



# DECISION

*Fair Work (Registered Organisations) Act 2009*

s.44(1) RO Act - Application for approval for submission of amalgamation to ballot

## **United Voice; National Union of Workers**

(D2019/9)

DEPUTY PRESIDENT GOSTENCNIK

MELBOURNE, 22 JULY 2019

*Application for approval for submission of amalgamation to ballot.*

[1] Previously the National Union of Workers (NUW) and United Voice (UV) (Applicants) applied for approval for the submission of an amalgamation to ballot under s.44 of the *Fair Work (Registered Organisations) Act 2009* (RO Act). That application was approved on 7 June 2019.<sup>1</sup> The ballot will open on 24 July 2019.<sup>2</sup> With the application the Applicants lodged, *inter alia*, a copy of the scheme for the amalgamation as is required by s.44 of the RO Act, this includes a copy of the rules of the proposed amalgamated organisation (Proposed Rules). The Applicants have now made an application to alter the Proposed Rules.

[2] The proposed amendments are as follows:

1. Sub-rule (f) will be added to rule 77, which provides for affirmative action in the appointment of the National Executive Committee.
2. Schedule 5 rules 20 and 21 which provide a list of the names of officers of the Applicants who will translate into office on the Inaugural Convention and a list of officers of the Applicants who will make up the Inaugural Member Council on Amalgamation Day will be deleted and replaced with two amended lists of names.
3. Rule 13(b)(iii) will be amended by inserting the words ‘as defined by Rule 3’.

[3] The first two amendments are at the Applicants’ own initiative. The latter amendment is proposed following discussions between the Applicants and the Shop, Distributive and Allied Employees Association (SDA), the Transport Workers’ Union of Australia (TWU), and The Australian Workers’ Union (AWU) (together ‘the Unions’).

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<sup>1</sup> [2019] FWC 3931

<sup>2</sup> [2019] FWC 4260

*Amendment to Rule 77*

[4] Rule 77 provides for affirmative action in the appointment of the national executive committee. The previous proposed rules did not provide as the Applicants intended, for the affirmative action to be consistent for the election of National Vice-Presidents.<sup>3</sup>

[5] The proposed sub-rule is as follows:

(f) Where a female candidate has been declared elected to the office of National Vice-President (first office), a male candidate has been declared elected to the office of National Vice-President (second office) and a male candidate has been declared elected to the office of National Vice-President (third office), a female candidate will be declared elected to the office of National Vice-President (fourth office) as follows, if there:

- (i) is only one (1) female candidate for the office of National Vice-President (fourth office) then that candidate;
- (ii) is more than one (1) female candidate for the office of National Vice-President (fourth office), then the female candidate who received the highest number of votes of the female candidates; or
- (iii) are no female candidates for the office of National Vice-President (fourth office), the election will not be declared in relation to the office of National Vice-President (fourth office), and nominations will be recalled by the Returning Officer for the office of National Vice-President (fourth office), provided that only female members, who are otherwise eligible, may nominate in that election.

[6] I accept that the proposed amendment rectifies an oversight in the original draft of the proposed rule. The proposed amendment has been authorised by resolution of the National Executive of UV and the National Committee of Management of the NUW. I am otherwise satisfied that it is appropriate to amend the proposed rules in the manner proposed. The proposed rules as amended comply with and are not otherwise contrary to the RO Act, the *Fair Work Act 2009*, any modern award or enterprise agreement and are not contrary to the law.

*Amendments to Schedule 5 Rules 20 and 21*

[7] The Applicants contend that Schedule 5 rules 20 and 21 be amended for the following reasons:

- officers of United Voice who were to translate into office on the Inaugural Convention in the proposed amalgamated industrial organisation have resigned their office and are to be replaced on the Inaugural Convention by other officers of United Voice;

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<sup>3</sup> Letter from Hall & Payne Lawyers dated 18 July 2019

- some elections have now been completed in relation to E2019/40 and that those elected officers of United Voice will translate into office on the inaugural convention of the proposal amalgamated industrial organisation;
- some elections have also been completed in relation to the casual vacancy process provided under United Voice's rules;
- not all of the elections in relation to E2019/40 have been completed and consequently the table in Schedule 5 rule 20 of the Proposed Rules is required to be amended to include the following:

“the persons elected to office in United Voice from the election being conducted by the Australian Electoral Commission in E2019/40 who are not provided for in this sub-rule”

- officers of United Voice who were to translate into office on the Inaugural Member Council in the proposed amalgamated industrial organisation have resigned and are to be replaced on the Inaugural Member Council by other officers of United Voice;
- transcription error occurred in relation to the spelling of some names of translating officers which requires correction; and
- an accidental omission in the preparation of the Proposed Rules where Inaugural Convention Delegate Narorn Leung, a current officer of the National Union of Workers, was accidentally omitted from Schedule 5 rule 20.

