, for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer’s duties as an officer, by the Division or relevant Branch or by a related party of the Division or relevant Branch.

2.20 “Relevant remuneration” in relation to an officer of the Division or Divisional Branch, for a disclosure period is the sum of the following:

2.20.1 any remuneration disclosed to the Division or relevant Branch by the officer under rule 23.1 during the disclosure period;

2.20.2 any remuneration paid during the disclosure period, to the officer of the Division or relevant Branch.

2.21 “Remuneration”

2.21.1 includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but

2.21.2 does not include a non-cash benefit; and

2.21.3 does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out his or her duties.

2.22 Subscriptions includes reference to contributions, fees and dues and shall mean the same thing.

2.23 Teleconferencing and/or Video Conferencing means any system where, by the use of telecommunications devices and the transmission of voice and/or visual images, a number of persons are able to communicate and converse simultaneously.

3 - NEW RULES & ALTERATIONS OR RESCISSION OF RULES

Any alteration, amendment or rescission of a divisional rule or new divisional rule shall first be adopted by the Divisional Council before being placed before the National Council for adoption.

4 - MEMBERSHIP

4.1 Membership of the Division

The Division shall consist of such of the employees or persons referred to in Section A sub rule 6.1.4.1, who duly become members of the Union in accordance with its Rules.

4.2 Applying for membership

4.2.1 An applicant for membership of the union may join the union by:

- 4.2.1.1 filling out an application form approved by the relevant committee of management for that purpose; or
- 4.2.1.2 applying for membership over the telephone; or
- 4.2.1.3 applying for membership electronically via the internet or by email.

- 4.2.2 Applicants for membership of the Union may be required to sign an application form.

- 4.2.3 Applicants for membership shall be informed in writing of the financial obligation arising from membership and the circumstances, and the manner, in which a member may resign from the organisation.

- 4.2.4 Upon receipt by or notification to the Divisional Secretary or a Divisional Branch Secretary of an application for membership however made, the person applying shall (subject to the exceptions hereafter made) be deemed to become a member of the Union as from the date of such application subject to the endorsement of the Divisional Branch.

- 4.2.5 Every member shall be deemed to be attached to the Divisional Branch of the Union in the State in which he/she is employed unless the Divisional Council decides it would be more convenient in consequence of distance for him/her to join another Divisional Branch. Where there is no Divisional Branch in the State in which a member resides he/she shall be attached to such Divisional Branch as the Council shall direct.

- 4.2.6 The Divisional Executive shall have the power to reject an application for membership of a person who is of general bad character. Provided that any rejected candidate shall have the right to appeal to the Divisional Council. The Divisional Secretary or Divisional Branch Secretary shall have power to refer any application for membership to the Divisional Executive for decision under this clause, and shall do so within seven days of a resolution so to do being passed by a Divisional Branch Executive or by a meeting of the Divisional Branch State Council.

- 4.2.7 Divisional Branch Secretaries shall forward the names and known addresses of new members to the Divisional Secretary within one month from the date of their being accepted by them.

- 4.2.8 Disputed Membership - In the event of any dispute as to the membership of any person who has been duly admitted to membership as shown in the records of the Union, the fact of such person having signed an application to be admitted to membership, or having paid an entrance fee, or paid a subscription to the Union, or a monetary deposit in part payment on account of an entrance fee and/or a subscription, shall be held to be proof of membership in any proceedings under this section of the Rules.

4.3 Interchange of Membership

Financial members of kindred Unions may, at the discretion of the Divisional Branch Executive, be admitted to membership without payment of entrance fees upon production of a clearance showing they are fully paid-up members of the Union to which they formerly belonged.

4.4 Membership Transfers

- 4.4.1 Any member on being transferred from one State to another shall be admitted to the Divisional Branch to which he/she has moved on production of a certificate from the Secretary of the Divisional Branch to which he/she belonged, stating his/her membership and his/her financial position on the books. A similar procedure shall be followed where a member is transferred from one district to another necessitating a change of Divisional Sub-Branch.
- 4.4.2 This Rule shall not apply to apprentices who are required by their employer to carry out work other than in the State in which they are indentured.

4.5 Continuous Membership

- 4.5.1 Membership in this Division shall be continuous, and no transfer from one Divisional Branch to another Divisional Branch, or resolution of any Divisional Branch granting exemption from payment of subscriptions, shall have the effect of a discharge of membership.
- 4.5.2 Membership of the Australian Electrical, Electronics, Foundry and Engineering Union (Western Australian Branch) ("the AEEFEU") shall be synonymous with membership of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia ("the CEPU") and admission to, or cessation of membership of, the AEEFEU shall ipso facto constitute admission to or cessation of membership of the CEPU.

4.6 Resignation from Membership

- 4.6.1 A member may resign from membership if employed in an industry other than that represented by this Union or by giving three months notice. Notice shall be in writing and addressed to the Secretary of the Divisional Branch to which the member is attached and delivered to that officer. The Secretary shall issue an official acknowledgement of receipt of such notice of resignation and the production of such acknowledgement shall be held to be proof that the member has tendered his resignation.
- 4.6.2 A notice of resignation takes effect:
- 4.6.2.1 where the member ceases to be eligible to become a member on the day which the notice is received or on the day specified in the notice, which is a day not earlier than that day when the member ceases to be eligible to become a member whichever is later; or
- 4.6.2.2 in any other case at the end of two weeks after the notice is received; or on the day specified in the notice whichever is the later.
- 4.6.3 Any dues payable but not paid by a former member, in relation to a period before the member's resignation took effect, may be sued for and recovered

5 - ENTRANCE FEES AND CONTRIBUTIONS

in the name of the Union, in a court of competent jurisdiction, as a debt to the Union.

- 4.6.4 A notice delivered to the person mentioned in subrule 4.6.1 shall be taken to have been received by the Union when it was delivered. A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with subrule 4.6.1. A resignation from membership is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the Union that the resignation has been accepted.

4.7 Admission of members of the ASEMFWU

Notwithstanding anything else in these rules:

- 4.7.1 persons who were formerly members of the Australasian Society of Engineers, Moulders and Foundry Workers, Industrial Union of Workers, Western Australian Branch (ASEMFWU) and who became members of the Australian Electrical, Electronics, Foundry and Engineering Union (Western Australian Branch) on and from the date of amalgamation of those two bodies on 6 February 1991; and

- 4.7.2 persons who were members of the Australian Electrical, Electronics, Foundry and Engineering Union (Western Australian Branch) and not otherwise eligible to become a member of the then Electrical Trades Union of Australia, between 6 February 1991 and 16 October 1992;

and who have since been treated as members of the CEPU (or its predecessors) shall be deemed to have been properly admitted to membership of the CEPU (or its predecessors) on and from 16 October 1992 provided that any such person who does not wish to be so deemed to be a member and informs the Branch Secretary in writing of that fact within a month of the date of registration of this rule shall not be so treated.

5 - ENTRANCE FEES AND CONTRIBUTIONS

5.1 Entrance Fees

- 5.1.1 Applicants for membership in this Division employed as tradespersons or in classifications receiving equal to or in excess of tradesperson's rates of pay shall pay an entrance fee of ten dollars (\$10.00) or any additional amount determined by the State Council. Other applicants (excluding process workers) shall pay an entrance fee of two dollars (\$2.00). Such payment shall not be a condition precedent to membership.

- 5.1.2 Any persons seeking to join this Division of the Union or returning from the Unemployment Register shall be required to pay one third of the appropriate quarterly contributions for each unexpired month or part of a month in the current quarter calculated to the nearest fifty cents (50c).

5.2 Contributions

5 - ENTRANCE FEES AND CONTRIBUTIONS

- 5.2.1 Members shall pay a contribution rate as determined by Divisional Council annually.
- 5.2.2 A Divisional Branch State Council may fix a higher rate of contributions for members of that Divisional Branch, provided such rate is not excessive and Divisional Council is notified.
- 5.2.3 Juniors and apprentices receiving adult rates of pay shall pay the adult rates of contributions.
- 5.2.4 All contributions shall be paid in advance. The rates set out in these sub rules include members' "ETU News" subscriptions.
- 5.2.5 All subscriptions, fines, levies, fees or dues may be paid by any member to any of the authorised collectors or to the Secretary of the Divisional Branch or Divisional Sub-Branch or the Agent for the district to which the member is attached but to no other person or member. No receipts shall be valid unless given under and on the form prescribed by the Union.
- 5.2.6 Provided that any person who has paid contributions, subscriptions, fines, levies, fees or dues to the Electrical Trades Union of Australia, New South Wales Branch, an organisation of employees registered under the NSW Industrial Relations Act 1991 whether before or after its registration, shall be exempt from payments of contributions, subscriptions, fines, levies, or dues under these rules to the extent of his payment to the said trade and industrial Union in any year.
- 5.2.7 All financial members may be issued with an OK Card showing the date to which they are financial.
- 5.2.8 A Divisional Branch may determine, by the decision of its State Council, to charge subscriptions on a six monthly basis. The rate for subscription paid on a six monthly basis shall be determined by multiplying the quarterly rate by two. Six monthly subscription periods shall be from the 1st January to the 30th June and the 1st July to the 31st December in each year.

5.3 Annual Subscriptions

- 5.3.1 A member who if financial for the preceding twelve months may during the month of June, pay the subscription for the current year at an annual rate determined by multiplying the quarterly rate herein prescribed by four and deducting 10% calculated to the nearest \$1.00.
- 5.3.2 The annual subscription rate shall only apply to the current calendar year, excepting in the West Australian, Victorian, Tasmanian, South Australian, Queensland and Northern Territory Branches where it shall apply for the current financial year, and all subscriptions paid, except as prescribed in the preceding paragraph, shall be at the quarterly or six monthly rate.
- 5.3.3 Notwithstanding any of the foregoing contained in this sub rule, a Divisional Branch State Council shall have the right to determine in

respect of the whole or part or parts of the Divisional Branch's membership, that the discounted rate for the current year is applicable only when that current year's subscription is paid prior to the end of the preceding year. State Council may also determine whether a 10% discount on fees may apply to members who have been continuously financial for the previous twelve months and who agree to pay for the next twelve months in advance prior to the commencement of the third quarter in any year.

5.4 Authorisation for Deduction from Wages and Direct Debit & Credit Card Payments

- 5.4.1 A Divisional Branch may make an agreement or arrangement with any employer of any member attached to the Divisional Branch for the deduction of contributions payable by any member employed by that employer from the member's pay due to him/her from the employer and for the payment to the Union of the amount so deducted by that employer. For the purposes of such an agreement or arrangement only, the employer shall be regarded as an authorized collector but shall not be permitted to issue receipts on behalf of the Union.
- 5.4.2 A member may pay his or her union contributions in accordance with the following procedures:
- 5.4.2.1 A member may, arrange for the payment of union contributions by regular amounts deducted from his/her wage or financial institution accounts by direct debit or credit card payment. Where the deduction is from a member's wage, suitable written authority should be given by the member to his or her employer to authorise the deduction.
- 5.4.2.2 A member may also pay his or her union contributions over the telephone or by electronic means over the internet or by email in accordance with the relevant branch procedures.
- 5.4.3 The amounts to be deducted on behalf of a member shall be determined by multiplying the appropriate quarterly rate by four and dividing the result by the usual number of complete pay periods in any one calendar year.
- The amount so calculated shall be rounded to the next highest ten cents, provided that any amounts paid in excess of the prescribed quarterly rate shall be carried forward as a credit on the member's account.
- 5.4.5 With respect this sub rule, a Divisional Branch shall reserve the right to:
- 5.4.5.1 Refuse or reject an application made by a member; or
- 5.4.5.2 Refuse, reject, cancel or modify any agreement or arrangement, or part of any agreement or arrangement.
- 5.4.6 No member shall be compelled to enter into any agreement or arrangement as prescribed in this sub rule.

5.5 Exemption from Subscriptions

5.5.1 Unemployment Register

5.5.1.1 Members registering for employment at Divisional Branch Offices shall be supplied with an unemployment register card by the Union, which they are required to return to the Divisional Branch office within a week in the event of obtaining employment, giving particulars on the card as to the date of starting and place of employment.

5.5.1.2 Any member who fails to return the said card within the time specified shall be liable to be fined 10c for each week worked in contravention of this rule.

5.5.1.3 Exemption from payment of union dues in the case of unemployment shall only be granted to members who fully comply with this rule. Provided further that such members shall also notify the Divisional Secretary in writing at the end of each quarterly period when out of work.

5.5.2 Should any financial member be prevented from following his avocation through unemployment or illness for a period of four weeks or more the Divisional Branch Executive shall have power to grant exemption from subscriptions in approved cases, and may order a refund of any portion of a prepaid subscription, provided that in all such cases application for exemption shall be made to the State Divisional Branch Secretary in writing within one month from the date of ceasing work.

5.5.3 Members who become ineligible

5.5.3.1 When a member, other than honorary member, is no longer eligible to be a member of the Divisional Branch to which the member is attached, the member shall immediately resign from all positions in the Division or Divisional Branches, to which the member has been appointed or elected. If, after a period of two years, the member remains ineligible, the member shall either resign their membership, or, if the member is eligible to be a member of another Divisional Branch of this or another Division of the Union, the member may transfer their membership to the Divisional Branch of the Union of which they are eligible to be a member of in accordance with rule 4.4 of Section B. Provided that subject to the approval by the State Council of the Divisional Branch, this sub-clause shall not apply to an ex-officer of the Union or a member of this Division who has been appointed as an officer of a Labor industrial organisation, a Labor political body, or elected to Parliament.

5.5.3.2 In the event that a member does not resign his/her membership in accordance the above sub-clause, the Branch

Secretary of the Branch may, subject to giving that member fourteen (14) days notice to writing to the member's last postal address shown on the Register of Members, remove the name and postal address of that member from the Register. Any person whose name and postal address is removed from the Register of Members under this Rule ceases to be a member of the Union on the day their name and postal address is so removed and ceases to have any of the rights and privileges of membership from that day.

5.5.4 Exemption shall not be granted for any reasons other than those specifically mentioned in these sub rules unless authorised by a two-thirds majority vote of the members present at specially summoned meetings of Divisional State Council or Divisional Branch Conference as the case may be.

5.5.5 Any member who has been granted exemption from payment of subscriptions who resumes work without reporting to the Union as prescribed by sub rule 5.5.1 shall pay a fine not exceeding ten cents per week, in addition to his/her ordinary dues, for every week worked in contravention of this rule.

5.6 Loss of Voting Rights for Exempt Members

Any member who has been granted exemption from payment of contributions shall be allowed to attend meetings of the Union for a period of not longer than twelve months from the commencement of the period of exemption, but such members shall not be entitled to vote at meetings of the Union or participate in any ballot after the first three months of such exemption.

5.7 Members Engaged as Part Time Employees

Members who are engaged to work in accordance with a part time provision in an award or agreement, for a regular number of hours not exceeding 24 hours per week, may make application to pay membership contributions on the basis of not less than 50 percent of the appropriate contribution rate.

5.8 Honorary Membership

5.8.1 When a financial member reaches the age of fifty-five (55) years, and ceases to work in industry or is forced to permanently retire through ill health or accident before reaching fifty-five (55) years, he or she shall be eligible to apply to have his or her name retained on the records of the Division as an honorary member. Upon honorary membership being granted, he or she shall be entitled to all the rights of membership.

5.8.2 A Divisional Branch State Council may determine that Honorary Members pay an amount of fees or contributions in order that all the rights of membership are provided to Honorary Members including access to union distress and mortality benefits, discount purchasing services, affiliations and lobbying and the supply of union journals.

5.9 Life Membership

Life Membership shall be the highest honour the Union can confer on a member for services rendered. Life membership of the Division may only be conferred by the Divisional Council either on its own motion or on recommendation by the Divisional Executive or a Divisional Branch Executive or Divisional Branch State Council or Divisional Branch Conference. Life membership of a Branch may only be conferred by the relevant Divisional State Council or Divisional State Conference either on its own motion or by recommendation by the Divisional Branch Executive. A member on whom life membership is conferred and who has retired from gainful employment shall not be required to pay contributions and shall be entitled to all the benefits of membership.

6 - UNFINANCIAL MEMBERS

6.1 Time from which a Member becomes Unfinancial

6.1.1 A member shall be unfinancial if in arrears of fines, levies and contributions on the first day of March in the quarterly period ending 31st March and on the first day of the quarterly period ending June 30th, September 30th, December 31st and shall not be entitled to take any part in the Union's business or attend any meeting unless specially invited to do so by the Divisional Branch Executive. When invited by a Divisional Branch Executive such members will only be permitted to speak in relation to the business for which they have been summoned to attend and will retire from the meeting immediately such business has been concluded, or when requested to do so by the Chairperson.

6.1.2 Any member who fails to pay the entrance fees, or contributions, levies or fines imposed in accordance with the rules of the Union or this Division, shall be deemed to be unfinancial in accordance with the rules of this Division unless the default in payment arises through a banking or other technical or clerical error caused through no fault of the member. A member who becomes unfinancial for this reason will not be considered unfinancial for the time it takes to rectify the problem.

6.2 Loss of Benefits for Unfinancial Members

Unfinancial members, whilst not relieved of the obligations of membership, shall not be entitled to any of the benefits and privileges of membership.

6.3 Charge for Overdue Subscriptions

Members in arrears of contributions shall be charged the quarterly rates for all overdue subscriptions.

6.4 Fines for Overdue Subscriptions

The Executive or State Council of a Divisional Branch shall have power to impose a fine not exceeding one quarter's contributions for each offence where it is proved that a member owes a quarter's contributions or more and/or levies and/or fines equal to or greater than one quarter's contributions, and does not after fourteen days' notice to pay, pay the same or make satisfactory arrangements with and acceptable to the Secretary of the Divisional Branch.

6.5 Unfinancial Members may be Sued

Unfinancial members may be sued for the recovery of subscriptions and/or levies and/or fines.

6.6 Failure to pay Fines

Except as provided by rule 6.1.2, any member failing to pay any fine and/or levy by its due date shall be considered as in arrears of subscriptions to the amount of such fine and/or levy due, and when fines are owing the first payment shall be for such fine.

7 - DIVISIONAL COUNCIL

7.1 Control of the Division & Constitution of the Divisional Council

Subject to these Divisional Rules, the control of the Division shall be vested in a Divisional Council which shall consist of the Divisional Secretary and delegates from each branch of the Division.

7.2 Powers of Divisional Council

- 7.2.1 The Divisional Council shall be the supreme governing body of the Division, and subject to the provisions of any State Trade Union Act so far as members of the Divisional Branch to which such Act applies, its decision on all matters, whether specifically provided for by these Rules or not, shall be final and binding on all members, subject to any referendum that may be conducted pursuant to rule 17 "Control of Divisional Council and Executive by Members".
- 7.2.2 Subject to the provisions of any State Trade Union Act so far as members of the Divisional Branch to which such Act applies, the Divisional Council shall act in all matters referred to it by a Divisional Branch, and shall decide in all cases for which no provision is made in these Rules, and shall have the general control and conduct of the business and affairs of the Division. The actions and decisions of the Divisional Council shall be final unless negated, as provided in rule 17 "Control of Divisional Council and Executive by Members", or otherwise dealt with by a majority of the members of the Division by a referendum or by a special conference.
- 7.2.3 Unless otherwise provided, the Divisional Council shall have the power:
- 7.2.3.1 To authorise the formation of Electrical, Energy and Services Division Branches.
 - 7.2.3.2 To decide upon the policy of this Division in all matters affecting the members.
 - 7.2.3.3 To determine any affiliation by this Division with any organisation or political party having objects similar in whole or in part to the objects of this Division.