**[8]** The proposed alterations have been authorised by resolution of the National Executive of the UV and the National Committee of Management of the NUW.. I am otherwise satisfied that it is appropriate to amend the proposed rules in the manner proposed. The proposed rules as amended comply with and are not otherwise contrary to the RO Act, the *Fair Work Act 2009*, any modern award or enterprise agreement and are not contrary to the law.

*Amendments to Rule 13(b)(iii)*

**[9]** The SDA, TWU and AWU sent correspondence to the Commission raising concerns about the operation of the Proposed Rules, and specifically rules concerning eligibility for membership.

**[10]** The Commission facilitated discussions between the Applicants and the Unions. In the result the Applicants have applied to vary rule 13(b)(iii) of the proposed rules so that it will now provide as follows:

(b) The following person may apply to the Union to be admitted as a Community Member:

....

(iii) a person in a class of persons working in an Occupation, as defined under rule 3, that the National Executive determines for the purposes of these rules will be treated as Community Members.

[11] As part of their discussions the Applicants and the Unions have agreed, and I consider that it is appropriate that I note the following.

[12] Rule 17 of the proposed rules merely sets out a means by which a group of people may make application to join the United Workers Union, but does not purport to allocate prospective members to one class of membership or another, as that which determines the class of member such prospective member would become is the application of rules 11, 12, 13, 14 and 15.

[13] In other words Rule 17 is intended by the Applicants as a means of enabling a group of people to apply to join the United Workers Union but Rule 17 does not permit or authorise the enrolment as an industrial member of the United Workers Union of any person not within the eligibility comprised in Schedule 1 in the Industries comprised in Schedule 2 of the proposed rules of the United Workers Union.

[14] I am satisfied that it is appropriate to amend the proposed rules in the manner proposed. The proposed rules as amended comply with and are not otherwise contrary to the RO Act, the Fair Work Act 2009, any modern award or enterprise agreement and are not contrary to the law.

[15] In the circumstances, in accordance with 61(1)(a) of the RO Act I grant permission to the Applicants to alter the Propose Rules of the amalgamated organisation. A copy of the amended Proposed Rules is attached in Annexure A.



DEPUTY PRESIDENT

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# **‘United Workers’ Union’**

- SECTION 1: NAME AND OFFICE OF THE UNION .....7**
- 1. NAME.....7
- 2. PLACE OF BUSINESS.....7
- SECTION 2: INTERPRETATION .....7**
- 3. DEFINITIONS.....7
- 4. INTERPRETATION .....12
- 5. PURPOSE .....14
- 6. OBJECTS.....14
- SECTION 3: COVERAGE.....17**
- 7. ELIGIBILITY.....17
- 8. INDUSTRIES.....17
- SECTION 4: MEMBERSHIP .....17**
- SECTION 4A: ELECTORATES .....17**
- 9. ELECTORATES.....17
- SECTION 4B: TYPES, OBLIGATIONS AND PRIVILEGES OF MEMBERSHIP .....19**
- 10. MEMBERS’ OBLIGATIONS .....19
- 11. INDUSTRIAL MEMBER.....19
- 12. HONORARY LIFE MEMBER.....20
- 13. COMMUNITY MEMBER .....21
- 14. RETIRED MEMBER .....22
- 15. POLITICAL MEMBER .....22
- SECTION 4C: JOINING.....22**
- 16. APPLICATION FOR MEMBERSHIP .....22
- 17. GROUP MEMBERSHIP APPLICATIONS .....24
- 18. MEMBERSHIP CONTRIBUTIONS .....25
- 19. LEVIES .....25
- 20. FINANCIAL STATUS.....27
- 21. COMMUNITY, RETIRED AND POLITICAL MEMBERS – FEES .....28
- 22. WAIVER.....28
- SECTION 4E: MEMBERSHIP INFORMATION .....29**