7 - DIVISIONAL COUNCIL

- 7.2.3.4 To fix the remuneration and allowances of officers, employees and members of this Division.
 - 7.2.3.5 To appoint and remove auditors.
 - 7.2.3.6 To elect, suspend or remove officers of this Division.
 - 7.2.3.7 To take steps which will ensure that all Electrical, Energy and Services Division branches work in conformity with the Rules of this Division.
 - 7.2.3.8 To hear and decide any appeal from any divisional branch or member of this Division in relation to charges laid under the prescription of rule 27 "Offences and Penalties".
 - 7.2.3.9 To give effect to any decision of a ballot of members of this Division taken in accordance with the rules of this Division.
 - 7.2.3.10 To receive, adopt or otherwise deal with the annual report and balance sheet of this Division.
 - 7.2.3.11 To fix time and place of Divisional Council meetings and special divisional conferences.
 - 7.2.3.12 To settle disputes between Electrical, Energy and Services Division branches and divisional sub-branches and sections.
 - 7.2.3.13 To submit any matter affecting this Division only to the members of the Division for decision by ballot.
 - 7.2.3.14 To delegate any of its powers under these rules to another elected body or elected officer or officers of the union, subject to any limitations and guidelines as it shall determine.
 - 7.2.3.15 To establish committees and/or working parties to work as directed according to any limitations and guidelines determined by the Council.
 - 7.2.3.16 To take such steps in accordance with this section of the rules as it may consider necessary for the enforcement of this section of the rules and in furtherance of the objects of this Division.
 - 7.2.3.17 Subject to Rule 3 - "New Rules & Alterations or Rescission of Rules" of this section to make, amend, or rescind the rules of this Division.
- 7.2.4 The Divisional Council may expend moneys for carrying on the business of the Union and employ necessary assistance, and may provide financial assistance to members in respect of common law and compensation claims arising out of compensatable injuries.

7.3 Election to Divisional Council

- 7.3.1 Divisional branch delegates to Divisional Council shall be elected by the financial membership of each respective Divisional Branch current at the date 7 days before the opening of nominations for each quadrennial election commencing in 1995.
- 7.3.2 The number of divisional branch delegates to Divisional Council to be elected in accordance with rule 7.3.1 "Election to Divisional Council" shall be determined on the following basis:

Divisional Branch Membership	Divisional Council Delegates
Up to 1,500 members	1
1,501 - 7,999 members	3
8,000 - 19,999 members	4
20,000 members & over	5

such membership being calculated in accordance with sub rule 7.3.3.

- 7.3.3 For the purpose of determining the number of members of a Divisional Branch at meetings of the Divisional Council, the receipts of such Divisional Branch for the preceding year from entrance fees and contributions, as expressed in dollars, shall be divided by the dollar amount charged by the Divisional Branch in the preceding year as the annual subscription rate for adults employed as tradespersons or in classifications receiving equal to or in excess of a tradesperson's rates of pay.

For the purpose of this sub-rule, the dollar amount charged by the Divisional Branch in the preceding year as the annual subscription rate for adults employed as tradespersons or in classifications receiving equal to or in excess of a tradesperson's rate of pay shall be the amount determined in accordance with these rules. Where the rate has been set by a resolution of Divisional Council alone it shall be that amount. Where the rate has been determined by the Divisional Branch under rule 5.2.2 and that determination has been endorsed by the Divisional Council, the amount so endorsed shall apply.

7.4 Voting on Divisional Council

- 7.4.1 At all Council meetings each Divisional Branch shall have the right to exercise one vote for each five hundred members of the Divisional Branch as determined by sub rule 7.3.2. In addition the Divisional Secretary shall have the right to exercise two votes.
- 7.4.2 The votes shall be divided equally among the delegates attending from the Divisional Branch. Provided that a proxy Divisional Councillor, acting in accordance with rule 7.13 "Divisional Council Proxies" shall be entitled to exercise the votes of the absent Councillor as though the person was attending the meeting.

- 7.4.3 Where the votes are not equally divisible between the councillors present, such councillors may each exercise the highest number of votes which can be equally allocated to each of them and the remaining vote or votes may be exercised by such councillor as determined by the relevant State Council. In the absence of such a determination the relevant councillors may decide the allocation of votes between themselves on a consensus basis. In the event that they fail to reach a consensus, the allocation of the additional votes may be decided by the drawing of lots.

7.5 Annual Meetings of Divisional Council

- 7.5.1 Except in a quadrennial election year, the Divisional Council shall meet annually either during the week commencing on the fourth Monday in July or at any time determined by an affirmative vote of two-thirds of Divisional Executive members. In a quadrennial election year, it shall meet during either the week commencing on the second Monday in November or at any time determined by an affirmative vote of two-thirds of Divisional Executive members. It shall meet at such other time as may be determined by an affirmative vote of two-thirds of Divisional Council members. The annual meeting of Council shall be known as the Divisional Conference, and shall be held at the registered office of the Union or such other place as the Divisional Executive may decide.
- 7.5.2 The first order of business of Divisional Conference (after credentialing delegates to Divisional Conference) shall be the election of Divisional Executive in accordance with rule 15 "Elections".
- 7.5.3 The Divisional Secretary shall chair the meeting of Divisional Conference until the members of Divisional Executive are elected in accordance with rule 15 "Elections".
- 7.5.4 Upon the declaration of the election for members of the Divisional Executive, the Divisional President shall assume the chair of Divisional Conference.

7.6 Special Meetings of Divisional Council

- 7.6.1 Special meetings of the Divisional Council may be held in the following circumstances:
- 7.6.1.1 as may be deemed necessary by the Divisional Executive or if required under rule 8 "Divisional Executive".
- 7.6.1.2 where extenuating circumstances exist, by the Divisional Executive Committee.
- 7.6.1.3 Upon petition of not less than three Divisional Branches authorised by a specially summoned meeting of a Divisional Branch State Council previously summoned by notice setting out the business to be transacted at such meeting, and the grounds of the proposed petition of which meeting and proposed petition all divisional branches shall have had at least twenty-eight days' notice. If, in the opinion of the

Council, the Council has been convened without good grounds, the divisional branches petitioning as aforesaid shall pay the cost of and incidental to such meeting of the Divisional Council.

- 7.6.2 Such special meetings of Divisional Council may be held by the use of telephone or video conferencing facilities except where the majority of members of Divisional Council decide otherwise, in which case a meeting where all delegates attend the one meeting venue shall be arranged.

7.7 Divisional Council Decisions by Correspondence

- 7.7.1 When the Divisional Council is not in session the Divisional Executive may resolve to submit any matters to members of the Divisional Council for a decision by correspondence.
- 7.7.2 Such matters may be forwarded by the Divisional Secretary or someone nominated by him or her, either by post, facsimile transmission or, electronic mail to each Divisional Councillor. The Divisional Secretary may prescribe a time in which votes shall be returned and/or a preferred method by which Councillors should return their votes.
- 7.7.3 The Divisional Councillors shall record their vote on the matter submitted to them and send it to the Divisional Secretary by post, facsimile transmission or email within the prescribed time where relevant. Each vote must be signed by the Councillor recording it. If a time is prescribed for the return of the vote, failure to lodge a vote within that time means the vote will not be recorded. Failure to lodge a vote in a prescribed time will not render the ballot invalid.
- 7.7.4 The ballot will fail if the quorum requirement set out in rule 7.9 "Quorum of Divisional Council" is not achieved.
- 7.7.5 The decision shall be determined in accordance with rule 7.4 "Voting on Divisional Council" and shall be binding as if such decision had been obtained by a vote at a regularly constituted meeting of the Divisional Council.

7.8 Agenda Paper for Divisional Council Meetings

- 7.8.1 The Agenda paper shall be prepared by the Divisional Secretary prior to each meeting of the Divisional Council.
- 7.8.2 Each Divisional Branch shall notify the Divisional Secretary of any business it may desire to place on the Agenda paper for the Divisional Conference at least sixty (60) days prior to the date of the Conference. The Divisional Secretary shall forward to each Divisional Branch a copy of the Agenda paper at least thirty (30) days prior to such meeting.
- 7.8.3 Any member of the Divisional Council desiring to place any business before a meeting of the Council or Divisional Conference, which is not on the Agenda paper, must first obtain the consent of the delegates present representing any three Divisional Branches.

7.9 Quorum on Divisional Council

The quorum for any meeting of the Divisional Council shall consist of delegates representing a majority of Divisional Branches.

7.10 Request for a Divisional Council Meeting

7.10.1 If the majority of the members of the Divisional Council notify the Divisional Secretary that a matter submitted to them by the Divisional Executive pursuant to rule 7.7 "Divisional Council Decisions by Correspondence" is of such importance that a meeting of the Divisional Council should be held to deal with the matter, a Divisional Council meeting shall be forthwith convened at a time and place determined by the Divisional Executive. Provided that this meeting may be held by the use of "telephone conferencing" or "video-conferencing" facilities except where the majority of members of Divisional Council decide otherwise.

7.10.2 If a Divisional Council meeting is held in accordance with this sub rule, the Divisional Executive or any of the Divisional Branches may submit other business to the meeting for decision by the Divisional Council.

7.11 Telephone & Video Conferences

Where a decision is taken by Divisional Executive to submit any matter to Divisional Council when Divisional Council is not in session, if the Divisional Executive so decides, a meeting of Council may be held by the use of "telephone conferencing" or "video-conferencing" facilities.

7.12 Notification of Councillors attending Divisional Conference

Each Divisional Branch shall notify the Divisional Secretary of the names and addresses of its delegates at least seven days before the Annual Meeting of the Divisional Council, hereafter also referred to as the Divisional Conference.

7.13 Divisional Council Proxies

Any delegate who does not attend a meeting of the Council or any session of a meeting of Council may appoint a proxy who shall also be a delegate and who shall exercise the votes of the absent delegate in addition to any existing voting entitlement. Provided that the said additional votes shall not be used in connection with an election for an Office.

7.14 Divisional Councillors shall only Represent one Branch

No delegate (except as otherwise provided in these Rules) shall represent more than one Divisional Branch at any meeting of the Divisional Council.

7.15 Unfinancial Divisional Branches

In the event of any Divisional Branch failing to pay monies owed to the Divisional Fund by the end of each half year it shall be considered unfinancial, and delegates from such Divisional Branch shall not be entitled to vote at any meeting of the Divisional Council or Divisional Executive until all monies owed are paid up.

7.16 Minutes of Divisional Council Meetings

Minutes of the actions, resolutions or proceedings of the Divisional Council shall be kept for reference.

8 - DIVISIONAL EXECUTIVE

8.1 Constitution of the Divisional Executive

The Divisional Executive shall consist of the Divisional President, Divisional Vice Presidents, Divisional Secretary and members elected from the Divisional Conference delegates.

8.2 Election to the Divisional Executive

8.2.1 Each Divisional Branch shall be entitled to representation on the Divisional Executive by one Executive member who shall be a member of the Divisional Branch he/she represents. The Divisional President and Divisional Vice Presidents shall be deemed to represent the Divisional Branch of which they are members and the Divisional Secretary shall be deemed not to represent any Divisional Branch.

8.2.2 Provided that any Divisional Branch having in excess of 10% of the membership as calculated under sub rule 7.3.3 "Election to Divisional Council", shall be entitled to one additional Executive member for each additional 10% of the membership of the Division possessed by that Divisional Branch.

8.3 Powers and Functions of the Divisional Executive

In the interval between meetings of the Divisional Council the Divisional Executive shall have charge of the business of the Division and shall be directly responsible to Divisional Council for any action taken.

8.4 Quorum on Divisional Executive

A majority of Divisional Executive members shall constitute a quorum of Divisional Executive.

8.5 Convening of Meetings of the Divisional Executive

8.5.1 The Divisional Secretary and President may convene a meeting of the Divisional Executive at any time provided that if either of them is unavailable for any reason or either office is vacant, the other may convene the meeting.

8.5.2 A majority of the members of Divisional Executive may also decide to convene a meeting of Divisional Executive.

8.6 Notification of Divisional Executive Meetings

8 - DIVISIONAL EXECUTIVE

All members of the Divisional Executive shall be notified of Divisional Executive meetings in accordance with rule 13 "Manner of Summoning Meetings."

8.7 Divisional Executive Proxies

Should any Divisional Executive member from any State be unable to attend an Executive Meeting the Executive shall have the power to appoint a proxy delegate from Divisional Councillors.

8.8 Divisional Executive Meetings by Correspondence

- 8.8.1 In cases where it is considered by the Divisional Secretary and/or Divisional President impractical to hold a face to face meeting of the Divisional Executive or a meeting of the Executive using teleconferencing or similar facilities under sub rule 8.9 "Divisional Executive Meetings by Telephone or Video Conferencing", the business to be decided by the Divisional Executive may be referred to the members of the Divisional Executive by the Divisional Secretary for a decision by correspondence. The business so referred may be forwarded by post, ~~or~~ facsimile transmission or email. The Divisional Secretary may prescribe a time in which the vote shall be returned and/or a preferred method by which members should return their votes.
- 8.8.2 The Divisional Executive members shall record their vote on the matter submitted to them and send it to the Divisional Secretary by post, facsimile transmission or email within the prescribed time where relevant. Each vote must be signed by the Executive member recording it. If a time is prescribed for the return of the vote, failure to vote within that time will mean the vote will not be recorded. Failure to lodge a vote in a prescribed time will not render the ballot invalid.
- 8.8.3 The ballot will fail if the quorum requirement prescribed in rule 8.4 "Quorum on Divisional Executive" is not achieved.
- 8.8.4 The decision shall be binding as if such decision had been obtained by a vote at a regularly constituted meeting of the Divisional Executive.

8.9 Divisional Executive Meetings by Telephone or Video Conferencing

Where a decision is taken under sub rule 13.2 "Convening of Meetings of the Divisional Executive" to hold a meeting of Divisional Executive, the Divisional Secretary and/or Divisional President (or person convening the meeting in their absence) may decide to hold a meeting of the Divisional Executive by the use of "telephone conferencing" or "video-conferencing" facilities.

8.10 Review of Decisions of the Divisional Executive

Any three Divisional Branches by demand of their representative members on the Divisional Executive may call for the review of any decision made by the Divisional Executive. In the event of such demand being made such decision shall not be implemented and the Executive shall forthwith convene a meeting of the Divisional Council to review the decision. This meeting shall be held within seven days of such a demand being made.

8.11 Venue for Divisional Executive Meetings

The Divisional Executive shall meet at the registered office of the Division or such other place as the Divisional Council or the Executive may from time to time determine.

8.12 Power of the Divisional Executive to Appoint a Returning Officer

The Divisional Executive shall have power to appoint a Returning Officer for the purpose of conducting such referenda as may be requested pursuant to rule 17 "Control of Divisional Executive and Council by Members" and for elections conducted under rule 15 "Elections".

8.13 References by Divisional Executive to Divisional Council

The Divisional Executive shall have the power to refer any matter at any time to meetings of the Divisional Council or Divisional Conference.

9 - DIVISIONAL EXECUTIVE OFFICERS

9.1 Divisional Executive Officers

The Officers of Divisional Council shall be Divisional President, Divisional Vice Presidents, Divisional Secretary and Assistant Divisional Secretary.

9.2 Divisional President

The Divisional President shall preside at all meetings of the Divisional Council and Executive, and upon the minutes being confirmed shall sign the same, and, in the absence of the Divisional Secretary, sign all orders for payment of accounts, or otherwise.

9.3 Divisional Vice Presidents

The Divisional Vice President who received the highest number of votes in the most recent election conducted amongst Divisional Councillors for the two concurrent Vice Presidents positions, or their successor if they have been replaced, shall exercise the powers and perform the duties of the President in the absence of the President. In the event of that Vice President's absence the other Vice President shall exercise the aforementioned powers and duties. In the event of both Vice Presidents being absent, the Divisional Council or Executive shall elect one of their number to act as Chairperson.

9.4 Divisional Secretary

9.4.1 The Divisional Secretary shall be a full time official and shall be elected quadrennially commencing in 1995 in accordance with rule 15 "Elections" by secret ballot of the whole of the financial members entitled to vote. Whether or not a member is financial shall be determined by reference to rule 6.1 "Time from which a Member becomes Unfinancial".

9.4.2 The Divisional Secretary shall be responsible for the day to day administration of the Division. In addition the Divisional Secretary shall:

9 - DIVISIONAL EXECUTIVE OFFICERS

- 9.4.2.1 prepare all necessary documents including all appropriate accounting records, for the Divisional Council, Executive and Auditors;
- 9.4.2.2 prepare and forward all appropriate records and returns to the General Manager in accordance with the Fair Work (Registered Organisations) Act 2009;
- 9.4.2.3 submit the appropriate accounting records annually to the Auditor(s) and publish a financial report;
- 9.4.2.4 as far as possible call, attend and submit matters for the consideration of meetings of the Divisional Council and/or Executive, and all other committee meetings when required;
- 9.4.2.5 produce, answer and file all necessary correspondence;
- 9.4.2.6 in consultation with the Divisional Executive Committee submit any matter in writing for decision by members of the Divisional Council or Executive;
- 9.4.2.7 keep minutes of all resolutions passed or other business transacted by the Divisional Council and Executive;
- 9.4.2.8 have the right to attend and speak at any conference, council, executive, committee or any other meeting of the Division;
- 9.4.2.9 be the only medium of communication between the Divisional Branches and the Divisional Council and Executive;
- 9.4.2.10 Subject to the direction of the Divisional Council and Executive, the Divisional Secretary shall be responsible for the administration of the Division and shall exercise control over the employees of the Division. (For clarity, this does not include administration or employees of a Divisional Branch).
- 9.4.3 Upon retirement from Office the Divisional Secretary shall deliver all books, records and assets of the Union to his successor in the presence of the duly appointed auditor. The auditor shall make an appropriate certified report of the changeover to the Divisional Executive.
- 9.4.4 At each meeting of Divisional Executive held in person, the Divisional Secretary shall table the minutes of all meetings of the Divisional Executive Committee held since the previous meeting of Divisional Executive held in person.
- 9.4.5 The Divisional Secretary shall table for approval the minutes of the actions, resolutions or proceedings of all meetings of Divisional Executive at the next meeting of Divisional Conference.

9.5 Assistant Divisional Secretary

- 9.5.1 The Divisional Council shall determine whether there shall be an office of Assistant Divisional Secretary, and how many such offices there will be. Such determination shall not be made between the calling of Quadrennial Elections and the declaration of that Queensland ballot. Where no determination is made, it is deemed that the same composition of such offices as were elected at the last Quadrennial Election are to be elected at the next.
- 9.5.2 Any office of Assistant Divisional Secretary created pursuant to rule 9.5.1 shall be filled:
- 9.5.2.1 at the next Quadrennial Election; or
- 9.5.2.2 where the relevant Divisional Council so resolves, by election, other than Quadrennial Election, conducted in accordance with rule 15.19.
- 9.5.3 Any office abolished pursuant to rule 9.5.1 shall cease to exist as at the declaration of the next Quadrennial Election.
- 9.5.4 The term of an office created pursuant to this rule ends at the next quadrennial election occurring following the filling of the office.
- 9.5.5 The Assistant Divisional Secretary shall carry out such duties as the Divisional Secretary may direct and, subject to these rules, in the absence of the Divisional Secretary shall assume all duties, responsibilities, rights or entitlements of the Divisional Secretary unless the Divisional Council otherwise decides.
- 9.5.6 As far as possible, the Assistant Divisional Secretary shall attend all meetings of Divisional Council/ Executive, and all other Divisional Committee meetings when required.

9.6 Temporary Absences of Divisional Executive Officers

- 9.6.1 In the temporary absence of both the Divisional President and both Vice Presidents, the Divisional Council or Executive may appoint a member of the Divisional Council to act as the Divisional President during that absence. Provided that the absence in question is not one to which the rule relating to casual vacancies applies.
- 9.6.2 In the temporary absence of both the Divisional Secretary and Assistant Divisional Secretary, the Divisional Council or Executive may appoint a member of the Divisional Council to act as the Divisional Secretary during that absence. Provided that the absence in question is not one to which the rule relating to casual vacancies applies.

10 - DIVISIONAL EXECUTIVE COMMITTEE

10.1 Constitution of the Divisional Executive Committee

The Divisional President, Divisional Vice-Presidents and Divisional Secretary shall comprise the Divisional Executive Committee and shall deal with formal and urgent matters arising between meetings of Divisional Executive and shall be directly responsible to the Divisional Executive for any action taken.

10.2 Decisions of the Divisional Executive Committee

Any decision taken by the Divisional Executive Committee may be done so face to face, by telephone, post, facsimile or email, and any meeting at which any such decisions may be made may be held face to face or by the use of a "telephone conferencing" or "video-conferencing" facility or by email.

10.3 Attendance by Divisional Executive at Divisional Branch Conferences & Meetings

10.3.1 On matters of Divisional importance, which have been determined by the Divisional Executive, members of the Divisional Executive Committee or other members of the Executive either collectively or individually, shall give notice to visit and attend Divisional Branch Conferences, Divisional Branch State Council and State Executive meetings and shall have the right to address such meetings on any subject determined by the Divisional Executive.

10.3.2 The Divisional Executive Committee or divisional executive members through the Divisional Secretary shall give at least 48 hours notice to divisional branch secretaries of their intention to attend a divisional branch meeting.

10.3.3 Divisional branch secretaries shall give at least 48 hours notice to the Divisional Secretary prior to the holding of any extraordinary Divisional Branch State Council or Executive Meeting and of the time, venue and purpose of the meeting.

10.3.4 Each Divisional Branch Secretary shall, by no later than 31 January each year, provide the Divisional Secretary with notice of all scheduled meetings of State Council and Branch Executive.

11 - DIVISIONAL BRANCHES AND SUB BRANCHES

11.1 Attachment of Members to Divisional Branches

11.1.1 The members of the Union in each State shall be deemed a Divisional Branch.

11.1.2 Queensland and Northern Territory shall also be deemed a single Divisional Branch.

11.1.3 New South Wales and the Australia Capital Territory shall also be deemed a single Divisional Branch.

11 - DIVISIONAL BRANCHES AND SUB BRANCHES

- 11.1.4 No member shall be attached to more than one Divisional Branch. No member shall be attached by the Divisional Branch to more than one divisional sub-branch or district agency. No member shall be attached to more than one trade section within a Divisional Branch.

11.2 Divisional Branch Autonomy

- 11.2.1 Each Divisional Branch shall, subject to the direction and control of the Divisional Council and Divisional Executive, where permitted by law, manage the local affairs of the Division in that State and shall have the power, subject to that direction and control, to form and control divisional sub-branches and district agencies and trade sections within the limit of the Divisional Branch to assist in the management of the local affairs of the Divisional Branch.
- 11.2.2 Notwithstanding anything contained elsewhere in these rules each Divisional Branch shall have autonomy in matters affecting members of the Divisional Branch only and matters concerning the participation of the Divisional Branch in any State industrial conciliation and arbitration system.
- 11.2.3 Branch Political Affiliation
- 11.2.3.1 Each Divisional Branch shall have autonomy to determine affiliation to a political party within their State having objects consistent with the objects of the Union.
- 11.2.3.2 No Divisional Branch shall influence or interfere with the determination by any other Divisional Branch of affiliation to a political party within that respective Branch's State.
- 11.2.3.3 Affiliation to a political party shall be determined by the members of each Branch in accordance with the governance structure of the Branch prescribed by rule 11.3. In accordance with sub rule 11.5, Branch Conference shall determine the Branch affiliation to a political party unless the matter is urgent in which case the matter shall be determined by State Council in accordance with sub rule 11.7

11.3 Government of Divisional Branches

- 11.3.1 Each Divisional Branch, unless otherwise provided in these rules, shall be governed by:
- 11.3.1.1 Divisional Branch Conference;
- 11.3.1.2 Divisional State Council;
- 11.3.1.3 Divisional Branch Executive.
- 11.3.2 The Divisional Branch President, Divisional Branch Vice President, Divisional Branch Secretary and Divisional Branch Treasurer shall also be President, Vice President, Secretary and Treasurer of Divisional Branch Conference, Divisional State Council, and the Divisional Branch Executive.

- 11.3.3 The Divisional Branch Secretary shall keep minutes of all resolutions passed or other business transacted by the State Council and Branch Executive.
- 11.3.4 Minutes of the actions, resolutions or proceedings of the State Council and Branch Executive shall be kept for reference.
- 11.3.5 The Divisional Branch Secretary shall table for approval the minutes of the actions, resolutions or proceedings of all meetings of Branch Executive at the next meeting of State Council held in person.

11.4 Power of Divisional Branches to make Rules

- 11.4.1 Subject to the powers conferred upon the Divisional Council and Divisional Executive, Divisional Branches shall have power to make rules and by-laws for the management of the Divisional Branches and any of its divisional sub-branches or agencies.
- 11.4.2 Such rules or by-laws shall not have effect until endorsed by the Divisional Executive or the Divisional Council. The body endorsing the rules shall at the time of endorsement certify that the proposed amendments are not inconsistent with or detrimental to the objects of the Union or the powers of the Divisional Council or the Divisional Executive. Such rules or by laws shall not have affect until adopted in accordance with rule 3 "New Rules & Alterations or Rescission of Rules" of this section. No rule shall have effect until it is registered.
- 11.4.3 Where in the opinion of the Divisional Council the presence or absence of any rule or by-law of any Divisional Branch is detrimental to the interests of the Union, the said Council may revise or rescind any rule deemed detrimental and make such additional rules as to it may seem proper.
- 11.4.4 Where in the opinion of the Divisional Council any rule or the rules of a Divisional Branch do not comply with any statute or regulation made thereunder or with a rule of the Union, the Divisional Council shall have power, notwithstanding anything contained elsewhere in these rules, and in addition to all other powers relating to the amendment, revision, rescinding or making of rules by or for a divisional branch, to direct the Divisional Branch within a specified period to make the necessary alteration. If the Divisional Branch has not, at the expiration of the specified period, made all necessary alterations, the Divisional Council may by resolution so declare and thereupon itself make such alteration or further additional alteration as it deems necessary for the purpose aforesaid.

11.5 Branch Conference Power to Alter Rules & Policy

The Divisional Branch Conference shall have the power to recommend the alteration of Divisional Branch rules in accordance with rule 3 "New Rules & Alterations or Rescission of Rules" of this Section and to formulate divisional branch policy. This power includes the determination of affiliation to a political party within that State.

11.6 Annual Divisional Branch Meetings & Conference

- 11.6.1 Each Divisional Branch may hold an annual meeting, on a fixed date, at which the annual report of the Divisional Branch Executive shall be submitted for adoption. Such annual meetings shall be specially summoned meetings of the general body of members of the Divisional Branch.
- 11.6.2 A Divisional Branch Conference shall be held at least each alternate year at such time as may be decided by the Divisional Branch State Council. The Divisional Branch State Council may also convene special meetings of the Divisional Branch Conference as it deems necessary.
- 11.6.3 The number of delegates to Divisional Branch Conference to be elected by their respective divisional sub-branches shall be determined with regard to the financial membership current at the 31st day of March during the year of each quadrennial election commencing in 1995 on the following basis:

Divisional Branch
Conference Delegate/s

50 - 100 financial members	1
101 - 500 financial members	2
501 - 1,000 financial members	3
1,001 - 1,500 financial members	4
1,501 - 2,000 financial members	5
2,001 - 2,500 financial members	6
2,501 - 3,500 financial members	7
3,501 financial members and over	8

- 11.6.4 Delegates to Conference representing divisional sub-branches shall live in the divisional sub-branch area to which they are attached.
- 11.6.5 Members of Divisional State Council shall also be delegates to Conference, but if elected as a divisional sub-branch delegate, shall not be entitled to more than one vote at Conference.
- 11.6.6 Divisional branches with less than 3,000 members shall elect divisional branch conference delegates from divisional sub-branches or sections on the following basis:

Divisional Branch
Conference Delegate/s

50 - 100	1
101 - 200	2
201 - 500	3
501 - 1,000	5
1,001 - 1,500	7
1,501 - 2,000	8
2,001 - 3,000	9

11.7 Divisional State Council

11 - DIVISIONAL BRANCHES AND SUB BRANCHES

11.7.1 Each Divisional Branch shall form a Divisional State Council in which shall be vested the government of the Divisional Branch subject to the powers reserved to Divisional Branch Conference except with respect to affiliation to a political party which may be determined by State Council in between meetings of the Branch Conference.

11.7.2 The number of Divisional State Councillors to be elected by their respective sections shall be determined with regard to the financial membership current at the 31st day of March during the year of each quadrennial election commencing in 1995 on the following basis:

State Councillor/s (All states except Victoria)

50	-	100	financial members	1
101	-	500	financial members	2
501	-	1,000	financial members	3
1,001	-	1,500	financial members	4
1,501	-	2,000	financial members	5
2,001	-	2,500	financial members	6
2,501	-	3,500	financial members	7
3,501	-		financial members and over	8

State Councillor/s in Victoria

100	-	500	financial members	1
501	-	1,000	financial members	2
1,001	-	1,500	financial members	3
1,501	-	2,000	financial members	4
2,001	-	2,500	financial members	5
2,501	-	3,000	financial members	6
3,001	-	3,500	financial members	7
3,501	-	4000	financial members	8

4,001 financial members and over will get one State Councillor for every additional five hundred members or part thereof.

11.7.3 In divisional branches with a membership of less than 3,000 members, representation shall be on section or divisional sub-branch membership, on the following basis:

Delegates

101	-	500		2
501	-	1,000		4
1,001	-	1,500		5
1,501	-	2,000		6
2,001		upwards		8

11.7.4 Sections may be constituted on the following basis or on a geographical basis or by some other method as determined by the relevant Divisional Branch State Council:

- 11.7.4.1 Members employed in the general trade.
- 11.7.4.2 Members employed by supply authorities.

11 - DIVISIONAL BRANCHES AND SUB BRANCHES

- 11.7.4.3 Members employed by the transport industry.
- 11.7.4.4 Members employed in the manufacturing industry.
- 11.7.4.5 Members employed as salaried officers.
- 11.7.4.6 Members employed in the radio, television and electronics/communications industries.
- 11.7.4.7 Members employed in the electrical contracting industry.
- 11.7.4.8 In Western Australia, members employed in the foundry industry.

The right of determining which method of representation shall be adopted shall be at the discretion of the Divisional Branch State Council provided that the Divisional Branch State Council shall determine which method of representation shall be adopted in respect of the next election period at the Divisional Branch State Council meeting prior to the calling for nominations for quadrennial elections.

- 11.7.5 In addition to Sections established under sub-rule 11.7.4, a Plumbing Section shall be established in the South Australian Branch and may be established in Tasmania consisting of such employees or persons who are eligible to be members under Section A sub-rule 2.4 and a Plumbing Trade Advisory Committee of the State Council shall also be established in each of those Branches to deal with issues and policies specific to that trade group.
- 11.7.6 Where the membership in the Plumbing Section of a Branch reaches 300 or more financial members in an election year, the Plumbing Section shall be entitled to a Branch Organiser elected by the entire branch financial membership to represent the interests of members in the Plumbing Section.
- 11.7.7 Where a section neglects to elect officers or delegates by the prescribed method, as set out in the rules, the State Council may call fresh nominations for such officers or delegates.
- 11.7.8 Permanent and/or full-time officials employed the Division shall have the right to be members of the State Council if elected by any section.
- 11.7.9 State Councils shall hold regular monthly, quarterly, or half-yearly meetings, and shall deal with any business submitted by divisional sub-branches, district agencies, sections or the Divisional Branch Executive, and shall exercise the powers otherwise vested in Conference, except as to the alteration of divisional branch rules.
- 11.7.10 The Divisional State Council shall by majority of the members present at a specially summoned meeting, be entitled to appoint delegates to bodies with which the Divisional Branch and/or area as defined by Divisional Branch Executive was not affiliated at the date of the quadrennial elections commencing in 1995. Provided that in the event of unforeseen circumstances arising the Divisional Branch Executive shall be authorised to appoint proxy delegates in order to ensure full representation with affiliated organisations.
- 11.7.11 Delegates to affiliated bodies who are not members of the State Council may be required to furnish written reports, and shall attend any meeting of

the Council when summoned to do so to explain any matter relative to their delegateship.

11.8 Meetings of Divisional State Council

- 11.8.1 State Council shall set dates for regular Council meetings.
- 11.8.2 Special meetings of the Divisional State Council may be convened by resolution of the Council when necessity arises, and members not present at the time such resolution is carried shall be notified by the Divisional Branch Secretary by circular.
- 11.8.3 The Divisional Branch Executive shall also have power to summon a special meeting of the Divisional State Council at any convenient time by notice sent to the private addresses of the members of the Council. Provided that at least twenty-four hours' notice shall be given by the Divisional Branch Secretary of such meeting.

11.9 Divisional State Council Decisions by Correspondence

- 11.9.1 When the Divisional State Council is not in session the Divisional Branch Executive may resolve to submit any matters to members of the Divisional State Council by correspondence.
- 11.9.2 Such matters may be forwarded by the Divisional Branch Secretary, or someone nominated by him or her, either by post, facsimile transmission, or electronic mail to each Divisional State Councillor in such form as the Divisional Branch Executive decides. The Divisional Branch Secretary may prescribe a time in which votes shall be returned and/or a preferred method by which the vote should be returned.
- 11.9.3 The Divisional State Councillors shall record their vote on the matters submitted to them and send it to the Divisional Branch Secretary by post, facsimile transmission or electronic mail. Each vote must be signed by the Councillor recording it. Failure to vote within a prescribed time will not render a vote invalid. The ballot will fail if the quorum requirements set out in rule 11.13 "Quorum at Divisional Branch Meetings" are not achieved.
- 11.9.4 The decision shall be binding as if such decision had been obtained by a vote at a regularly constituted meeting of the Divisional State Council.

11.10 Telephone and Video Conferences

If a Divisional Branch Executive or Divisional State Council so decides, normal or specially summonsed meetings of either of these bodies may be held by the use of 'telephone conferencing' or 'video conferencing' facilities. In the event that a Divisional Branch Executive determines to convene a special meeting of their Divisional State Council pursuant to rule 11.8.3, the Executive may decide on the use of 'telephone conferencing' or 'video conferencing' facilities to conduct that special meeting of their Divisional State Council.

The above provision however does not extinguish the right of any elected Federal Member or State Councillor from attending the meeting in person.

11.11 Divisional Branch Executive

11.11.1 The Divisional Branch Executive (in all states except Victoria) shall consist of the Divisional Branch President, Divisional Branch Secretary, and one member from each of the sections as represented on the Divisional State Council with the exception of the Tasmanian Divisional Branch, where the Executive shall consist of the Divisional Branch President, the Divisional Branch Secretary and three others elected by and from the Divisional State Council. Excepting the Divisional Branch Secretary, permanent or full-time officers shall not be eligible to be elected to the Branch Executive. Should any Executive member be unable to attend an Executive meeting, his/her alternate delegate shall take his/her place on the Executive. Where no alternate delegate has been elected the Executive shall have the power to appoint a proxy delegate from the appropriate section of the Divisional State Council.

11.11.2 Divisional Branch Executive - Victoria

11.11.2.1 The Divisional Branch Executive shall consist of the Divisional Branch President, Divisional Branch Secretary, and a minimum of one member from each of the sections as represented on the Divisional State Council.

11.11.2.2 A section shall also have an additional executive member for every three thousand members in that section.

11.11.2.3 Excepting the Divisional Branch Secretary, permanent or full-time officers shall not be eligible to be elected to the Branch Executive. Should any Executive member be unable to attend an Executive meeting, his/her alternate delegate shall take his/her place on Executive. Where no alternate delegate has been elected the Executive shall have the power to appoint a proxy delegate from the appropriate section of the Divisional State Council.

11.11.3 The Divisional Branch Secretary and Divisional Branch President may convene a meeting of the Divisional Branch Executive at any time. Provided that at least twenty-four hours' notice shall be given by the Divisional Branch Secretary to the Executive members of such meeting.

11.11.4 Financial Responsibility: The Executive of a Divisional Branch shall have full financial responsibility regarding the disbursement of the Divisional Branch Fund and may exercise the right to veto regarding any proposed expenditure.

11.11.5 Aggregate Meetings: Under this rule a Divisional Branch Executive may summon aggregate meetings of the whole of the members of a Divisional Branch or any section thereof residing within convenient distance of the place of meeting for the purpose of discussing any industrial matter or any business relative to the policy of the Union, and the decision of such meeting shall be a recommendation to the Divisional State Council.

11.12 Divisional Sub-Branches

- 11.12.1 Divisional sub-branches may be formed and shall be determined by Divisional State Council. They may be determined on a geographical or other basis.
- 11.12.2 All decisions of divisional sub-branches shall be recommendations to Divisional State Council.
- 11.12.3 Attendance of members at divisional sub-branch meetings shall only be by those members determined to be part of that Divisional Sub-Branch, with the exception of divisional branch officers, and those members whom the Divisional Sub-Branch, by resolution, invited to attend a particular meeting.

11.13 Quorum at Divisional Branch Meetings

- 11.13.1 For Divisional Branches or Divisional Sub-Branches with a financial membership of up to and including:
 - 11.13.1.1 100 members 5 members shall constitute a quorum;
 - 11.13.1.2 101 to 1,000 members 10 members shall constitute a quorum;
 - 11.13.1.3 over 1,000 members 15 members shall constitute a quorum.
- 11.13.2 Provided that in the event of there not being a sufficient number of members present to form a quorum on a regular divisional sub-branch meeting night and there being not less than five members present, that recommendations from such members may in the first instance be submitted to the Divisional Branch Executive for consideration.
- 11.13.3 A majority of the members of a Divisional Branch Executive, a State Council or a Divisional Branch Conference, shall constitute a quorum of these bodies.
- 11.13.4 The quorum for Annual Meetings shall be twenty-five members.

11.14 Attendance at Divisional Branch meetings

Unless special leave be granted, members of Divisional Branch Executives or of State Councils, shall be required to attend all meetings of their respective Divisional Sub-Branches, Divisional Branch Executives or State Councils.

11.15 Divisional Branch Guardian

A Guardian may be appointed to check all members' credentials before they enter the meeting room.

12 - DIVISIONAL BRANCH OFFICERS

12.1 Divisional Branch Officers

The officers of a Divisional Branch shall be President, Vice-President, Treasurer, Divisional Branch Secretary, Assistant Secretaries, Organisers and Trustees (where so required by the Branch or State law).

12.1.2 With respect to the offices of Divisional Branch Assistant Secretary, Organisers and Trustees, each Divisional Branch Executive shall determine whether or not there will be such offices, and how many positions there will be in each. Such determination shall not be made between the calling of Quadrennial Elections and the declaration of that Quadrennial ballot. Where no determination is made, it is deemed that the same composition of such offices as were elected at the last Quadrennial Election is to be elected at the next.

12.1.3 Any office created pursuant to rule 12.1.2 shall be filled:

12.1.3.1 at the next Quadrennial Election; or

12.1.3.2 where the relevant Divisional Branch Executive so resolves, by election, other than Quadrennial Election, conducted in accordance with rule 15.19.

12.1.4 Any office abolished pursuant to rule 12.1.2 shall cease to exist as at the declaration of the next Quadrennial Election.

12.1.5 The term of an office created pursuant to rule 12.1.2 ends at the declaration of the next Quadrennial Election occurring following the filling of the office.

12.2 Divisional Branch President

12.2.1 The President shall preside at all meetings, preserve order and give an impartial decision on all questions submitted to him/her. Should he/she wish to take part in general debate the Divisional Branch Vice President shall temporarily assume control while the Divisional Branch President is addressing the meeting.

12.2.2 In addition to the duties set out above, the Divisional Branch President in Western Australia shall perform such other duties of the kind prescribed by these rules for the Divisional Branch Secretary, as directed by the Branch Secretary.

12.3 Divisional Branch Vice President

The Divisional Branch Vice President shall assist in maintaining order and attention. In the absence of the Divisional Branch President he/she shall take the chair, invested with full power and authority as presiding officer; if both the Divisional Branch President and Divisional Branch Vice President are absent the meeting shall elect a temporary chairperson from amongst the members.

12.4 Divisional Branch Treasurer

It shall be at the option of any divisional branch to combine the offices of Divisional Branch Secretary and Divisional Branch Treasurer; but where a Divisional Branch has a Divisional Branch Treasurer he/she shall attend all meetings, examine accounts rendered by the Divisional Branch Secretary, and shall be entitled to sign cheques as provided by sub-rule 20.5.2.