23.	MEMBERSHIP REGISTER.....	29
	<b>SECTION 4F: RESIGNATION AND CESSATION.....</b>	<b>30</b>
24.	RESIGNATION OF MEMBERS.....	30
25.	CESSATION OF MEMBERSHIP.....	31
26.	PURGING THE MEMBERSHIP REGISTER.....	32
	<b>SECTION 5: GOVERNING BODIES AND THEIR OPERATION.....</b>	<b>32</b>
27.	UNION - POWERS.....	32
28.	ADVANCE THE OBJECTS.....	32
29.	COMPOSITION OF THE CONVENTION.....	33
30.	CONVENTION - POWERS.....	33
31.	COMPOSITION OF THE MEMBER COUNCIL.....	34
32.	MEMBER COUNCILLORS.....	34
33.	MEMBER COUNCIL - POWERS.....	35
34.	MEMBER ACTIVISM.....	37
35.	COMPOSITION OF THE NATIONAL EXECUTIVE.....	38
36.	POWERS OF THE NATIONAL EXECUTIVE.....	38
37.	COMPOSITION OF THE NATIONAL EXECUTIVE COMMITTEE.....	39
38.	POWERS OF THE NATIONAL EXECUTIVE COMMITTEE.....	39
39.	UNION SUB-COMMITTEES.....	40
40.	AN ORDINARY MEETING OF A GOVERNING BODY.....	40
41.	A SPECIAL MEETING OF A GOVERNING BODY.....	43
42.	PROXY.....	45
43.	A DETERMINATION OF A GOVERNING BODY OUT OF SESSION.....	46
44.	ORDER OF BUSINESS.....	47
45.	CHAIR OF A GOVERNING BODY MEETING.....	48
46.	MINUTE BOOK.....	49
47.	RULES OF DEBATE.....	50
	<b>SECTION 6: OFFICERS AND REPRESENTATIVES OF THE UNION.....</b>	<b>50</b>
48.	GENERAL OBLIGATIONS OF OFFICERS.....	50
49.	NATIONAL PRESIDENT.....	51
50.	NATIONAL VICE-PRESIDENT.....	52

51.	NATIONAL SECRETARY .....	52
52.	NATIONAL EXECUTIVE MEMBERS .....	54
53.	OFFICERS REGISTER.....	54
54.	REPRESENTATIVES .....	55
SECTION 7: ADMINISTRATION AND FINANCE .....		56
55.	FINANCIAL YEAR.....	56
56.	NATIONAL FUND .....	56
57.	INDEMNITY AND INSURANCE.....	57
58.	LOANS, GRANTS OR DONATIONS .....	58
59.	AUDITOR.....	58
60.	SPECIAL MEETING TO CONSIDER THE FINANCIAL REPORTS .....	58
61.	UNION TO DEVELOP EXPENDITURE POLICIES.....	59
62.	INDUSTRIAL AGREEMENTS AND EXECUTION .....	59
63.	SEAL .....	59
64.	NOTIFYING INDUSTRIAL DISPUTES.....	59
65.	COPY OF THE RULES AND INSPECTION OF RECORDS.....	59
66.	REGULATIONS .....	60
67.	NOTICE TO MEMBERS.....	60
SECTION 8: ELECTIONS AND BALLOTS .....		61
68.	RETURNING OFFICER.....	61
69.	ELECTIONS.....	61
70.	QUALIFICATION OF CANDIDATES FOR OFFICE.....	62
71.	NOMINATION .....	63
72.	ELECTION OF CONVENTION DELEGATES .....	63
73.	CONVENTION DELEGATES – AFFIRMATIVE ACTION .....	63
74.	ELECTION OF MEMBER COUNCILLORS AND NATIONAL OFFICERS.....	64
75.	MEMBER COUNCILLORS – AFFIRMATIVE ACTION.....	66
76.	NATIONAL EXECUTIVE – AFFIRMATIVE ACTION.....	66
77.	NATIONAL EXECUTIVE COMMITTEE – AFFIRMATIVE ACTION .....	66
78.	TERM OF OFFICE .....	68
79.	CASUAL VACANCY .....	69