12.5 Divisional Branch Secretary

- 12.5.1 The Divisional Branch Secretary shall be the registered officer of a Divisional Branch and he/she shall be the officer to sue and be sued on behalf of the Union under the law of the State where the Divisional Branch operates in respect of acts or omissions arising from the participation of that Divisional Branch in industrial activity within its own State.
- 12.5.2 The Divisional Branch Secretary shall keep proper account of all moneys received or paid on account of any particular fund and shall keep separate accounts of the expenses of management and of all contributions in account thereof.
- 12.5.3 The Divisional Branch Secretary shall attend all meetings of the Divisional Branch, and shall submit annually a properly audited balance sheet of receipts and expenditure.
- 12.5.4 Subject to the direction of the Divisional Branch Executive, the Divisional Branch Secretary shall be responsible for the administration of the Divisional Branch and shall exercise control over all employees of the Divisional Branch.
- 12.5.5 To comply with sub rule 35.2, Divisional Branch Secretaries shall annually forward electronically to the Divisional Secretary a list of all members, financial and unfinancial, attached to their respective Divisional Branches. The list shall be supplied in an electronic format requested by the Divisional Secretary and shall constitute the register of members referred to under sub rule 35.2. The list shall be as at February 28 of each year and shall be forwarded no later than seven(7) days after the end of February. The supply of this list will satisfy the requirement under sub rule 32.3 to supply a record of information for the period ending February in each year. The penalty against any Branch making default shall be one hundred dollars (\$100) per day for each day of default.
- 12.5.6 On retiring from Office, the Divisional Branch Secretary shall deliver all books, records and assets of the Union to his/her successor in the presence of the duly appointed auditor. The auditor shall make an appropriate certified report of the changeover to the Divisional Branch Executive.
- 12.5.7 If the Divisional Branch Secretary is unable to attend to his/her duties through any temporary cause or temporary absence, the Divisional Branch Executive may appoint a Deputy Secretary to act during any such temporary absence who shall assume all of the duties, powers, responsibilities, rights and entitlements of the Divisional Branch Secretary.

13 - MANNER OF SUMMONING MEETINGS

12.5.8 All correspondence to the Divisional Branch Secretary from a member shall be in writing and signed by the member. Such correspondence shall be either delivered by hand or sent by registered mail.

12.6 Divisional Branch Assistant Secretary

The Divisional Branch Assistant Secretaries shall carry out such duties as the Divisional Branch Secretary may direct.

12.7 Divisional Branch Organiser

Divisional Branch Organisers shall carry out such duties as the Divisional Branch Secretary may direct.

12.8 Divisional Branch Trustee

In the case of Divisional Branches where the State law requires the appointment of Trustees, such officers shall be elected by State Council in accordance with sub rule 15.8 "Election of Divisional Branch Trustee". They shall be held to claim, possess and assert formal and legal ownership of all property of whatsoever description belonging to the Divisional Branch. They shall have general and special supervision of financial affairs, and shall be empowered under direction of the Divisional Branch Executive in the name of the Divisional Branch, to deposit money at interest in a Bank, or invest funds for an approved term of months or years in any institution or society to borrow and to mortgage. Trustees shall, as provided in these rules, be entitled to sign cheques or drafts upon the invested funds. In every case of investment, appropriation, transfer, loan or mortgage, the consent and approval of the Divisional Branch must first be obtained. On the resignation, removal or demise of any individual trustee, full power of action shall devolve upon the other surviving trustees until a new appointment be made.

13 - MANNER OF SUMMONING MEETINGS

13.1 Summoning Meetings of Divisional Council

All members of the Divisional Council shall be notified in writing by the Divisional Secretary of the time, date, place and agenda of any meeting of the Divisional Council (whether an ordinary or special meeting). Such notification should occur not less than 30 days prior to any ordinary meeting. Where a special meeting is called such notice as may practicably be given in the circumstances, shall be given. With respect to meetings by correspondence, no notice is required.

13.2 Summoning Meetings of the Divisional Executive

All members of the Divisional Executive shall be notified in writing by the Divisional Secretary of the time, date and place of any meeting of the Divisional Executive. Such notification should occur not less than 7 days prior to any meeting except where an urgent meeting is called in which case such notice as may practicably be given in the circumstances, shall be given. With respect to meetings by correspondence, no notice is required.

13.3 Summoning Meetings of the Divisional Executive Committee

13 - MANNER OF SUMMONING MEETINGS

All members of the Divisional Executive Committee shall be notified in writing by the Divisional Secretary of the time, date and place of any meeting of the Divisional Executive Committee. Such notification should occur not less than 2 days prior to any meeting except where an urgent meeting is called in which case such notice as may practicably be given in the circumstances, shall be given.

13.4 Summoning Divisional State Council

All members of the Divisional State Council shall be notified in writing by the Divisional Branch Secretary of the time, date, place and agenda of State Council meetings. Such notification should occur not less than 24 hours prior to the meeting. Where a special meeting is called such notice as is practicable in the circumstances, shall be given.

13.5 Summoning Divisional Branch Conference

All members of the Divisional Branch Conference shall be notified in writing by the Divisional Branch Secretary of the time, date, place and agenda of any meeting of the Divisional Branch Conference (whether an ordinary or a special meeting). Such notification should occur not less than 30 days prior to any ordinary meeting. Where a special meeting is called such notice as may be practicably be given in the circumstances, shall be given.

13.6 Summoned Divisional Branch Meetings

13.6.1 Summoned meetings of a Divisional Branch may be called by notice in the "ETU News" or by circular sent to the known private addresses of the financial members. Provided that in the case of the New South Wales Divisional Branch such notices may be published in the "ETU NSW" in lieu of the "ETU News".

13.6.2 Where a summoned meeting is the annual meeting of a Divisional Branch, or in cases of extreme urgency, the meeting may be summoned by advertisement, appearing in at least one newspaper on the day previous to the date of meeting published in the city or district in which the meeting is held.

13.7 Divisional Sub-Branch Meetings

Each Divisional sub-branch shall hold a meeting of the members monthly or quarterly, but no business shall be transacted at any meeting of a Divisional sub-branch unless a quorum of financial members is present. The decisions of such meetings shall be recommendations to State Council.

13.8 Aggregate Meetings

Aggregate Meetings may be summoned by the Divisional Branch Executive in accordance with rule 11.11.4.

13.9 Time & Place of Divisional Branch Meetings

Divisional Branches shall hold State Council Meetings at the Trades Hall or at such other registered address of the Divisional Branch in the Capital City in each State and/or at such

time and place as a Divisional Branch may decide, unless otherwise decided at a specially summoned State Council meeting of the Divisional Branch concerned.

13.10 Sectional Committee Meetings

The President of a Divisional Branch may, upon receipt of a written application signed by at least one-third of the members interested, summon a meeting of any section of the membership forming a distinct Divisional Branch of the trade for the purpose of discussing any industrial matter affecting such Divisional Branch. Should the President deem such application to be frivolous, or the proposed business not of sufficient importance to warrant calling a meeting, the president may defer the matter until the Divisional Branch Executive has had an opportunity of dealing with the same.

14 - EXPENSES FOR UNION BUSINESS

14.1 Travel on Divisional Council Business

Officers and delegates attending to Divisional Council business shall be allowed by their respective Divisional Branches reasonable costs for travel and accommodation and remuneration for lost income. Any dispute about what the branch determines to be reasonable shall be referred to the Divisional Executive Committee for resolution.

14.2 Expenses while on Divisional Council Business

14.2.1 The Divisional Council shall pay each officer and delegate a sum of money to cover cost of living and incidental expenses while engaged on Council business when away from their normal place of residence. Such periods shall include travelling time. A sum per day shall be determined by Council to include sleeping accommodation, and for any day on which such accommodation is not required the sum shall be halved. For any officer or delegate not obliged to be away from their normal place of residence, Council shall determine a sum of daily expenses.

14.2.2 When the Divisional President and/or Secretary and/or officer and/or delegates appointed by the Divisional Council are engaged on the business of the Divisional Council, and are not representing a Divisional Branch of the Union, their reasonable costs for travel and accommodation, remuneration for lost income and expenses shall be paid by the Divisional Council.

14.3 Expenses for Divisional Executive Meetings

Members of the Divisional Executive, when attending a meeting of the Executive, shall be allowed by the Divisional Council reasonable costs for travel and accommodation, remuneration for lost income and expenses as provided in sub rule 14.2.1.

15 - ELECTIONS

15.1 Frequency of Elections

Except for the election of the Divisional President, Divisional Vice Presidents and other Branch Representatives on the Electrical, Energy and Services Divisional Executive, elections for all offices shall be held quadrennially commencing in 1995.

15.2 Terms of Office

The terms of office for the positions of Divisional Secretary, Assistant Divisional Secretary, Divisional Councillors and National Councillors shall be four years provided that if for some reason beyond the control of the Divisional Executive or Council their successors have not been declared elected they shall continue to hold office until their successors are declared elected.

15.3 Election of Divisional Secretary and Assistant Divisional Secretary

15.3.1 The Divisional Secretary and Assistant Divisional Secretary shall be elected quadrennially commencing in 1995 by secret ballot of the whole of the financial members entitled to vote.

15.3.2 Nominations shall be called in the "ETU News" and shall close with the Returning Officer at 5.00 pm on the second Monday in July in the year of the election.

Nominations shall be in accordance with rule 15.17 "Nominations" and candidates shall comply with rule 15.20 "Candidates".

15.4 Election of National Councillors

National Councillors shall be elected in accordance with 15.14 "Conduct of Elections" and 15.19 "Conduct of Elections - Direct Voting" as follows:

15.4.1 The Divisional Secretary shall be also elected as a National Executive Officer. National Executive Officers are also National Councillors. Rule 15.3 "Election of Divisional Secretary and Assistant Divisional Secretary" shall also be relevant to the election of the Divisional Secretary.

15.4.2 The Divisional Branch Secretaries shall be elected as a Divisional Branch Secretary/National Councillor.

15.4.3 The Divisional Branch Presidents of the New South Wales and Victorian branches shall be elected Divisional Branch President/National Councillor.

15.4.4 Where the female membership of the Electrical, Energy and Services Division exceeds 5% of the financial membership of the Division, an affirmative action delegate shall be elected by the members of the Division eligible to vote in accordance with rule 15.14.3, to represent the Division on National Council.

15.5 Election of Divisional Councillors and Divisional President, Vice Presidents and other Divisional Branch Representatives on Divisional Executive

15.5.1 Divisional Councillors shall be elected in accordance with rule 7.3 "Election to Divisional Council", 15.14 "Conduct of Elections" and 15.19 "Direct Voting".

- 15.5.2 The Divisional President and Vice Presidents shall be elected by secret ballot at each Divisional Conference by the elected delegates to Conference. The members of the Divisional Executive shall hold office until the day prior to the day upon which the next Divisional Conference is convened.
- 15.5.3 The Divisional Branch Representatives on the Divisional Executive shall be elected by secret ballot by the elected delegates representing their Branch at Conference. The members of the Divisional Executive shall hold office until the day prior to the day upon which the next Divisional Conference is convened.
- 15.5.4 Immediately following the acceptance by Conference of delegates' credentials, Divisional Conference shall appoint a Returning Officer and determine the time for the closing of nominations and for the closing of the ballot.

15.6 Election of Divisional Branch Presidents, Secretaries, Assistant Secretaries and Organisers

- 15.6.1 Divisional Branch Presidents, Secretaries, Assistant Secretaries and Organisers shall be elected quadrennially by secret ballot of the members of that Branch. The election shall take place in accordance with rule 15.19 "Conduct of Elections - Direct voting".
- 15.6.2 In addition, where the membership of the Plumbing Section of a Branch reaches 300 or more financial members in an election year, the Plumbing Section shall be entitled to a Branch Organiser elected by the entire branch financial membership to represent the interests of members in the Plumbing Section.

15.7 Election of Divisional Branch Vice President and Treasurer

The Divisional Branch Vice-President and Divisional Branch Treasurer shall be elected quadrennially by secret ballot of the members of the Divisional State Council from Executive members at the first Divisional State Council meeting following the Divisional Branch quadrennial elections.

15.8 Election of the Divisional Branch Trustee

The Divisional Branch Trustee shall be elected quadrennially by secret ballot of the members of the Divisional State Council from Divisional State Councillors at the first State Council Meeting following the Divisional Branch quadrennial elections.

15.9 Election of Delegates to Divisional Branch Conference

Delegates to Divisional Branch Conference shall be elected by the members attached to each Divisional Sub-Branch entitled to vote in accordance with sub rule 15.14.3 "Conduct of Elections".

15.10 Election of Divisional State Councillors

- 15.10.1 Delegates to Divisional State Council shall be elected by the members of the particular section entitled to vote in accordance with sub rule 15.14.3 "Conduct of Elections".
- 15.10.2 When there are insufficient financial members in a section at the time of closing of nominations to establish representation on Divisional State Council and then prior to the next quadrennial ballot there are sufficient financial members in the Section to establish such representation an election shall be conducted to elect a delegate to Divisional State Council for the Section.

15.11 Election of the Divisional State Branch Executive

Members of the Divisional State Branch Executive, with the exception of the Divisional Branch President and Secretary, (and where determined by Divisional State Council, one alternate section representative) shall be elected by secret ballot of the Divisional State Council delegates of the respective section at the first meeting of the Divisional State Council after the declaration of the Divisional Branch quadrennial ballot.

15.12 Election of Divisional Sub-Branch President, Vice-President and Secretary

The election of the Divisional Sub-Branch President, Vice-President and Secretary shall be by postal ballot taken concurrently with the Divisional Branch quadrennial elections of the members attached to the Divisional Sub-Branch entitled to vote in accordance with sub rule 15.14.3 "Conduct of Elections".

15.13 Election of Branch and/or Sub-Branch delegates to Organisations with which the Divisional Branch is Affiliated

- 15.13.1 Prior to each occasion of the quadrennial elections, the State Council of a Divisional Branch shall determine the method of election of Divisional Branch and/or Sub-Branch delegates to organisations with which the Division is affiliated within the Divisional Sub-Branch area. The method of election of such delegates shall be by one of the following methods:
- 15.13.1.1 by the financial members resident in the respective regional area and entitled to vote in conjunction with the quadrennial ballot; or
 - 15.13.1.2 In the case of branch delegates, by the Divisional State Council at a specially summoned meeting to be held at the earliest opportunity after the declaration of the quadrennial ballot.
 - 15.13.1.3 In the case of Sub-Branch delegates, by either the Divisional State Council at a specially summoned meeting to be held at the earliest opportunity after the declaration of the quadrennial ballot or by the Divisional Sub-Branch at a specially summoned meeting to be held at the earliest opportunity after the declaration of the quadrennial ballot.

15.14 Conduct of the Elections

- 15.14.1 The Divisional Executive and the Divisional Branches shall conduct their own elections.
- 15.14.2 Any ballot shall commence no later than four (4) weeks after the close of nominations and shall conclude no later than three (3) weeks after commencement.
- 15.14.3 The method of electing persons to an office shall, except where otherwise provided in these rules, be by secret postal ballot of all financial members entitled to vote in such elections. Whether or not a member is financial shall be determined by reference to rule 6.1 "Time from which a member becomes unfinancial".
- 15.14.4 With respect to the election of the Divisional President, Divisional Vice Presidents and other Divisional Branch representatives on the Divisional Executive, the Returning Officer shall issue multiple ballot papers providing one ballot paper for each vote to which a Divisional Branch or the Divisional Secretary is entitled in accordance with sub rule 7.4 "Voting on Divisional Council", and in respect of each Divisional Branch shall distribute as near as practicable such ballot papers equally between all the delegates representing that Divisional Branch.

In the event of equal division not being possible in respect of such delegates, the Returning Officer shall distribute the surplus ballot paper or papers to such delegate(s) of that Divisional Branch as shall be nominated by the majority of delegates representing that Divisional Branch. In the event of a disagreement the Returning Officer shall allocate the surplus ballot paper or papers to a divisional branch delegate chosen by a drawing of lots.

15.14.5 Order of Election to the Divisional Executive

The Divisional President shall be first elected. Upon the election of the Divisional President, the Divisional Vice-Presidents shall then be elected. Upon the election of Vice-Presidents, the Returning Officer shall call for nominations required for representatives of Divisional Branches in accordance with the entitlement provided by rule 8.2 "Election to the Divisional Executive".

15.15 Appointment of Returning Officer

- 15.15.1 The Divisional Executive shall appoint a Returning Officer to conduct the election for the positions of Divisional Secretary and Assistant Divisional Secretary.
- 15.15.2 A Returning Officer shall be appointed by a duly summoned meeting of the members of the State Council of each Divisional Branch to conduct the election for Divisional Branch delegates to Divisional Council and for Offices in that Divisional Branch. In the event of a Divisional Branch failing to appoint a Returning Officer in the manner prescribed, the Secretary of that Divisional Branch shall report the matter to the Divisional Secretary, and the Divisional Executive shall appoint a temporary Returning Officer to conduct such election.

- 15.15.3 A Returning Officer appointed under these rules shall be a person who is not the holder of any Office in, nor an employee of, the Union or any Divisional Branch, section or division thereof.

15.16 Duties of the Returning Officer

- 15.16.1 Each Returning Officer shall have complete control of the respective ballot and in any disputed matter, the decision of the Returning Officer shall be final.
- 15.16.2 The preparation of the respective roll of eligible voters, in accordance with the Rules of the Division, shall be under the control of each Returning Officer.
- 15.16.3 For the information of the duly appointed scrutineers, each Returning Officer shall fix the time and place for counting each respective ballot prior to commencing such count.
- 15.16.4 The Returning Officer shall at the completion of the count, declare the ballot and submit a written report to the Divisional Secretary, who shall immediately advise the Divisional Council of the result.

15.17 Nominations

- 15.17.1 Except as provided in sub rule 15.17.2, nominations shall open on the first Monday in July and close at 5.00pm on the second Monday in July in the quadrennial election year.
- 15.17.2 Where an election is being conducted to fill a casual vacancy, the Divisional Council, Divisional Executive or the Divisional Branch State Council as the case may be, shall fix the closing time for nominations.
- 15.17.3 Nominations shall be called by advertisement in the "ETU News" or in a newspaper or newspapers, having regard for the district or region to which the Office relates.
- 15.17.4 Such advertisement shall be in the form of a notice setting out the name of the Divisional Council or the Divisional Branch, the title of the Office, the place for lodging of nominations, the times and dates for the opening and closing of nominations, and inviting members eligible for election in accordance with the provisions of this Rule, to stand for election for the vacant Office.
- 15.17.5 A candidate may only contest one ballot at any one time for any full time office in the Union. For the purposes of this sub-rule a "full-time office" means Divisional Secretary, Assistant Divisional Secretary, Divisional Branch Secretaries, Divisional Branch Assistant Secretaries and Organisers.
- 15.17.6 Where in any election (or in concurrent elections) a person nominates for more than one full time office, the person shall, before the closing time for the receipt of nominations, withdraw all necessary nominations so that only one such nomination remains with the Returning Officer.

- 15.17.7 If a person has not withdrawn sufficient nominations so as to comply with this rule, the Returning Officer shall consider only the nomination that was received first in time. For the avoidance of doubt, the principle of implied surrender has no application in relation to which nominations are considered pursuant to this sub-rule.
- 15.17.8 Where nominations have been received simultaneously, or where the Returning Officer is unable to determine which nomination was received first in time, the Returning Officer shall invite the person to withdraw all necessary nominations so that only one nomination remains with the Returning Officer.
- 15.17.9 If seven (7) days after the person is invited to withdraw all necessary nominations in accordance with paragraph 15.7.8 above, a person has not withdrawn sufficient nominations so as to comply with this rule, the Returning Officer shall reject all nominations for that person.
- 15.17.10 All nominations shall be in writing and endorsed by two financial members, other than the candidate, who have been at least three months in this Division of the Union.
- Before going to a ballot, candidates shall signify in writing their willingness to accept office if elected. Such candidates shall have seven days from the closing date of nominations during which they may withdraw their nomination in writing.
- 15.17.11 Provided that if the Returning Officer finds a nomination defective he/she shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give such person the opportunity to remedy the defect within seven days after being so notified.
- 15.17.12 Should insufficient nominations be received at Divisional Conference to elect the number of Divisional Executive Members required by rule 8, "Divisional Executive", the Divisional Council shall fill any vacancy in accordance with these Rules.

15.18 Conduct of Elections - Collegiate Elections

- 15.18.1 Where the election provided by these rules is to be conducted otherwise than by a direct election by a secret postal ballot, the Returning Officer shall call for nominations at the relevant meeting (ie. either at Divisional Branch Council or Divisional Council), or as prescribed by these rules. Where a collegiate election is required at the National Council under section A of these rules the Returning Officer shall conduct that ballot in a manner consistent with this rule.
- 15.18.2 Where nominations are called for under 15.18.1 above, and the Returning Officer finds that a nomination is defective, he shall take all reasonable steps to give the person nominating an opportunity to remedy the defect.

15.18.3 In conducting the ballot, the Returning Officer shall take all reasonable steps to ensure the secrecy of the ballot and may give all reasonable directions to ensure that no irregularity occurs.

15.18.4 For collegiate elections at or by the Divisional Branch State Council and Divisional Council, the following persons shall be eligible to stand for the positions indicated in the manner indicated in Table 1 below:

Electrical, Energy and Services Division Elections

Collegiate Elections

Positions	Persons eligible	Electors
Divisional Executive members	Branch representatives from the respective Divisional Branches	Branch representatives from the respective Divisional Branches
Divisional President and two Vice Presidents	Divisional Councillors	Divisional Councillors (provided only one Divisional Councillor from any Divisional Branch can hold office of Divisional President or Divisional Vice President at any time)
Divisional Branch Executive members and alternates (where applicable)(other than Branch Secretary, Branch Assistant Secretary and Branch President)	Sectional representatives from each section	Sectional representatives from each section
Divisional Branch Vice President and Treasurer	Divisional Branch State Executive	Divisional Branch State Councillors
Divisional Branch Trustee	Divisional Branch State Councillors	Divisional Branch State Councillors

15.18.5 Where there is only one sectional representative for a particular section on the Divisional Branch State Council, then, subject to that person being otherwise eligible to hold office as a member of Divisional Branch Executive representing that section, the person shall become a member of the Divisional Branch Executive on and from the date upon which the other members of the Divisional Branch Executive are declared elected under rule 15.18.

15.19 Conduct of Elections: Direct Voting

- 15.19.1 Where an election is to be conducted by a direct secret postal ballot of the members of the branch or division concerned, the Returning Officer shall call for nominations for election to each of the offices according to these rules. Each nomination shall be in writing and shall be signed by the candidate and otherwise be in accordance with these rules.
- 15.19.2 Nominations shall be called for by advertisement in a daily newspaper circulating in the geographical area in which the branch is situated, or nationally in the case of a division-wide election and, where the election timetable permits it, in the 'ETU News'.
- 15.19.3 If no more nominations for election to any office/s are received than the number of vacancies in such office/s, then the returning officer shall forthwith declare the person or persons nominated to have been elected to such office/s.
- 15.19.4 If there are more nominations for election to any office than there are vacancies in such office the Returning Officer shall fix dates when the ballot shall open and close provided that the ballot shall close not later than the day specified in these rules. The period between the opening and closing dates of the ballot shall be not less than ten (10) days nor more than twenty-one (21) days.
- 15.19.5 The election shall be by means of a secret ballot and the division or branch shall provide the Returning Officer with a post office box address for the return of the ballot papers.
- 15.19.6 The Returning Officer shall obtain the keys of a box at a post office in the capital city in which the election is being held. Such keys shall not pass from the possession of the Returning Officer at any time during an election. The Returning Officer shall give each scrutineer reasonable notice of his/her intention to open the post office box and any scrutineer may as a result of such notice be in attendance.
- 15.19.7 Each Returning Officer shall have compiled a list of all members who are eligible to vote and shall use such list in the conduct of the said election. The roll of voters shall close 7 days before the date nominations open.
- 15.19.8 Every member of the division or branch as the case requires who is financial at the date 7 days before the opening of nominations shall be eligible to vote.
- 15.19.9 The election shall be conducted under the 'first past the post' voting system. The position of all candidates' names for each office on the ballot paper shall be drawn for.
- 15.19.10 The Returning Officer shall cause to be prepared sufficient ballot papers which shall not be numbered or otherwise marked except with the Returning Officer's initials together with declaration envelopes and prepaid envelopes addressed to the box number at the post office referred to in subrule 15.19.6. The declaration and prepaid envelopes must comply with the forms prescribed by the *Fair Work (Registered Organisations)*

Regulations 2009. The ballot paper shall contain in a prominent position the date and time of the closing of the ballot and ballot papers received after that date shall not be included in the ballot.

- 15.19.11 The Returning Officer shall by prepaid post forward a ballot paper, a declaration envelope and reply-paid envelope in the presence of such scrutineers as wish to be present on a date to be determined by the Returning Officer to each voter entitled to vote within the branch in accordance with the voters' list.
- 15.19.12 A candidate may in writing appoint any member of the union who is not a candidate in the election to be his/her scrutineer but such scrutineer shall not in any way obstruct the Returning Officer in the performance of his/her duties nor shall the scrutineer in any way interfere with the conduct of the ballot.
- 15.19.13 A scrutineer shall, so far as it is possible having regard to the time of appointment and to the form of election to be conducted, be entitled to observe the forwarding of nomination forms by the Returning Officer, the consideration of nomination forms, to inspect the nomination forms, to observe the form and distribution of ballot papers, the collection of the envelopes containing the ballot papers from the post office box where appropriate, the checking of votes, the conduct and determination of the election by lot and the declaration of the ballot and to observe every act performed or directed by the Returning Officer which may affect the result of the election.
- The Returning Officer shall take all reasonable steps by notification or otherwise to enable each scrutineer to exercise these entitlements. A scrutineer shall direct the attention of the Returning Officer to any irregularity he/she may detect whether in the nomination forms, nominations, the form of distribution of ballot papers, the admission and counting of any ballot paper, or in respect of any other matters to be observed or done under these rules. A scrutineer shall do all these things necessary so that the conduct of the election shall conform to these rules and so that the secrecy of the ballot shall be observed.
- 15.19.14 At the close of the ballot, the Returning Officer in the presence of the scrutineers and all candidates (if available) shall, after first removing the flaps or labels from the declaration envelopes and then, removing the ballot papers from the declaration envelopes, count all ballot papers and shall within fourteen (14) days of the close of the ballot declare the result of the elections and the persons declared elected shall occupy their respective positions forthwith, or otherwise in accordance with these rules.
- 15.19.15 A person elected to office pursuant to the provisions of this rule shall, unless otherwise provided in these rules, retain it until a successor is duly elected unless he/she dies, resigns or is removed from office in accordance with these rules.
- 15.19.16 The Returning Officer shall make reasonable arrangements for the recording of absentee votes.

- 15.19.17 In conducting the ballot, the Returning Officer shall take all reasonable steps and may give all reasonable directions to ensure that no irregularity occurs.
- 15.19.18 For direct elections by the members of the Division or Divisional Branch the following persons shall be eligible to stand for the positions indicated in the manner indicated in table 2 below:

**Electrical, Energy and Services Division Elections
Direct Voting by Secret Postal Ballot**

Positions	Persons eligible	Electors
National Executive Officer	Divisional Secretary	All financial members of the Division
Divisional Secretary and Divisional Assistant Secretary	Financial members for two years	All financial members of the Division
Divisional Councillors	Financial members for one year	All financial members of the Branch concerned
National Councillors	Branch Secretaries Branch President of the NSW & Vic Branches	All financial members of the Branch concerned
Affirmative Action National Councillor	All female financial members for one year	All financial members of the Division
Divisional Branch President, Branch Secretary, Assistant Secretary and Organisers	Financial members of the Branch concerned for two years	All financial members of the Branch concerned
Branch Organiser (Plumbing)	Financial members of the Plumbing Section of the Branch concerned for two years	All financial members of the Branch concerned
Sub-branch and/or Section Representatives on State Council and Branch Conference	Financial members of the Section or Sub-branch concerned for one year	All financial members of the Section or Sub-branch concerned
Sub-branch President, Vice President and Secretaries	Financial members of the Sub-branch concerned for one year	All financial members residing in the Sub-branch concerned

15.20 Candidates

- 15.20.1 No Candidate shall hold office unless he or she is over 18 years of age.

- 15.20.2 Candidates for the positions of Divisional Secretary, Divisional Assistant Secretary, Divisional Branch President, Divisional Branch Secretary, Divisional Assistant Branch Secretary or Divisional Branch Organiser, must have been financial members of this Division in accordance with rule 5 "Entrance Fees & Contributions", for each quarterly period as it fell due within two years immediately preceding the date of nomination.
- 15.20.3 A candidate for election to the Divisional President, either Divisional Vice President & Other Branch Representatives on the Divisional Executive shall have been a financial member of the Union, in conformity with the rules, for two years immediately preceding the date of nomination and be, at the time of nomination, a delegate of Divisional Council.
- 15.20.4 Candidates for all other positions must have been financial members of this Division in accordance with rule 5 "Entrance Fees and Contributions", for each quarterly period as it fell due within one year immediately preceding the date of nominations except where there are no more than the required number of nominees when each candidate shall be a financial member of the Division in accordance with rule 5 "Entrance Fees & Contributions".
- 15.20.5 Notwithstanding sub rules 15.20.2, 15.20.3 and 15.20.4, continuous financial membership of the AEEFEU shall be counted as continuous financial membership of the CEPU for the purposes of those sub rules.

15.21 Contractors/Employers Ineligible to Hold Office

In the event of members becoming contractors and/or employers they shall not be eligible to hold an Office in this Division.

15.22 Qualification of Voters

To be eligible to vote in elections, members shall be financial at the date 7 days before the opening of nominations.

15.23 Absent Voting

Provisions shall be made for absentee voting in any ballot, for any Office conducted under this section of these rules.

15.24 Method of Voting

- 15.24.1 Persons eligible to vote shall record their votes by placing a cross on the ballot paper opposite the name of the candidates they desire to vote for, and the candidate who receives the highest number of votes shall be declared elected.
- 15.24.2 Provided that the New South Wales Divisional Branch shall employ such method of voting as shall be fixed by duly registered rule of that Divisional Branch. In the absence of any such rule of that Divisional Branch, the method of voting employed shall be that fixed by this sub-rule.

15.25 Equal Voting

When the voting is equal in any election conducted under these rules, in the event of one of the candidates being the retiring office-holder, such candidate shall be declared elected. In other cases in which a tie occurs the matter shall be decided by the toss of a coin.

15.26 Scrutineers

- 15.26.1 In any election conducted under these Divisional rules candidates, may, appoint a scrutineer, who shall be a member of this Division, to represent them at the ballot.
- 15.26.2 Scrutineers shall have the right to inspect ballot papers but shall not handle ballot papers unless given permission by the Returning Officer.
- 15.26.3 Scrutineers shall accept responsibility for being present during the times fixed by the Returning Officer for the counting of the ballot, and counting of the ballot shall not be delayed by the absence of any or all of the scrutineers.

15.27 Declaration of Election

- 15.27.1 Each Returning Officer shall, at the completion of the count, declare the election and submit a written report to the Divisional Secretary or the Divisional Branch Secretary as the case may be. Persons declared elected to an office shall take up that office immediately.
- 15.27.2 Immediately following the counting of the ballots for Divisional President, Divisional Vice Presidents and other Branch representatives on the Divisional Executive, the Returning Officer shall declare the result to Divisional Conference and the new Office holders shall be installed forthwith.
- 15.27.3 The Divisional Secretary shall immediately advise Divisional Councillors of the result of the election for the Office of Divisional Secretary and Assistant Divisional Secretary.
- 15.27.4 Divisional Branches shall notify the Divisional Secretary of the names of the elected officers within thirty (30) days of the completion of such elections.
- 15.27.5 The Divisional Branch Secretary shall announce the result of the Divisional Branch election at the next appropriate General or State Council Meeting.

15.28 Appointment of Additional Persons

The Divisional Council or the State Council of a Divisional Branch as the case may be, shall prior to each occasion of the quadrennial elections, determine the number of positions for each office in the Division or Divisional Branch respectively. Provided that the Divisional Council or the State Council of a Divisional Branch may at any time appoint an additional person for the purpose of performing specified duties. The person so appointed shall not by reason of such appointment be deemed to hold an office in the Division or Divisional Branch.

15.29 Variation of Election for the New South Wales Branch of this Division

Except as provided by sub-rules 15.15.1, 15.17.2 and 15.24.2 of this rule, the New South Wales Divisional Branch may, by duly registered rule, vary the provisions of this rule in respect of elections in that Divisional Branch.

15.30 The Participation of Unfinancial Branches in Elections

In the event of any Divisional Branch failing to pay monies owed to the Divisional Fund by the end of each half year it will be considered unfinancial and delegates from such Divisional Branch shall not be entitled to participate in the elections for Divisional President, Divisional Vice President and other Divisional Branch representatives on the Divisional Executive unless such monies owed have been fully paid at the time the elections are conducted.

16 - CASUAL VACANCIES

16.1 Casual Vacancy for Divisional Secretary and Assistant Divisional Secretary and the Affirmative Action National Councillor

16.1.1 If the Divisional Secretary or the Assistant Divisional Secretary or the Affirmative Action National Councillor resigns, dies or is removed from Office in accordance with the Rules, the Divisional Council may appoint a member eligible to nominate for the office in accordance with the rules to carry out the functions of the office. The person so appointed shall assume all duties, responsibilities, rights and entitlements of the office.

16.1.2 Where the unexpired portion of the term exceeds three-quarters of the term of the office or if it is less but the Divisional Council so decides, an election shall be held to fill the office. Such election shall be conducted in accordance with the relevant provisions of rule 15 "Elections" and shall be commenced within six (6) months of the vacancy occurring. The successful candidate shall hold office for the unexpired term of his predecessor unless he resigns, dies or is removed from office in accordance with the rules.

16.1.3 Pending the declaration of such election the Divisional Council may appoint a member eligible to nominate for the office in accordance with the rules to carry out the functions of the office. A person appointed by Divisional Council pursuant to this sub-rule shall be entitled to speak and vote on any matter provided that the person so appointed shall not participate in any step in a collegiate election for an office within the Divisional Council.

16.2 Casual Vacancy for Divisional President, Divisional Vice-Presidents and Divisional Executive Members

16.2.1 In the event of the office of President, Vice-Presidents or that of a Divisional Executive member becoming vacant through any cause between meetings of the Divisional Conference, the Divisional Executive shall appoint a Returning Officer to conduct a ballot among Divisional Councillors to fill the position from Divisional Council members who have the qualifications provided by rule 15.20.3.

16.2.2 The votes of Divisional Councillors voting in such ballot shall be calculated in accordance with sub rule 7.4 as applicable at the previous Divisional

Conference and shall be distributed by the Returning Officer in accordance with sub rule 15.13.4.

- 16.2.3 Nominations shall be invited by notice posted to the last known address of each Divisional Councillor which shall set out the title of the office, the place for lodging of nominations, the times and dates for the opening and closing of nominations, and inviting members eligible for election in accordance with the provisions of this Rule, to stand for election for the vacant office.
- 16.2.4 The successful candidate shall hold office for the unexpired term of his predecessor unless he resigns, dies or is removed from office in accordance with the rules.
- 16.2.5 Except as provided by this sub-rule the relevant provisions of rule 15 "Elections" shall apply.

16.3 Casual Vacancy in Divisional Branches

- 16.3.1 Except as provided by sub rules 16.1 and 16.2 of this rule, where a Divisional Branch delegate to Divisional Council or National Council or the occupant of an office within a divisional branch or divisional sub-branch resigns, dies or is removed from office in accordance with the rules, the State Council may appoint a member of such Divisional Branch or Divisional Sub-Branch eligible to nominate for the office in accordance with the rules to carry out the functions of the office. The person so appointed shall assume all duties, responsibilities, rights and entitlements of the office.
- 16.3.2 Where the unexpired portion of the term exceeds three-quarters of the term of the office or if it is less but the State Council so decides, an election shall be held to fill the office. Such election shall be conducted in accordance with the relevant provisions of rule 15 "Elections" and shall be commenced within six (6) months of the vacancy occurring. The successful candidate shall hold office for the unexpired term of his predecessor unless he resigns, dies or is removed from office in accordance with the rules.
- 16.3.3 Pending the declaration of such election the State Council may appoint a member of the said Divisional Branch or Divisional Sub-Branch eligible to nominate for the office in accordance with the Rules to carry out the functions of the office. A person appointed by State Council pursuant to this sub rule shall be entitled to speak and vote on any matter provided that the person so appointed shall not, in the case of a Divisional Branch delegate to Divisional Council, participate in any step in a collegiate election for an office within the Divisional Council and in any other case, shall not participate in a collegiate election for an office within the Divisional Branch.

17 - CONTROL OF THE DIVISION AND DIVISIONAL BRANCHES BY THE MEMBERS

17.1 Control of the Divisional Council, Executive and Executive Committee by the Members

17.1.1 If in any period of four months any two Divisional Branch State Councils, or members totalling 5% of the total financial membership of the Division by petition request that a referendum of members be held on a proposal that Divisional Council, the Divisional Executive or the Divisional Executive Committee take or refrain from taking any specified action or adopt or refrain from adopting any specified policy in the conduct of the Division's business, the Divisional Executive shall within fourteen days appoint a Returning Officer (not being the holder of any other office in nor an employee of the Division or a Divisional Branch or Divisional Sub-Branch of the Division) who shall forthwith proceed to conduct a referendum of members in all Divisional Branches on the proposal.

17.1.2 Such a referendum shall be by secret ballot of all of the members of the Division who are financial for the quarter preceding the date of the commencement of the ballot, provided that if a proposal, the subject of a request under this Rule, be adopted by the Divisional Council or the Divisional Executive as the case may be, no referendum shall be held under this Rule.

17.2 Control of the Divisional Branch State Council, Conference and Executive by the Members

A ballot of the financial membership of a divisional branch shall be held where the Divisional Branch Secretary receives a written request for a ballot by not less than 5% of the financial membership of the Divisional Branch.

17.3 Requesting a ballot

The request for a ballot shall be written, set out the question(s) to be put to ballot and be addressed to the Divisional Secretary or the Divisional Branch Secretary as the case requires.

17.4 Conduct of the Ballot

17.4.1 The ballot referred to in this rule shall, unless otherwise determined by the Returning Officer, be conducted and finalised within 2 months of the request for a ballot being received by the Divisional Secretary or Divisional Branch Secretary as the case may be. The ballot shall be conducted as follows.

17.4.2 The Divisional Executive Committee shall draft the form of the ballot paper to be submitted to Divisional Council or Divisional State Council as the case may be, for their approval adopting the text of any resolution or question submitted by petition or written request. Supportive material for either side can be included in the envelope with the ballot paper. The suitability of such material will be determined by the Returning Officer.

17.4.3 The Divisional Secretary or Divisional Branch Secretary as the case may be, shall notify the Returning Officer within 14 days of a request for a ballot.

18 - INDUSTRIAL AGREEMENTS AND EXECUTION OF DOCUMENTS

- 17.4.4 The Divisional Secretary or Divisional Branch Secretary as the case may be, shall, upon request of the Returning Officer, supply to him/her a list of members eligible to vote.
- 17.4.5 The Divisional Secretary and Divisional Branch Secretaries shall allow the Returning Officer access to whatever membership records the Returning Officer may consider necessary to verify the membership list and to determine the roll of voters.
- 17.4.6 The Returning Officer shall cause to be posted to each member eligible to vote, a ballot paper, which is to be initialled by the Returning Officer, together with a replied paid envelope, and such instructions and directions as may be deemed necessary for the conduct of the ballot.
- 17.4.7 The ballot shall be a secret postal ballot.
- 17.4.8 On notification of the outcome of the ballot Divisional Council or Divisional State Council as the case may be, shall as soon as possible give effect to the decision.
- 17.4.9 The Divisional Secretary or the Divisional Branch Secretary as the case may be, shall without delay forward the result of the ballot and the report provided by the Returning Officer, to each Divisional Secretary in the case of a Divisional ballot and to the Divisional Secretary in the case of a Divisional Branch ballot.