80.	TEAM NOMINATIONS.....	71
81.	TEMPORARY VACANCIES.....	71
82.	PLEBISCITES .....	72
	<b>SECTION 9: APPEALS AND CONDUCT.....</b>	<b>74</b>
83.	MISCONDUCT OF MEMBERS.....	74
84.	MISCONDUCT OF OFFICERS .....	78
85.	APPEALS FROM A DETERMINATION OF THE NATIONAL EXECUTIVE UNDER RULES 83 OR 84.....	80
	<b>SECTION 10: RULE CHANGE .....</b>	<b>81</b>
86.	RULE CHANGE.....	81
	<b>SECTION 11: TRANSITION.....</b>	<b>81</b>
87.	TRANSITION.....	81
	<b>SCHEDULE 1: ELIGIBILITY .....</b>	<b>82</b>
	<b>SCHEDULE 2: INDUSTRIES.....</b>	<b>120</b>
	<b>SCHEDULE 3: MEETING PROCEDURE RULES.....</b>	<b>149</b>
1.	MOTION.....	149
2.	SPEAKER.....	149
3.	DETERMINING A MOTION.....	149
4.	AMENDING A MOTION.....	150
5.	PROCEDURE.....	151
6.	POINT OF ORDER.....	152
7.	FINE AND REMOVAL.....	153
	<b>SCHEDULE 4: ELECTION PROCEDURE RULES.....</b>	<b>154</b>
1.	DEFINITIONS.....	154
2.	RETURNING OFFICER OF ELECTION .....	154
3.	CLOSING DAY AND TIME FOR NOMINATIONS.....	155
4.	STARTING AND FINISH DAYS OF BALLOT .....	155
5.	CALLING FOR NOMINATIONS .....	156
6.	NOMINATION PROCEDURE.....	157
7.	TEAM NOMINATIONS.....	157
8.	DEFECTIVE NOMINATION.....	158

9.	WHEN A BALLOT MUST BE HELD.....	158
10.	ELECTION WITHOUT BALLOT .....	159
11.	ROLL PREPARATION .....	159
12.	ROLL INSPECTION.....	159
13.	WHEN SOMEONE CAN CLAIM A RIGHT TO VOTE.....	160
14.	BALLOT PAPERS .....	160
15.	DISTRIBUTING VOTING MATERIAL.....	161
16.	RETURNING OFFICER MUST KEEP A BALLOT BOX.....	162
17.	DUPLICATE VOTING MATERIAL .....	162
18.	HOW LONG BALLOT IS OPEN .....	163
19.	HOW TO VOTE .....	163
20.	HOW MANY VOTES MAY BE CAST .....	163
21.	HOW THE RETURNING OFFICER MUST DEAL WITH VOTING MATERIAL .	163
22.	APPOINTMENT OF SCRUTINEERS .....	164
23.	SCRUTINEERS' RIGHTS.....	164
24.	SCRUTINEERS – NUMBERS ATTENDING.....	165
25.	INITIAL SCRUTINY OF VOTING MATERIAL.....	165
26.	COUNTING VOTES .....	167
27.	SCRUTINEERS' OBJECTIONS .....	167
28.	DIRECTION BY THE RETURNING OFFICER TO LEAVE COUNT.....	168
29.	HOW RESULT IS DECIDED .....	168
30.	WHAT HAPPENS IF VOTES FOR TWO OR MORE CANDIDATES ARE EQUAL	168
31.	DECLARATION.....	168
	SCHEDULE 5: TRANSITIONAL RULES.....	169

### Section 1: Name and Office of the union

#### 1. NAME

- (a) The name of the Union is ‘United Workers’ Union’.

#### 2. PLACE OF BUSINESS

- (a) The address of the office of the Union is 833 Bourke Street, Docklands, Victoria 3008 or another place the National Executive determines.
- (b) The Union will primarily conduct its business in the States and Territories set out in column A from the places set out opposite in column B:

A	B
Australian Capital Territory	Unit 5, 40 Brisbane Street, Barton
New South Wales	303 Cleveland Street, Redfern Level 1, 187 Thomas Street, Haymarket 3-5 Bridge St, Granville
Northern Territory	Level 1, 38 Woods Street Darwin
Queensland	27 Peel Street, South Brisbane 17 Cribb Street, Milton
South Australia	Level 1, 101 Henley Beach Road, Mile End 87-91 St Vincent Street, Port Adelaide
Tasmania	212 Liverpool Street, Hobart 7000 80 Oldaker Street, Devonport
Victoria	833 Bourke Street, Docklands 117 Capel Street North Melbourne
Western Australia	Level 2, 54 Cheriton Street

- (c) Sub-rule (b) does not prevent the National Executive from:
- (i) conducting its business from other places not set out under sub-rule (b); or
- (ii) determining another place in a respective State or Territory, other than a place set out under sub-rule (b), as the place from which the Union will primarily conduct its business.