17.5 Eligible Voters in a Ballot

In the case of a Divisional ballot all members who are financial in accordance with the Divisional rules shall be eligible to vote. In the case of a Divisional Branch ballot all branch members who are financial in accordance with the Divisional rules shall be eligible to vote.

17.6 Effect must be given to the Ballot

The result of the referendum shall be given effect to by the Divisional Council, Executive or Divisional State Council as the case may be.

18 - INDUSTRIAL AGREEMENTS AND EXECUTION OF DOCUMENTS

18.1 Responsibility for the Execution of Documents

- 18.1.1 Industrial Agreements that cover members attached to more than one Divisional Branch (“Divisional industrial agreements”) may only be made, entered into, executed, altered, varied, modified or cancelled, jointly by the relevant Divisional Branch Secretaries of the affected Divisional Branches or by the Divisional Secretary with the written consent of the affected Branch Secretaries. Notwithstanding the above, if a Divisional Branch Secretary has consented in writing to the Divisional Secretary negotiating an industrial agreement that would cover that branch, such consent cannot be retracted and any such Divisional industrial agreement can be signed by the Divisional Secretary. Nothing in this rule shall permit the Divisional

Secretary to make, enter into, execute, alter, vary, modify or cancel an agreement which undermines established conditions, whether general or specific and whether at an enterprise, industry or level, of one or more Branches without the consent of the relevant Branch Secretary.

- 18.1.2 Agreements or instruments that deal with the assets, liabilities, finances of the Divisional Fund, may subject to the divisional rules, be signed and executed by and on behalf of the Union by the Divisional President or either Vice President and Divisional Secretary, and by being sealed with the seal of the Division.
- 18.1.3 Industrial Agreements that cover the geographical scope of one Divisional Branch (“Branch industrial agreements”) may be made, entered into and executed, and may from time to time be altered, varied, modified or cancelled by the Divisional Branch whose members are covered. All Branch industrial agreements shall be executed by the Divisional Branch Secretary, or such other officer as is authorised to do so by the Divisional Branch Executive and subsequently endorsed by Divisional State Council. If requested, details of any proposed agreement shall be provided to the Divisional Secretary for his advice as to the possible effect on other Divisional Branches.
- 18.1.4 Notwithstanding any provisions elsewhere in the rules of this Division or the Union, agreements or instruments that have been authorised in accordance with the Rules and deal with assets, liabilities or finances of only one Divisional Branch, may be signed and executed on behalf of the Union, by the Divisional Branch Secretary or such other officer as is authorised to do so by the Divisional Branch Executive and subsequently endorsed by State Council.

18.2 Agreements with State Registered Unions

The Division is authorised by this rule to take all necessary steps for the negotiation and settlement of the terms of any agreements with State Unions permitted by the Fair Work (Registered Organisations) Act 2009 and to alter or rescind any existing agreements reached under section 202 of the Industrial Relations Act 1988 for submission and adoption by the National Council under Section A rules.

18.3 Members Bound by Industrial Agreements

All and every member of the Division employed in the area in which such industrial agreement operates shall be bound by such industrial agreement, and every alteration, variation, modification or cancellation of such agreement made by or on behalf of the Division, and all and every of such members shall be, and be deemed to be, a party or parties, as the case may be, thereto.

18.4 Seal of the Division

The Common Seal of the Division shall be kept in the custody of the Divisional Secretary and shall be made available for any agreements made in accordance with these Rules.

19 - NOTIFICATION OF INDUSTRIAL DISPUTES AND OTHER LEGAL PROCEEDINGS

19.1 Initiation of Court Proceedings

- 19.1.1 The Divisional Branch Secretary may file, lodge, make and/or conduct any proceedings, applications, notifications or references to any Court, Fair Work Commission (or its successors) or other appropriate tribunal or arbitrator, where such proceedings, applications, notifications or references are in respect of the local affairs and/or members, of that Divisional Branch.
- 19.1.2 Where proceedings, applications, notifications or references directly affect the affairs, and/or members, of more than one Divisional Branch, they shall only be filed, lodged, made and/or conducted by:
- 19.1.2.1 the Divisional Secretary if:
- (i) consented to by each of the Divisional Branch Secretaries whose Branches are affected; or
 - (ii) by resolution of Divisional Executive or Divisional Council; or
- 19.1.2.2 the Divisional Branch Secretaries jointly whose Branches are affected.

20 - PROPERTY AND FUNDS OF THE UNION

20.1 Control of Divisional Funds

- 20.1.1 This Rule 20 is subject to Rule 39.2
- 20.1.1.1 Subject to the provisions of Federal Law the funds and property of this Division shall be under the control of the Divisional Council and the Divisional Executive.
- 20.1.1.2 The funds of the Division shall ordinarily be invested in a bank registered under the Banking Act 1959 (Cth).
- 20.1.1.3 The Divisional Executive may invest any portion of the funds in Government securities, bonds or debentures or by fixed deposit in a bank registered under the Banking Act 1959 (Cth), but shall not make any other investments without the approval of a two-thirds majority of the members of the Divisional Council.
- 20.1.1.4 The financial year of the Division shall be from 1st January to 31st December in each year.

20 - PROPERTY AND FUNDS OF THE UNION

- 20.1.2 The Divisional Council and the Divisional Executive shall have power to raise and disburse funds for the purposes of the Division.
- 20.1.3 -The Divisional Council or the Divisional Executive may authorise expenditure from the Divisional Fund, for the purpose of attaining the Union's objects.
- 20.1.4 The Divisional Council or the Divisional Executive may authorise the use of property of the Divisional Fund, for the purpose of attaining the Union's objects.
- 20.1.5 The Divisional Council may amend an authorisation given to expend monies or to use the property of the Division.
- 20.1.6 The Divisional Executive may amend an authorisation given by it to expend monies or to use the property of the Division.
- 20.1.7 The Divisional Council or the Divisional Executive may, on the recommendation of the Divisional Secretary, approve a budget for the Division's expenditure.
- 20.1.8 The Divisional Secretary may expend the funds of the Division for purposes including but not limited to:
- 20.1.8.1 the ordinary expenses of managing the Division;
 - 20.1.8.2 recurrent expenditure of the Division;
 - 20.1.8.3 budgeted expenditure of the Division;
 - 20.1.8.4 purposes determined by resolution of the Divisional Council or Divisional Executive; and
 - 20.1.8.5 amounts for purposes other than those referred to in 20.1.8.1 to 20.1.8.4 of no more than \$10,000.00,
- provided that the Divisional Secretary, following the expenditure, must report the expenditure to the next meeting, other than an urgent meeting, of Divisional Executive summonsed in accordance with rule 13.2 or the next annual meeting of the Divisional Council.
- 20.1.9 Prior to a meeting where the Divisional Secretary must report expenditure as required by this Rule, the Divisional Secretary shall prior to holding the meeting, ensure that the following records are made available for inspection at the registered office of the Division by the members of the Divisional Council or Divisional Executive, as the case may be:
- 20.1.9.1 invoices;
 - 20.1.9.2 receipts;
 - 20.1.9.3 financial returns;

20.1.9.4 taxation returns;

20.1.9.5 statements of accounts; and

20.1.9.6 documents,

relating to, or supporting, the expenditure concerned.

20.1.10 If it is proved that any officer of the Division has dealt fraudulently or illegally with the funds he/she shall be liable to prosecution by the law and expulsion from the Union.

20.1.11 No portion of the funds shall be lent to members, and any officer doing so shall be held personally responsible and shall be suspended for at least three months, and may also be expelled from the Union.

20.2 Control of Divisional Branch Funds

20.2.1 Divisional Branch and Divisional Sub-Branch Secretaries and Agents shall, as directed by the Divisional Branch Executive, deposit all moneys accruing to the Division in a bank to the credit of the Division at least once a week.

20.2.2 Except the Petty Cash Accounts referred to in sub rule 20.5.2, no officer shall sign a cheque until the same has been passed by the Divisional Branch Executive; provided that the Executive may confer a general authority upon the Secretary and officers authorised to operate upon the account to sign cheques for ordinary business expenditure, such as weekly salaries, postage stamps, witnesses' expenses etc., without waiting for a meeting of the Executive.

20.2.3 Except in cases of extreme urgency all proposals to commit the Divisional Branch to new expenditure shall be referred to the Divisional Branch Executive for report.

20.3 Classes of Divisional Funds

The funds of the Division shall be divided into two classes, as follows:-

20.3.1 The Divisional Fund: The funds which are allocated to and the expenditure of which is administered by the Divisional Council, viz:

20.3.1.1 Thirteen-and-a-half per centum of the contributions and entrance fees collected by each Divisional Branch in accordance with Rule 5 "Entrance Fees and Contributions", provided that where differential contribution rates have been determined for a Divisional Branch, the allocation to the Divisional Council shall be thirteen -and-a-half per centum only of the amount which would have been collected by such Divisional Branch had such differential contribution rates not been determined.

20.3.1.2 The levies raised by the Divisional Council.

- 20.3.1.3 Fines inflicted by the Divisional Council.
- 20.3.1.4 Contributions, payments or receipts to the Divisional Council from any source.
- 20.3.1.5 Monies collected under rule 32.
- 20.3.1.6 Such other property or funds as are deemed to be part of the Divisional Fund.
- 20.3.1.7 Each Divisional Branch shall make payments of Divisional Council allocated funds to the Divisional Council each financial half-year based on the duly audited contributions and entrance fees collected for the previous financial half-year. Such half-yearly payments shall be made to the Divisional Secretary on or before the 30th June and 31st December each year.

20.3.2 The Divisional Branch Funds: The funds of the Union which are allocated to and the expenditure of which is administered by each Divisional Branch, and which shall be managed and controlled in accordance with the Rules of that Divisional Branch shall consist of:

- 20.3.2.1 Eighty-six and one-half per centum of the entrance fees and contributions paid by the members of the Divisional Branch or where differential contribution rates have been determined for a Divisional Branch, such amount of entrance fees and contributions as remains after the assessment of the allocation to the Divisional Council as prescribed by the proviso of sub rule 20.3.1.
- 20.3.2.2 Levies raised by the Divisional Branch.
- 20.3.2.3 Contributions, payments or receipts to the Divisional Branch from any other source.
- 20.3.2.4 Such other property or funds as are deemed to be part of the Divisional Branch Fund.

20.4 Divisional Council Banking

All monies received to the Divisional Fund will be applied in defraying the cost of management of the Division and all necessary payments in connection with any matters affecting members.

Subject to the policies and procedures relating to the expenditure of the Division determined pursuant to these rules, the Divisional Secretary, or delegate of the Divisional Secretary, may authorise payments and withdraw money from the Divisional Fund within the powers set out at rule 20.1.8.

The Divisional Secretary may cause to be established a petty cash account, subject to the policies and procedures relating the expenditure of the Union determined pursuant to these rules. At no stage will the petty cash account contain more than the maximum amount set

by the Divisional Executive for petty cash in the policies and procedures relating to expenditure of the Divisional Office determined pursuant to these Rules.

20.5 Divisional Branch Banking and Investments.

20.5.1 The funds which are retained by a Divisional Branch shall ordinarily be invested in a bank registered under the Banking Act 1959(Cth). The Divisional Branch Executive, notwithstanding the expenditure limits in rule 20.5.3, may authorise a Divisional Branch to invest any portion of the Divisional Branch funds in Government securities, bonds or debentures, or by fixed deposit, or floating rate note in a bank registered under the Banking Act 1959(Cth); but the Divisional Branch shall not make any other investments without the approval of a two-thirds majority of the Divisional Council.

20.5.2 Where a current account is opened with a bank in the name of a Divisional Branch, withdrawals shall be by cheque, signed by the Divisional Branch President, or by the Divisional Branch Vice-President, or by the Divisional Branch Treasurer, or by a Divisional Branch Trustee and countersigned by the Divisional Branch Secretary of the Divisional Branch.

A Divisional Branch State Council may authorise current accounts for petty cash purposes. Such accounts shall be operated on the imprest system of banking and withdrawals shall be by cheque signed by the officers authorised by the Divisional Branch State Council.

20.5.3 No Divisional Branch Executive except as herein provided, shall have power to vote a sum exceeding five per centum of its accumulated funds, with a maximum of three hundred thousand dollars (\$300,000), at any Divisional Branch Executive meeting for any purpose other than that of administration, provided that upon application by a Divisional Branch the Divisional Executive may authorise such Divisional Branch to exceed the abovementioned amount.

20.5.4 All expenditure for any purpose other than that of administration by a Divisional Branch in excess of \$100,000 shall be reported, on a quarterly basis, to the Divisional Branch Secretary. The Divisional Secretary shall provide on a confidential basis, all such reports to the Divisional Conference. Divisional Councillors shall keep this information private and confidential to themselves.

20.6 Funds must further the Objects of the Union

The funds of the Union shall be devoted to the objects set out in these Rules.

20.7 Loans, Grants or Donations

20.7.1 Notwithstanding any other provisions of this Rule, a loan, grant or donation of an amount exceeding \$1,000 shall not be made by the Division unless the Divisional Executive or Divisional Council or, in the case of a Divisional Branch, subject to sub rule 20.5.3 a Divisional Branch Executive, has approved the making of the loan, grant or donation and has satisfied itself:

- 20.7.1.1 that the making of the loan, grant or donation would be in accordance with the other Rules of the Union, or of the Divisional Branch as the case may be; and
- 20.7.1.2 in relation to a loan - that, in the circumstances the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory.

20.7.2 Any political donation from:

- 20.7.2.1 the Divisional Fund must:
- (i) be approved by Divisional Council; and
 - (ii) not be to Parties at a State/Territory Level or to individual candidates, other by unanimous resolution of Divisional Council.
- 20.7.2 a Divisional Branch Fund must be unanimously approved by Divisional Council or:
- (i) be approved by the relevant Divisional State Council; and
 - (ii) only be to Parties at a State/Territory level within the geographic scope of the relevant branch, or to individual candidates within the geographic scope of the relevant branch.

20.8 Raising Additional Funds

20.8.1 Divisional Levies

If the Divisional Council or Divisional Executive desires at any time to raise additional funds for any specific purpose, the matter shall be referred to the Divisional Branches, and in the event of a majority of the members present at specially summoned meetings in a majority of the Divisional Branches voting in favour of the proposal, each Divisional Branch shall provide for raising its allotted share of the money required, either by taking it from its accumulated funds or by requesting the Divisional Council or Divisional Executive by resolution to strike a levy upon its members. Upon receipt of such request the Divisional Council or Divisional Executive may strike or impose a levy for any specific purpose upon all or any part of the members, and such levy need not be upon the members and may not compel all members to contribute equally to it.

20.8.2 Divisional Branch Levies

A Divisional Branch shall have power to impose a levy upon its members or any section thereof, subject to the consent of the Divisional Branch State Council or Divisional Branch Executive. Payment of such levies shall not be compulsory if made for any political purpose or on behalf of any

business scheme, whether co-operative or otherwise. The amount of the levy proposed to be struck shall be stated in the notice summoning the meeting.

20.9 Divisional Branch Property

20.9.1 Notwithstanding any other provision within these rules, each Divisional Branch shall have autonomy in respect of the acquisition, control and disposition of real property and loans taken out in respect of real property, by the Divisional Branch save that approval by Divisional Council is required for any transaction:

20.9.1.1 where the Divisional Branch is in a precarious financial position;

20.9.1.2 involving the acquisition of real property, or a loan taken out in respect of real property, the value of the property is more than 25% of the total net assets of the Divisional Branch;

20.9.1.3 involving the disposition of real property, the value of the property is more than 25% of the total net assets of the Divisional Branch,

with such approval not to be unreasonably withheld, taking into account the financial position of the Divisional Branch, the purpose of the transaction and the risk of a reduction in the Divisional Branch's net assets;

20.9.2 For the purposes of 20.9.1.2 and 20.9.1.3, total net assets shall be deemed to include associated body corporate and trusts.

20.9.3 Prior to the acquisition or disposition of any real property, the relevant Branch Secretary must provide to the Divisional Secretary written notice and the details of the transaction at least two weeks prior to entering into any such transaction, with this information to be forwarded to each Divisional Councillor.

20.9.4 Should Division Council hold a concern in relation to a foreshadowed transaction, it shall, within seven days of the Branch having provided notice to the Divisional Secretary, require the Divisional Branch to provide further details relating to the transaction and to the financial status of the Branch. No transaction shall be entered into until one week after this information has been provided.

20.9.5 If there is any dispute in respect of the above between the relevant Branch and the Divisional Council, the dispute shall be referred to an independent person who shall mediate and, if necessary, arbitrate the matter, with the arbitrated determination binding on the Union and all its Branches and officials. No acquisition or disposition can be made until this process has been concluded.

21 - DIVISIONAL & BRANCH EXPENDITURE POLICIES AND PROCEDURES

23 - DISCLOSURE OF OFFICERS RELEVANT REMUNERATION AND NON-CASH BENEFITS

- 21.1 The Division shall develop and implement policies and procedures relating to expenditure of the Divisional Fund by the officers and staff of the Divisional Office and the Divisional governing committees.
- 21.2 Each Branch shall develop and implement policies and procedures relating to expenditure of the respective Branch Funds by the officers and staff of the relevant Branch Office and the relevant Divisional Branch governing committees.
- 21.3 The Division and Divisional Branches shall develop procedures to satisfy the disclosure obligations in rules 22 to 27.

22 - OFFICERS TO UNDERTAKE TRAINING

- 22.1 Each officer of the Division or of a Divisional Branch, whose duties include duties (financial duties) that relate to the financial management of the Division or a Branch must undertake training that:
- 22.1.1 is approved by the General Manager, in accordance with section 154C of the Act; and
- 22.1.2 covers each of the officer's financial duties.
- 22.2 The officer must complete the training by 30 June 2014 or within six (6) months of the date the Officer begins to hold an Office, whichever is the later.

23 - DISCLOSURE OF OFFICERS RELEVANT REMUNERATION AND NON-CASH BENEFITS

- 23.1 Each officer of the Division or of a Divisional Branch, shall disclose to the Division, or the Branch as the case may be, any remuneration paid to the officer:
- 23.1.1 because the officer is a member of a board, if:
- 23.1.1.1 the officer is a member of the board only because the officer is an officer of the Union, the Division or of a Branch; or
- 23.1.1.2 the officer was nominated for the position as a member of the board by the Union, the Division, a Branch of the Division, or a peak council; or
- 23.1.2 by any related party of the Union, the Division, or a Branch, in connection with the performance of the officers' duties as an officer.
- 23.2 The disclosure required by sub-rule 23.1 shall be made to the Division, or the relevant Branch, as soon as practicable after the remuneration is paid to the officer and shall be in writing. The Division and Divisional Branches shall develop and implement policies detailing the process by which this disclosure is to be made.
- 23.3 The Division shall disclose to the members of the Division:

24 - DISCLOSURE OF DIVISIONAL OFFICER'S MATERIAL PERSONAL INTERESTS

- 23.3.1 the identity of the officers who are the two highest paid in terms of relevant remuneration for the disclosure period, and
 - 23.3.2. for those officers:
 - 23.3.2.1. the actual amount of the officers' relevant remuneration for the disclosure period; and
 - 23.3.2.2 either the value of the officers' relevant non-cash benefits, or the form of the officers' relevant non-cash benefits, for the disclosure period.
- 23.4 Every Branch shall disclose to the members of the Branch:
 - 23.4.1 the identity of the Branch officers who are the two highest paid in terms of relevant remuneration for the disclosure period, and
 - 23.4.2. for those officers:
 - 23.4.2.1. the actual amount of the officers' relevant remuneration for the disclosure period; and
 - 23.4.2.2 either the value of the officers' relevant non-cash benefits, or the form of the officers' relevant non-cash benefits, for the disclosure period.
- 23.5 For the purposes of sub-rule 23.3 and 23.4, the disclosure shall be made:
 - 23.5.1. in relation to each financial year;
 - 23.5.2 within six months after the end of the financial year; and
 - 23.5.3 in writing.

24 - DISCLOSURE OF DIVISIONAL OFFICER'S MATERIAL PERSONAL INTERESTS

- 24.1 Each officer of the Division shall disclose to the Division any material personal interest in a matter that:
 - 24.1.1 the officer has or acquires; or
 - 24.1.2 a relative of the officer has or acquires;that relates to the affairs of the Division.
- 24.2 The disclosure required by sub-rule 24.1 shall be made to the Division as soon as practicable after the interest is acquired; and shall be in writing.
- 24.3 The Division shall disclose to the members of the Division and its branches any interests disclosed pursuant to sub-rule 24.1.
- 24.4 For the purposes of sub-rule 24.3, the disclosures shall be made:

24.4.1 in relation to each financial year;

24.4.2 within six months after the end of the financial year; and

24.4.3 in writing.

25 -DISCLOSURE OF BRANCH OFFICER'S MATERIAL PERSONAL INTERESTS

25.1 Each officer of a Branch shall disclose to the Branch any material personal interest in a matter that:

25.1.1 the officer has or acquires; or

25.1.2 a relative of the officer has or acquires;

that relates to the affairs of the Branch.

25.2 The disclosure required by sub-rule 25.1 shall be made to the Branch as soon as practicable after the interest is acquired and shall be in writing.

25.3 The Branch shall disclose to the members of the Branch any interests disclosed to the Branch pursuant to sub-rule 25.1.

25.4 For the purposes of sub-rule 25.3, the disclosures shall be made:

25.4.1 in relation to each financial year;

25.4.2 within six months after the end of the financial year; and

25.4.3 in writing.

26 - DISCLOSURE BY THE DIVISION OF PAYMENTS

26.1 The Division shall disclose to the members of the Division and its branches either:

26.1.1 each payment made by the Division, during the disclosure period:

26.1.1.1 to a related party of the Division or of a branch of the Division; or

26.1.1.2 to a declared person or body of the Division or of a branch of the Division; or

26.1.2 the total of the payments made by the Division, during the disclosure period:

26.1.2.1 to each related party of the Division or of a branch of the Division;
or

25 -DISCLOSURE OF BRANCH OFFICER'S MATERIAL PERSONAL INTERESTS

- 26.1.2.2 to each declared person or body of the Division or of a branch of the Division.
- 26.2 Sub-rule 26.1 does not apply to a payment made to a related party if:
 - 26.2.1 the related party is an officer of the Union, the Division or of a branch of the Division (as the case may be); and
 - 26.2.2 the payment:
 - 26.2.2.1 consists of remuneration paid to the officer by the Union, the Division or a branch of the Division; or
 - 26.2.2.2 is reimbursement for expenses reasonably incurred by the officer in performing the officers' duties as an officer
- 26.3 For the purposes of sub-rule 26.1, the disclosures shall be made:
 - 26.3.1 in relation to each financial year;
 - 26.3.2 within six months after the end of the financial year; and
 - 26.3.3 in writing.

27 - DISCLOSURE BY BRANCHES OF PAYMENTS

- 27.1 Each Branch shall disclose to the members of that Branch either:
 - 27.1.1 each payment made by the Branch, during the disclosure period:
 - 27.1.1.1 to a related party of the Branch; or
 - 27.1.1.2 to a declared person or body of the Branch; or
 - 27.1.2 the total of the payments made by the Branch, during the disclosure period:
 - 27.1.2.1 to each related party of the Branch; or
 - 27.1.2.2 to each declared person or body of the Branch.
- 27.2 Sub-rule 27.1 does not apply to a payment made to a related party if:
 - 27.2.1 the related party is an officer of the Union, the Division or of a branch of the Division; and
 - 27.2.2 the payment:
 - 27.2.2.1 consists of remuneration paid to the officer by the Union, the Division or a branch of the Division; or
 - 27.2.2.2 is reimbursement for expenses reasonably incurred by the officer in performing the officers' duties as an officer.

27.3 For the purposes of sub-rule 27.1, the disclosures shall be made:

27.3.1 in relation to each financial year;

27.3.2 within six months after the end of the financial year; and

27.3.3 in writing.

28 - FINANCIAL REPORTS, AUDIT & REVIEW BY MEMBERS

28.1 Divisional Financial Reports and Audit

The Divisional Council shall appoint an Auditor, who shall be a Chartered Accountant or a registered Public Accountant, who shall audit the accounts of the Division yearly and see that the same are correctly kept. The auditor shall have power at any time to call for the books, papers, and other financial documents belonging to the Union. The auditor shall make a report of each audit which shall include the auditor's report, the general purpose financial report and the operating report as prescribed by the Fair Work (Registered Organisations) Act 2009 to the Divisional Executive and sign the necessary papers certifying to the audit and the financial position of the Union. They shall be paid such fees as may be fixed for that purpose by the Divisional Council.

28.2 Circulation of Divisional Auditor's Reports to Members

Once the auditor has signed off on the auditor's report, the general purpose financial report and the operating report for the financial year and those reports have been forwarded and presented to the Divisional Council, they shall be circulated to members via the union magazine, by correspondence or email, on the union's website or by some other method where all members have access to and are able to view the financial reports.

28.3 General Meeting of Members of the Division to consider the Reports

28.3.1 A general meeting of members of the Division may be requested by not less than 5% of the membership of the Division for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Division.

28.3.2 The request for a general meeting must be in writing, addressed and delivered to the Divisional Secretary and must be signed by a number of members who comprise at least 5% of the membership of the Division.

28.3.3 Upon receiving a valid request for a general meeting, the Divisional Secretary must give all members of the Division not less than 14 days notice of the date, time, place and reason for calling the general meeting of members.

28.3.4 The notice referred to in subrule 21.3.3 may be given by correspondence delivered to the member's last known address, by email to the member's email address or by publishing a note in the Division's magazine or by notification on the Division's website.

28.3.5 At the general meeting the Divisional President shall preside. All members of the Division shall be entitled to attend and vote. The Divisional Secretary may use the occasion of the meeting to add matters to the agenda other than the auditor's report,

the general purpose report and the operating report of the Division. However, these three reports must be the first order of business of the meeting.

28.3.6 Not less than 5% of the membership of the Division shall form a quorum. The question of adoption or otherwise of each of the three reports shall be decided by a majority of those members present at the meeting. In the event of an even vote, the Chair shall have the casting vote.

28.3.7 For the convenience of facilitating member attendance, video conferencing may be used for meetings. Meetings may also be held in each State or other geographic area to facilitate members' attendance.

28.4 Divisional Branch Financial Reports and Audit

28.4.1 Each Divisional Branch shall keep all books and accounts necessary for carrying out the work of the Divisional Branch as provided in these Rules and as prescribed by the Fair Work (Registered Organisations) Act 2009.

28.4.2 Each Divisional Branch shall obtain the services of an Auditor, who shall be a Chartered Accountant or a registered Public Accountant, to audit the books and accounts of the Divisional Branch in each year and be responsible for the annual auditor's report, the general purpose financial report and the operating report of the Branch as prescribed by the Fair Work (Registered Organisations) Act 2009.

28.4.3 Each Divisional Branch shall forward three duly audited and signed copies of the auditor's report, the general purpose financial report and the operating report of the Branch for the preceding calendar year to the Divisional Secretary not later than thirty (30) days prior to the Divisional Conference. Such reports shall be in the form prescribed by the Divisional Council and as prescribed by the Fair Work (Registered Organisations) Act 2009.

28.5 Circulation of Branch Auditor's Reports to Members

Once the Auditor has signed off on the reports for the financial year and those reports have been forwarded and presented to the State Council, they shall be circulated to members via the union magazine, by correspondence or email, on the union's website or by some other method where all members have access are able to view the financial reports.

28.6 General Meeting of Branch Members to consider the Reports

28.6.1 A general meeting of members of the branch may be requested for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the Branch.

28.6.2 The request for the general meeting must be in writing, addressed and delivered to the Branch Secretary and must be signed by a number of members who comprise at least 5% of the membership of the Branch.

28.6.3 Upon receiving a valid request for a general meeting, the Branch Secretary must give all members of the Branch not less than 14 days notice of the date, time, place and reason for calling the general meeting of members.

29 - REGISTERED OFFICERS

- 28.6.4 The notice referred to in subrule 21.6.3 may be given by correspondence delivered to the member's last known address, by email to the member's email address or by publishing a note in the Branch's magazine or by notification on the Branch's website.
- 28.6.5 At the general meeting the Branch President shall preside. All members of the Branch shall be entitled to attend and vote. The Branch Secretary may use the occasion of the meeting to add matters to the agenda other than the auditor's report, the general purpose financial report and the operating report of the Branch. However, these three reports must be the first order of business of the meeting.
- 28.6.6 Not less than 5% of the membership of the Branch shall form a quorum. The question of adoption or otherwise of each of the three reports shall be decided by a majority of those members present at the meeting. In the event of an even vote, the Chair shall have the casting vote.
- 28.6.7 For the convenience of facilitating member attendance, video conferencing may be used for meetings. Meetings may also be called on a geographic basis to facilitate the meetings.

29 - REGISTERED OFFICERS

29.1 Divisional Secretary shall be the Registered Officer

- 29.1.1 The Divisional Secretary shall be the registered officer of the Division and he/she shall be the officer authorised to sue for all purposes, including the purposes of the Fair Work (Registered Organisations) Act 2009, or any amendment thereof, in any proceeding or matter in which it is necessary that some person shall have the power to sue on behalf of the Division.
- 29.1.2 The Divisional Secretary, subject to the direction of the Divisional Council or Executive, shall have power and is hereby authorised to make a demand in writing on any officer or member of a Divisional Branch or Divisional Sub-Branch for the recovery of any property of the Division which is vested in the Divisional Council or a Divisional Branch giving such person or persons seven days' notice in which to deliver such property to the Divisional Secretary or to the Divisional Branch Secretary at the official registered address of the Division or the Divisional Branch.
- 29.1.3 Should such person or persons fail to comply with the said written demand of the Divisional Secretary or Divisional Branch Secretary, the Divisional Secretary may authorise the Divisional Branch Secretary to institute legal proceedings for the recovery of the property.

29.2 Delegation of Power to Sue

The Divisional Secretary may delegate to some other person or persons full power to sue for all purposes including the recovery of arrears of contributions and/or levies and/or all moneys due to the Union.

29.3 Divisional Branch Secretary may be Registered Officer

Where the provisions of any State Trade Union Act require it, the Secretary of the Divisional Branch shall be the person to sue or be sued in respect of any matters covered by such State Act.

30 - AGENTS, SHOP STEWARDS AND OCCUPATIONAL HEALTH AND SAFETY REPRESENTATIVES

30.1 Election of Agents, Shop Stewards and Occupational Health and Safety Representatives

- 30.1.1 Agents, Shop Stewards and Occupational Health and Safety Representatives may be appointed by a Divisional Branch in the various districts and establishments.
- 30.1.2 Agents - Where the appointment of an Agent is deemed necessary in any provincial district he/she shall be elected by ballot of financial members in the district in conformity with sub rule 23.2.
- 30.1.3 Shop Stewards - Where four or more members are employed a Shop Steward may be elected by ballot of financial members in the establishment in conformity with sub rule 23.2.
- 30.1.4 Occupational Health and Safety Representatives - Where one or more members are employed an Occupational Health and Safety Representative may be elected by ballot of financial members in the establishment in conformity with sub rule 23.2.
- 30.1.5 Where desired by resolution each year of a majority of members of any establishment the Shop Steward and/or the Occupational Health and Safety Representative shall be elected annually.

30.2 Method of election of Agents, Shop Stewards and Occupational Health and Safety Representatives

Nominations shall be called for at a meeting of members employed in the district, establishment, workshop, or department of an establishment. If more than one nomination is received a vote shall be taken and the successful candidate shall submit his/her name, roll number and postal address to the Divisional Branch Office for endorsement together with details of the meeting, i.e. other nominations received, members present (if practicable).

30.3 Powers and Duties of Agents, Shop Stewards and Occupational Health and Safety Representatives

- 30.3.1 The duties of Agents and Shop Stewards shall be:
 - 30.3.1.1 To recruit new members.
 - 30.3.1.2 To receive members contributions on behalf of the Divisional Branch and ensure all members are financial.

- 30.3.1.3 To forward all money collected to the Divisional Branch Office as soon as possible and not later than twenty-eight days.
- 30.3.1.4 To act as representatives of the Union in accordance with Award or agreement prescriptions.
- 30.3.1.5 To report on industrial conditions and the claims of members to the Divisional Branch Secretary.
- 30.3.1.6 To notify the Divisional Branch Secretary of any arrivals or departures of members from the district or establishment and changes of address.
- 30.3.2 Where the Occupational Health and Safety Representative and the Shop Steward are not one and the same person the Shop Steward shall be regarded as the senior representative of the Electrical, Energy and Services Division in the workplace.
- 30.3.3 The duties of the Occupational Health and Safety Representative shall be:-
 - 30.3.3.1 To represent members employed in the establishment, or workshop or department of an establishment, on matters relating to occupational, health and safety.
 - 30.3.3.2 To report to and consult with the Divisional Branch Secretary, the Shop Steward and the members he/she represents on all matters relating to occupational, health and safety.
 - 30.3.3.3 To take such action as deemed necessary to achieve a safe working environment.

30.4 Resignations of Agents and Shop Stewards

- 30.4.1 Where an Agent or Shop Steward resigns his/her position, he shall immediately notify the Divisional Branch Secretary in writing and shall return all books and moneys in his/her possession to the Divisional Branch Secretary.
- 30.4.2 As soon as possible a meeting shall be called to recommend a successor who shall immediately forward his/her name, roll number and postal address to the Divisional Branch Secretary together with details of the meeting, i.e. other nominations, names of members present (if practicable).
- 30.4.3 An Agent or Shop Steward may, at any time, be required to account for all books and Union money held by him/her and shall on demand deliver such books and money to the Divisional Branch Secretary within seven days.

30.5 Resignations of Occupational Health and Safety Representatives

31 - OFFICERS SALARIES, LEAVE & RETIRING ALLOWANCE

- 30.5.1 Where an Occupational Health and Safety Representative resigns his/her position, he/she shall immediately notify the Divisional Branch Secretary in writing and shall return all union property to the Divisional Branch Secretary.
- 30.5.2 As soon as possible a meeting shall be called to recommend a successor who shall immediately forward his/her name, roll number and postal address to the Divisional Branch Secretary, together with details of the meeting, i.e. other nominations, names of members present (if practicable).
- 30.6 Removal & Control of Agents, Shop Stewards or Occupational, Health & Safety Representative**
- 30.6.1 An Agent, Shop Steward or Occupational Health and Safety Representative may be removed from his/her position at any time by resolution of the Divisional Branch Executive provided that no delegate shall be removed without the benefit of procedural fairness appropriate to the circumstances of the case.
- 30.6.2 Divisional Branches shall have power to frame by-laws for the control of Agents, Shop Stewards, Occupational Health and Safety Representatives and the government of Agencies. Such by-laws shall be binding upon the Agents, Shop Stewards and Occupational Health and Safety Representatives elected under this Rule.

31 - OFFICERS SALARIES, LEAVE & RETIRING ALLOWANCE

31.1 Salaries for Full Time Officers

All full-time Officers of this Division, including Divisional Secretary, Assistant Divisional Secretary, Divisional Branch Secretaries, Divisional Assistant Branch Secretaries and Organisers; and Divisional Research/Industrial Officers and Industrial Officers, shall be paid such sum for their services as may be determined by the Divisional Council with the right reserved to all full-time Officers, including Divisional Secretary, Assistant Divisional Secretary, Divisional Branch Secretaries, Divisional Assistant Branch Secretaries, and Organisers; and Divisional Research/Industrial Officer and Industrial Officers, to appeal to a private arbitrator. The private arbitrator to be a Fair Work Commissioner if one were willing to act, or an arbitrator appointed by Divisional Council.

31.2 Sick Leave for Full Time Officials & Industrial Officers

- 31.2.1 Each full-time official and Industrial Officer shall be entitled to 18 days sick leave annually. Such leave if not taken is to accumulate.
- 31.2.2 When an official or Industrial Officer has exhausted his/her credit of sick leave, the Divisional or Divisional Branch Executive, as the case may be, may recommend to the Divisional Council or Divisional Branch State Council concerned, authorisation of further sick leave with pay, provided satisfactory medical evidence is available. This rule shall apply from the date of commencement of an Officer's service with the Union.

31.3 Annual Leave for Officers

Full-time officers of the Division shall be entitled to a minimum of five weeks' annual leave on full pay, plus one extra week's pay.

31.4 Long Service Leave for Officers

31.4.1 Full-time officials of this Division shall be entitled to long service leave as hereunder.

31.4.2 Long service leave shall accrue and may be taken in periods of not less than two (2) weeks, at the discretion of an officer, subject to one month's notice of his/her intention, in accordance with the following table:

Length of Service	On Full Salary
After 10 years' service	13 weeks (exclusive of public holidays therein)
For every further completed period of 5 years' service	6 1/2 weeks additional (exclusive of public holidays therein)

31.4.3 Provided further that where the services of any full time officer with three (3) years service or more are terminated or cease for any reason other than for serious and wilful misconduct, he or she shall be entitled to be paid a proportionate amount calculated on the basis of 13 weeks for 10 years of service.

31.4.4 Where the services of an officer with 10 years or more service are terminated or cease for any reason, long service leave shall be deemed to have accrued for his/her total length of service and the cash equivalent in respect of such accrued long service leave computed in weekly periods, less such leave already taken, shall be paid to the officer. For the purpose of this sub-rule, the death of an officer shall be deemed to constitute a termination of his/her services.

31.5 Retirement and Retiring Allowance for Officers

31.5.1 Any full-time officer who has completed 8 years' or more service as of the 1st September 1997 shall have the option of:

31.5.1.1 At the time of retirement to be paid a retiring allowance calculated on the basis of three weeks' salary at the ordinary rate for his/her position payable at the time such allowance is paid for such year calculated on a weekly basis, or

31.5.1.2 Have his/her retirement allowance entitlement in full or in part rolled over into an approved superannuation scheme. An officer who elects to exercise this option shall from the time of his/her election, receive a payment equivalent of 5.8% of his/her salary

entitlement paid into an approved superannuation scheme on a monthly basis.

- 31.5.2 Any full-time officer exercising the option at 24.5.1.1 whose services after 8 years' service are terminated other than for misconduct, or cease for any reason, shall be paid a retiring allowance calculated on the basis of three weeks' salary at the ordinary rate for his/her position payable at the time such allowance is paid for each year calculated on a weekly basis.
- 31.5.3 For the purpose of this sub-rule the death of an officer shall be deemed to constitute a retirement or termination of his/her services.
- 31.5.4 From the 1st September, 1997 all full-time officers who have less than 8 years' service shall receive a retirement allowance equivalent to 5.8% of salary paid on a monthly basis into an approved superannuation scheme from the commencement of their service.
- 31.5.5 Provided, further, that a full-time Divisional Branch officer appointed to a full-time position by the Divisional Council shall be credited by the Council with the full-time of his/her Divisional Branch service, for the purpose of this rule.
- 31.5.6 For the purposes of the sub rules 24.5 and 24.6 approved superannuation scheme shall be a scheme approved by the Divisional Executive or Divisional Council.

31.6 Superannuation for Officials

- 31.6.1 In addition to any other provision of this rule, the Division and each Divisional Branch shall make employer superannuation contributions at the rate of 12% for each officer of this Division, including Divisional Secretary, Assistant Divisional Secretary, Divisional Branch Secretaries, Divisional Assistant Branch Secretaries and Organisers; and Divisional Research/Industrial Officers and Industrial Officers.

31.7 Trust Funds

- 31.7.1 The Division may establish a trust fund to meet its liability to pay full-time officers long service leave and/or retirement and retiring allowances as prescribed by this rule.
- 31.7.2 Any moneys paid in to such funds shall be kept separate and distinct from the general funds of the Union and such fund shall be administered by the Divisional Council, which shall have complete powers to invest such fund moneys in such shares, securities or investments as it may think fit from time to time.
- 31.7.3 A Divisional Branch may establish a trust fund to meet the liability of the Division or the Divisional Branch to pay full-time officers of that Divisional Branch long service leave and/or retirement and retiring

allowances as prescribed by the rule or by the rules of such Divisional Branch.