### SECTION 2: INTERPRETATION

#### 3. DEFINITIONS

- (a) In these rules, if the context permits, the words in column A have the meaning assigned opposite in column B:

A	B
Act	<i>Fair Work (Registered Organisations) Act</i>

	<i>2009 (Cth)</i>
Administrative Regulation	is a regulation made under rule 66
Auditor	a person appointed by a Union Body as an auditor under rule 59
Community Member	a person who has been admitted as a community member under these rules
Convention	is the body under rule 29
Convention Delegate	a person holding office under rule 29
Document	a record of information, and includes: anything on which there is writing; anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them; anything from which sounds, images or writings can be reproduced with or without the aid of anything else; and a map, plan, drawing or photograph.
Election Procedure Rules	the rules provided for in Schedule 4
Electorate	an electorate determined under rule 9
Employee	a person employed by the Union
Financial Duties	duties that relate to the financial management of the Union
Financial Industrial Member	an Industrial Member of the Union financial under these rules
Financial Member	a Member of the Union financial under these rules
Financial Policies	the policies determined under these rules that relate to the financial management of the Union
Financial Records	records, however recorded or stored, to the extent that they relate to the finances or financial administration of the Union and includes:

	<p>registers;</p> <p>records of financial information;</p> <p>Financial Reports;</p> <p>annual returns;</p> <p>documents relating to or recording financial transactions; and</p> <p>Financial Statements</p>
Financial Reports	<p>unless the Act otherwise provides:</p> <p>a copy of the report of the Auditor in relation to the inspection and audit of the financial records of the reporting unit in relation to a Financial Year;</p> <p>a copy of the general purpose financial report to which the report relates; and</p> <p>a copy of the operating report to which the report relates</p>
Financial Statements	<p>a financial document that explains the methods and calculations about how the Union's accounts are made up and correctly recorded and explains the Union transactions and financial position</p>
Financial Year	<p>the financial year for the Union is the year commencing 1 July and ending 30 June the following year</p>
Fine	<p>a fine to be paid by a Member under these rules</p>
Honorary Life Member	<p>a person who has been appointed as an honorary life member under these rules</p>
Industrial Member	<p>a person who has been admitted as a Member under these rules and who is eligible to be industrially represented by the Union</p>
Journal	<p>a publication produced, or adopted by, the Union and provided free of charge to Members of the Union by means of print and/or electronic media</p>
Levy	<p>a levy determined under these rules</p>
Member	<p>includes the following membership types:</p>

	<p>an Industrial Member;</p> <p>an Honorary Life Member;</p> <p>a Community Member;</p> <p>a Retired Member; and</p> <p>a Political Member</p>
Member Council	is the body under rule 31
Member Councillor	a member of the Member Councillor elected under rule 32(c)
Membership Contribution	the amount to be paid, at the commencement of a respective Financial Year, by an Industrial Member, under these rules for 12 months membership of the Union
Membership Information	the information about an Industrial Member recorded in the Membership Register
Membership Register	the register of Industrial Members maintained by the National Secretary
Membership Rights	the rights of a respective category of Member under these rules
National Executive	is the body under rule 35
National Executive Committee	is the body under rule 37
National Executive Member	a member of the National Executive who is not a member of the National Executive Committee
National Fund	is comprised of the assets and real property of the Union
National Officer	<p>the offices of:</p> <p>National President;</p> <p>National Vice-President;</p> <p>National Secretary; and</p> <p>National Executive Member</p>
National President	the person holding office under rule 49
National Secretary	the person holding office under rule 51
National Vice-President	a person holding office under rule 50

Objects	the objects provided under rule 6
Occupation	eligibility comprised in Schedule 1 in the industries comprised in Schedule 2
Office	the office of: Convention Delegate; Member Councillor; and National Officer
Officer	a holder of an Office
Officers Register	the register of Officers maintained by the National Secretary
Official	means an Employee engaged wholly or mainly to perform work, other than financial or administrative work, on behalf of the Union
Policy	a policy adopted by the Union
Political Member	a person who has been admitted as a political member under these rules
Principal Office	the office of the Union as provided by sub-rule 2 (c)
Quadrennial Convention	the meeting of Convention Delegates held each four (4) years as the first meeting of the Convention following the election of the Convention Delegates
Quadrennial Election	the elections held each four (4) years for an Office
Quadrennial Term	the four (4) year term of office immediately following the declaration of a Quadrennial Election
Retired Member	a person who has been admitted as a retired member under these rules
Returning Officer	the person appointed under these rules to conduct ballots on behalf of the Union
Scheme	a:

	Credit Card Scheme; Direct Debit Scheme; PRD Scheme; or other Periodical Payment Scheme,
Union	‘United Workers’ Union’
Union Website	the website of the Union
Work Portfolio	work duties of a particular type or dealing with a particular matter

#### 4. INTERPRETATION

(a) In these rules if the context permits:

- (i) singular words include the plural and vice versa;
- (ii) words importing any gender include every gender;
- (iii) all references to statutes will be construed so as to include all regulations or codes of practice made under the statute and any statutory modification, replacement or re-enactment of the statute (whether before or on or after the date of these rules) for the time being in force;
- (iv) words denoting individuals include corporations and vice versa;
- (v) clause headings, schedule headings and the table of contents may be used to assist in the interpretation of these rules;
- (vi) where a word or phrase is given a defined meaning in these rules, another part of speech or grammatical form in respect of that word or phrase has a corresponding meaning;
- (vii) a reference to a ‘rule’ is a reference to a rule of these rules;
- (viii) a reference to a ‘sub-rule’ means a sub-rule of the rule in which the reference to the sub-rule is made;
- (ix) a reference to a ‘paragraph’ means a paragraph of the sub-rule in which the reference to the paragraph is made;
- (x) a reference to a ‘sub-paragraph’ means a sub-paragraph of the paragraph in which the reference to the sub-paragraph is made;
- (xi) a reference to a ‘schedule’ is a reference to a schedule to, and which forms part of, these rules;

- (xii) the schedules to these rules have the same effect as if they were set out in the body of these rules;
- (xiii) a reference to a 'majority' means at least half (1/2) the number of members required to be present at a meeting held under these rules, and present in person, plus one (1);
- (xiv) a reference to a business day is a reference to a day Monday to Friday during the hours 9 am to 4 pm, in the place where an act is to be performed, which day is not a designated public holiday in that place;
- (xv) a reference to a 'month' is a reference to a calendar month;
- (xvi) where a period, dating from a given day, act or event, is prescribed or allowed for a purpose, the period must, unless the contrary intention appears, be reckoned exclusive of such day or the day of such act or event;
- (xvii) where the last day of a period prescribed or allowed for the doing of anything falls on a day which is not a business day in the place in which the thing is to be or may be done, the thing may be done on the first day following which is a business day in that place;
- (xviii) a reference to the performance of a duty by an Officer or person is inclusive of a reference to the Officer or person causing the duty to be discharged and/or inclusive of the duty being discharged by another person, entitled to hold a delegation under these rules, and holding the delegation of the relevant Officer or person;
- (xix) a word or expression that is not defined in these rules, but is defined in the Act, has the meaning given by the Act;
- (xx) 'in writing' includes printing, typing, facsimile, text messaging, e-mail and other means of representing or reproducing words, figures, drawings or symbols in a visible and tangible or electronic form, in English;
- (xxi) 'signature' and 'signing' means the execution of a document by a person, corporation or other relevant entity and includes signing by an agent or attorney or representative (if a body corporate);
- (xxii) each paragraph or sub-paragraph in a list is to be read independently from the others in the list;
- (xxiii) a reference to a party giving consent means prior written consent;
- (xxiv) where these rules require the giving of a notice, whether by or to the Union, that notice is to be in writing; and
- (xxv) email means a communication sent to, or from, the e-mail account that a respective Officer has nominated to the National Secretary of the Union Body to which they are attached for the receipt and sending of notices, agenda and ballots where the e-mail is not returned as undeliverable.

5. PURPOSE

- (a) The Union is a member-based organisation whose sole purpose is to serve the collective interests of members in workplaces and communities by winning significant and long-lasting gains.