- 31.7.4 Any moneys paid in to such fund shall be kept separate and distinct from the general funds of such Divisional Branch and of the Union, and such fund shall be administered by the Executive or approved Trustees of such Divisional Branch or Trust Fund in accordance with any rules made by the Divisional Branch for this purpose.

31.8 Accrued Benefits and Rights of Employees and Officers

Benefits and entitlements referred to in this rule shall refer to and include all such benefits and entitlements accrued by officers of the Electrical, Energy and Services Division in the service of the organisation when it was registered as the Electrical Trades Union of Australia or the Electrical Division of the Electrical, Electronic, Plumbing and Allied Workers Union of Australia and no right, benefit or entitlement accrued in that service shall be extinguished for those officers by virtue of the coming into effect of the CEPU.

31.9 Indemnity

Every present and former officer and employee of the Division or a Divisional Branch and any person acting on behalf of the Division or a Divisional Branch by and with the proper authority of the respective Divisional Council or Divisional State Council or other authorised body or officer of Division or the respective Divisional Branch shall be fully and effectually indemnified out of the funds of the Division or the Divisional Branch in respect of any personal liability incurred in a proper exercise of that delegated authority or of the powers given by these rules and shall not be liable to the Division or the respective Divisional Branch or any of its members for any loss incurred in a proper exercise of such powers or properly delegated authority.

32 -SUSPENSION OR REMOVAL OF OFFICERS

32.1 Power to Suspend or Remove from Office

- 32.1.1 The Divisional President or Divisional Council may suspend any officer or member of the Divisional Executive or of the Divisional Council or of any Divisional Branch on grounds specified in rule 27.5 "Grounds for Removal from Office" where urgent action is required in the interests of the union. Any suspension of a paid office holder shall be on full pay and no suspension shall last more than 3 months.
- 32.1.2 Upon the suspension of anyone under this rule, the Divisional President or Divisional Secretary shall immediately refer the matter to the Divisional Council, specifying the grounds on which the suspension has taken place. The Council shall, as soon as practicable and in any case within 3 months from the date of suspension deal with the matter affording to the member concerned the benefits of procedural fairness appropriate to the circumstances of the case.

33 - ENFORCING DIVISIONAL DECISIONS

33.1 Duty to Observe Rules

33.1.1 It shall be the duty of every member of the Union to observe the rules of the Union and of the Division and Branch to which he/she is attached.

33.1.2 It shall be the duty of all Divisional Conferences, Divisional Councils, Divisional Committee Meetings, Divisional Branches, Divisional Sub-Bran­ches, Sections, Agencies, Officers and Delegates to observe such rules as apply to them and require members to observe such rules and to take appropriate steps to secure such observance.

33.2 Duty to Observe Decisions & Resolutions

It shall be the duty of all Divisional Branches, Divisional Sub-Bran­ches, councils, sections, agencies, officers and delegates to observe and act in accordance with all decisions or resolutions of the Divisional Council made pursuant to rule 7.2 "Powers of Divisional Council".

33.3 Failure to Comply with Decisions or Resolutions of Divisional Council

33.3.1 If it appears to the Divisional Executive that a Divisional Branch, Divisional Sub-Branch or section thereof of this Division refuses or fails to immediately comply with any decision or resolution of the Divisional Council, giving effect to any of the rules or by-laws of the Union, such Divisional Branch, Divisional Sub-Branch or section thereof may be fined by the Divisional Executive for such offence a sum not exceeding \$100.00 and may be suspended until the fine or fines be paid, and until such Divisional Branch, Divisional Sub-Branch or section thereof shall have complied with such resolution.

33.3.2 No adverse decision may be made under this rule without affording to the body concerned the benefits of procedural fairness appropriate to the circumstances of the case.

34 - OFFENCES AND PENALTIES

34.1 Charges by Members

34.1.1 In relation to any matter covered by Section B – Electrical, Energy and Services Division of these rules any member may charge any member with:

34.1.1.1 failing to observe any or all the rules of this Division;

34.1.1.2 knowingly failing to observe any resolution of the Divisional Council, Divisional Executive or of the Divisional Branch Conference, Divisional Branch State Council, Divisional Branch Executive, Divisional Sub-Branch or Section Committee or Divisional Sub-Branch or Section meeting to which he/she belongs;

- 34.1.1.3 working in contravention of an Award, Order or Agreement by which the Division is bound;
- 34.1.1.4 giving false or misleading information to the Divisional Council, Divisional Executive or any Divisional Branch Conference, Divisional Branch State Council, Divisional Branch Executive, Divisional Sub-Branch or Section Committee or to any meeting of the Divisional Branch, Divisional Sub-Branch or Section or to any officer of the Union on a matter which is the concern of the Division;
- 34.1.1.5 obstructing the Divisional Council, Divisional Executive or any Divisional Branch Conference, Divisional Branch State Council, Divisional Branch Executive, Divisional Sub-Branch or Section Committee, or any other lawful committee or body of the Division, in any way in the performance of any of its functions;
- 34.1.1.6 obstructing any officer in the course of his/her duties;
- 34.1.1.7 after having been reasonably requested to assist, failing to assist any lawful committee or body of the Division in any way in the performance of any of its functions;
- 34.1.1.8 after having been reasonably requested to assist, failing to assist any officer in the course of his/her duties;
- 34.1.1.9 wrongfully holding himself/herself out as occupying any office or position in the Division or any Divisional Branch thereof, or as being entitled to represent the Division or any Divisional Branch in any capacity (to which charge it shall be a defence that the member believed bona fide and on reasonable grounds that he/she was entitled so to act);
- 34.1.1.10 lending or selling his/her contribution book, badge, O.K. card or other document used to identify a member or financial member;
- 34.1.1.11 aiding or encouraging any other member in any offence under this Rule.

34.2 Processing of Charges

- 34.2.1 Any charge shall be made in writing to the Divisional Secretary or a Divisional Branch Secretary and shall be accompanied by the sum of four dollars (\$4) which subject to rule 27.6 "Frivolous Charges" shall be refundable.
- 34.2.2 The Divisional Secretary or Divisional Branch Secretary may, and shall, if directed by the Divisional Council or the Divisional Executive, or (in the case of the Divisional Branch Secretary) by the Divisional State Council or Divisional Branch Executive, summon the member charged before one of those bodies.

- 34.2.3 The summons shall be in writing and shall set out the time and place of the hearing, the name of the person laying the charge and the substance of the charge.
- 34.2.4 If the person charged requests it he/she shall be supplied with such further particulars as may be necessary to indicate the precise matters with which he/she is charged.
- 34.2.5 The person charged shall be given such notice of the hearing as may be reasonable, having regard to all the circumstances and if required to attend at a place more than 80 kilometres from his/her address as shown in the books of the Union shall be given his/her return fare.
- 34.2.6 At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the person is charged is notified) the charge may be investigated, whether or not the person charged is present, unless a satisfactory explanation of his/her absence has been received.
- 34.2.7 If the person charged attends he/she shall be informed of the substance and source of any information adverse to him/her on which the tribunal relies. He/she shall be given a reasonable opportunity to defend himself/herself and may, if he/she wishes, tender written submissions.

34.3 Power to Hear Charges

The Divisional Council, Divisional Executive, State Council and Divisional Branch Executive shall have power to hear and determine charges under this rule.

34.4 Finding of Tribunal Hearing the Charge

34.4.1 If the tribunal finds him/her guilty, it may do one or more of the following:

- 34.4.1.1 Impose no penalty;
- 34.4.1.2 Fine him/her any sum not exceeding \$100;
- 34.4.1.3 Suspend him/her from membership or deprive him/her of any right or benefit of membership for any specified period or until the happening of any specified event or until the performance of any specified act.

Suspension from membership shall deprive a member of the benefits of membership, but shall not relieve him/her of the obligations of membership and shall not exceed six months for any offence.

If the specified event has not occurred or the specified act has not been done at the expiration of six months from the date of suspension, the suspension shall then lapse;

- 34.4.1.4 Dismiss him/her from any office or position;

34.4.1.5 Expel him/her from the Union.

34.5 Grounds for Removal from Office

Provided always that nothing in the provisions of this Rule shall provide for or enable the dismissal from office of a person elected to an office within the Union unless he/she has been found guilty, in accordance with the Rules of the Division, of misappropriation of the funds of the Union, a substantial breach of the rules of the Division or gross misbehaviour or gross neglect of duty or has ceased, according to the Rules of the Division, to be eligible to hold the office.

34.6 Frivolous Charges

If upon investigation the charge is found to be frivolous the \$4.00, shall be forfeited by way of fine upon the member who laid the charge and shall be paid into the funds of the Union.

34.7 Payment of Fines

Where a member is fined in accordance with the foregoing provisions he/she shall be required to pay such fine within 14 days of having been notified of the imposition of the fine.

34.8 Appeals Against Charges

34.8.1 An appeal shall lie at the instance of the member charged from any decision under this Rule from the Divisional Branch Executive to the State Council and from the State Council to the Divisional Executive and from the Divisional Executive to the Divisional Council.

34.8.2 Notice of appeal shall be given in writing within two weeks of any decision being communicated to the member charged and shall set forth in full all matters that the appellant desires to be considered.

34.8.3 The appeal may be dealt with by a meeting or by postal vote.

34.8.4 The notice of appeal shall be given to the Divisional Branch Secretary in the case of an appeal to the State Council and to the Divisional Secretary in the case of an appeal to the Divisional Executive or Divisional Council.

35 - RULES OF DEBATE

35.1 Motions and Amendments

35.1.1 No discussion shall take place on any motion, amendment or amendments except those duly proposed and seconded.

35.1.2 Any number of amendments may be proposed and discussed simultaneously with the original motion. At the close of debate amendments shall be put in the order they have been moved.

- 35.1.3 The Chairperson shall at once proceed to take a vote on a duly proposed motion unless some member rises to oppose it or to propose an amendment.
- 35.1.4 No amendment shall be received by the Chairperson which is a direct negative to the motion tabled, or which does not relate to the substance of such motion.

35.2 Speaking to the Motion

- 35.2.1 No member shall be allowed to speak more than once, except by permission of the Chairperson, and then strictly only in personal explanation, except the mover of the original motion, who shall have the right to reply.
- 35.2.2 No speaker shall occupy a longer period than five minutes unless granted an extension of time by resolution of the meeting. The mover of the original motion shall be allowed five minutes in reply.
- 35.2.3 The mover or seconder merely of any motion or amendment shall be held to have spoken to the same in the discussion of either.
- 35.2.4 Every member when about to speak must address the Chairperson and conduct himself/herself in a respectful manner towards the meeting.
- 35.2.5 Limiting the Number of Speakers - No more than two (2) members shall speak in succession on one (1) side, either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendments shall be put to the meeting after the mover has replied.
- 35.2.6 Retiring from Meeting - No member shall be allowed to retire from the meeting room without the permission of the Chairperson.

35.3 Procedural Motions

- 35.3.1 Limiting Time of Debate - The time for debating any question shall be limited to thirty minutes unless a resolution is passed by the meeting to extend such time of debate. Provided that no extension shall be for more than twenty minutes by any one motion.
- 35.3.2 The Question be Now Put - It shall be competent at any time during debate for a member to rise and move, without discussion, that the question be now put, which, on being duly seconded and carried by a majority of those present, shall entail the submission of a motion at once to the meeting after the mover has replied. No further discussion shall take place after the mover has replied.
- 35.3.3 Points of Order - On any member rising to a point of order during the discussion, the speaker shall sit down, and the person so rising shall state the point of order, when the Chairperson shall rule thereon, his/her ruling being final, unless it be challenged by a formal motion submitted to the meeting.

- 35.3.4 Motions of Adjournment - A motion of adjournment having been duly proposed shall be put without further discussion provided that an amendment or amendments may be proposed to alter the motion of adjournment in relation to time if time is mentioned as part of such motion.
- 35.3.5 Suspension of Standing Orders - No motion to suspend the standing orders shall be entertained unless by consent of a two-thirds majority of the members present.
- 35.3.6 Disorderly Conduct - Any members acting contrary to any of these standing orders shall be called to order, and should he persist he shall be fined one dollar (\$1.00); if he further persists he/she shall be compelled to withdraw from the meeting room and fined again one dollar (\$1.00).
- 35.3.7 Recommittal Motions - It shall be competent, subject to the approval of a two-thirds majority of members present at a meeting, to recommit motions previously decided at a meeting.
- 35.3.8 When Voting is Equal - The President or Chairperson of any meeting, including meetings of the Divisional Council and Divisional Executive, shall have a deliberative vote only. Where the voting is equal the negative shall prevail.
- 35.3.9 Claiming Division - Seven members may claim an open division on any question.

35.4 Dissent from the Chairperson's Ruling

- 35.4.1 Any delegate dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from".
- 35.4.2 The motion shall then be put to the meeting by the Vice-Chairperson, without discussion, in the following manner: "The question is that the Chairperson's ruling be sustained. Those who agree with the Chairperson's ruling will say 'Aye', those opposed to the Chairperson's ruling will say 'No'".
- 35.4.3 Only the mover shall speak to the motion provided that the Chairperson may explain his/her reasons for the ruling given.
- 35.4.4 The Vice Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.
- 35.4.5 The Chairperson's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice Chairperson without discussion.

35.5 Motions regarding Divisional Branch Meetings

- 35.5.1 Adjournment of Meetings and Special Meetings - No motion for the adjournment of the business of any State Council or Divisional Sub-Branch meeting to a future date for the purpose of referring such business or any prospective business to a special meeting (other than the regular monthly, quarterly or half-yearly meetings) shall be entertained unless supported by

a two-thirds majority of the financial members present at such meeting or the number necessary to constitute a quorum, whichever number is the greater.

35.5.2 Time, Duration and Closure of State Council, Divisional Sub-Branch or Section Meetings

35.5.2.1 Meetings shall commence at a time to be determined by State Council or the Divisional Branch Executive and shall conclude after two hours' duration, unless a motion for extension of time is moved which shall require a majority of two-thirds of the members present. Such extension shall be limited to one hour.

35.5.2.2 The President or Chairperson, Vice-President or Secretary, shall be empowered to declare that the meeting has lapsed should the required quorum not be present within ten minutes of the nominated starting time.

35.5.3 Special Summons - It shall be competent for State Council or the Divisional Branch Executive to 'Specially Summon' a State Council meeting of longer duration should the Agenda for such 'Specially Summoned' Meeting be deemed to warrant such longer period.

36 - REGULARITY OF PROCEEDINGS

36.1 Any body constituted under these rules may continue to function notwithstanding any vacancy thereon, provided the requisite quorum be present.

36.2 No failure to give notice and no defect in any notice given calling any meeting of any body constituted under these rules shall invalidate the proceedings thereof unless such failure or defect results in the non-attendance of some member otherwise able and willing to attend.

36.3 Any such failure or defect may be waived by the member entitled to the notice before, during or after the meeting.

36.4 All communications of whatsoever kind required to be sent to any member under these rules may be sent to such member at the last address notified by him/her to the Divisional Branch or the Divisional Council. Except as elsewhere provided herein any such communication may be sent by post or telegraph and in such case shall be deemed to have been received by him/her in the ordinary course by post or telegraph as the case may be.

36.5 No decision or proceeding of any body provided for under the rules shall be invalidated by the presence or participation of any person not entitled to be present or to participate if apart from such person the requisite quorum was present and the vote of such person did not determine the decision or the result of the proceedings and no objection to his/her presence or participation was taken at the time.

37 - GUARANTEE BONDS

40 - REGISTER OF MEMBERS

The Divisional Secretary and each Divisional Branch Secretary may be required by the Divisional Council to give a bond for the faithful performance of their respective duties for the sum of at least two hundred dollars (\$200.00) with such insurance office as shall be approved by the Union. In the case of the Divisional Secretary the premium shall be paid by the Divisional Council, and the premium for Divisional Branch Secretaries by their respective Divisional Branches.

38 - UNION BADGE

Gold badges of this Division shall not be sold or issued to members in the ordinary way, but shall be reserved for presentation purposes by this Division.

39 - UNION MAGAZINE, JOURNAL OR NEWSPAPER

- 39.1 The Division may own and control a union magazine, journal or newspaper. The Divisional Secretary shall edit and publish the magazine, journal or newspaper and shall receive and disburse all moneys appertaining to the business administration of the paper.
- 39.2 Each Divisional Branch shall pay two dollars (\$2) per member quarterly to defray the cost of production and distribution of the magazine, journal or newspaper, such contributions to be contributions due to the Divisional Fund and to be collected by the Divisional Branch Secretaries. Divisional Branch Secretaries shall furnish a short quarterly report to the Divisional Secretary for publication in the magazine, journal or newspaper.
- 39.3 Branches to supply record of information
- 39.3.1 Each Divisional Branch Secretary will compile a record of information on the last day of the periods ending February, May, August and November in each year.
- 39.3.2 The record of information to be compiled is to be provided to the Divisional Secretary electronically in the electronic format the Divisional Secretary requests.
- 39.3.3 Each Divisional Branch Secretary will ensure the record of information compiled in accordance with sub-rule 32.3.1 is received by the Divisional Secretary no later than one week after the last day of the relevant period, that is February, May, August and November.
- 39.3.4 For the purpose of sub-rule 32.3 “information” means in respect of each member of the Divisional Branch their:
- a) name;
 - b) postal address;
 - c) email address;
 - d) occupation; and
 - e) place of employment; and
 - f) financial status, that is, whether or not the member is financial or unfinancial.

40 - REGISTER OF MEMBERS

40.1 Divisional Branch Register of Members

Each Divisional Branch Secretary shall keep a register containing the names and addresses of all members of his/her Divisional Branch. Any member changing his/her address and failing to notify the Secretary within thirty days may be fined ten dollars (\$10.00) unless a satisfactory explanation is given and accepted by the Divisional Branch Executive.

40.2 Divisional Secretary's Register of Members

The Divisional Secretary shall also keep a register of all members of the Division to be kept at the registered office of the Division and to be open for inspection by the General Manager. This register shall include the name, postal address, email address, occupation and place of employment and indicate whether or not the member is financial.

41 - INSPECTION OF BOOKS

Any member of the Union authorised by the General Manager shall be permitted to inspect the books and membership records of the Division at all reasonable hours.

42 - DISTRESS AND MORTALITY FUND

42.1 Divisional Branches may Establish Distress & Mortality Funds

42.1.1 Divisional Branches may establish funds to provide distress, disability and mortality benefits for financial members of this Division.

42.1.2 Where a Divisional Branch decides to establish such a fund, it may require members to contribute.

42.2 Rules of Distress & Mortality Funds

The fund shall not operate unless its Rules have been considered by the Divisional Executive, which may approve the Rules or refer them for consideration at the next following meeting of the Divisional Council.

43 - TRUST FUNDS

43.1 The Division or a Divisional Branch may establish trust funds

43.1.1 The Division or a Divisional Branch may establish trust funds and be involved in administering trust funds for the purpose of furthering the Union's objects including (but not limited to) advancing the interests of members and former members, providing legal protection for and otherwise assisting members or former members in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members, being involved in socially responsible citizen actions and making financial provision for the carrying out of the Union's objects, provided the trust deeds of such trust funds:

- 43.1.1.1 list the Union, the Division, a Divisional branch, members or former members of the Union, members or former members attached to the Division, members or former members attached to a Divisional Branch as potential beneficiaries and such other beneficiaries as are approved by the Divisional Council; and
- 43.1.1.2 subject to alternative requirements approved by the Divisional Council in lieu of the following, provide that the distribution or expenditure of trust funds greater than \$5,000 require the approval of the Divisional Council or the Divisional Executive.

43.2 Transfer of assets and income into trust funds.

- 43.2.1 Subject to Rule 20, the funds, assets and income of the Division or a Divisional Branch may be transferred or assigned to or directed into a trust fund established pursuant to these Rules by resolution of the Divisional Council in respect of the funds, assets and income of the Division, and the Divisional State Council in respect of funds, assets and income of a Divisional Branch.
- 43.2.2 However, rule 43.2.1 does not prevent the payment of Divisional Branch funds into a trust fund established pursuant to these rules, if done in accordance with rule 20.5.3 and 20.5.4.

END OF RULES