6. OBJECTS

- (a) The objects of the Union are to:

**Democracy and Unity**

- (i) provide a strong and effective voice for working people to join together to improve their workplaces, and their communities, through collective and political action, locally and nationally;
- (ii) foster opportunities for the democratic participation of members in the affairs of the Union and ensure members have meaningful, direct and equal access to democratic functions of the Union at all levels, and the support and resources to participate effectively in the Union;
- (iii) connect all parts of the membership through a universal proposition and vision based on worker dignity, the protection and advancement of rights at work, the importance of collective power and the pursuit of equality and justice for all people;
- (iv) serve the collective interests of members in their workplaces and their communities;
- (v) defend and advance the freedoms of working people, including the right to organise, bargain and to exercise a collective voice free from harassment, intimidation, persecution and fear, in their workplaces, in their communities and in broader society;
- (vi) promote the political objectives of the Union including ensuring the interests of workers are represented in the political process, that members are given a political voice and that representatives of members are elected to representative offices in government;

**Growth and Power**

- (vii) organise workers and pursue opportunities to grow and strengthen the Union as the collective means to build power for workers at a local and national level across industries and other communities of interest;
- (viii) support and encourage eligible workers to be members of the Union and to organise to recruit eligible workers to the Union;
- (ix) enrol in the Union as Industrial Members the persons eligible to become members;

- (x) commit resources of the Union to pursue growth and effectively campaign, locally and nationally, to build worker power;
- (xi) constantly innovate, evolve and improve the ability of the Union to reach new groups of workers, through traditional and new organising methods;

**Effective representation**

- (xii) agitate industrially and politically for an industrial relations system where workers are adequately compensated for the contribution of their labour, and the rights of workers are strengthened;
- (xiii) secure rising living standards for all Australians;
- (xiv) secure increasing wages and improved conditions of employment for Industrial Members;
- (xv) support and strengthen the voice of members and delegates in relation to their rights;
- (xvi) make workplaces democratic;
- (xvii) ensure that work is free from harassment and discrimination;
- (xviii) ensure that work can be performed safely and without risk;
- (xix) represent workers in relation to the performance of work;
- (xx) provide effective representation to advance and enforce the rights of members to safe and secure work and to bargain collectively;
- (xxi) advocate for a fairer society underpinned by the values of equality and fairness, through reform of industrial laws and economic policy to better meet the needs of members in the workplace and the community;
- (xxii) ensure that equal levels of remuneration and benefits are enjoyed by workers with similar skills and responsibilities;
- (xxiii) challenge discriminatory definitions of skill and work value to ensure the value of work is recognised and rewarded;
- (xxiv) provide for adequate retirement benefits and superannuation for workers;
- (xxv) enhance skills, training, professional development and education of workers;

**Economic Fairness**

- (xxvi) eliminate poverty and reduce inequality;
- (xxvii) ensure that Australia's system of taxes and social welfare payments is fair and equitable;

**Equity and Inclusion**

- (xxviii) commit to equity and inclusion and strive to ensure that women, Aboriginal and Torres Strait Islander peoples, and workers from diverse cultural and ethnic backgrounds, lesbian, gay, bisexual and transgender workers, young workers, workers with disabilities and other equity-seeking groups, will be represented in the structures of the Union;
- (xxix) ensure the leadership and the governance bodies of the Union reflect the diversity of the membership, including through active steps to increase the participation for equity groups that are under-represented;
- (xxx) uphold the values of equality and inclusion by educating and assisting members to address sexism, racism, homophobia and other forms of discrimination wherever they occur;
- (xxxii) promote the values of equity and inclusion in the activities of the Union;
- (xxxiii) adopt a code of conduct for the conduct of officers and members of the Union;
- (xxxiv) assist and promote the participation of retired members in the Union;
- (xxxv) assist and promote the participation of community members in the Union;

**Governance and Administration**

- (xxxvi) raise funds from members by entrance fees, contributions, levies or fines and to set a schedule of fees for members that is equitable and assists the Union to further these Objects, to empower workers, to grow and to organise;
- (xxxvii) assist members in distress through sickness/accident or who are out of employment;
- (xxxviii) provide appropriate wages and conditions for the Union's full-time officers and its employees;
- (xxxix) hold, purchase, lease, mortgage or rent or otherwise deal in property, invest in and maintain shareholdings or place on deposit funds of the Union to further these Objects;
- (xl) report regularly to members on the activities of the Union including through publications, websites and social media;
- (xli) ensure good governance, clear rules and sound practices in the administration of the Union;
- (xlii) affiliate, amalgamate, cooperate or merge with a global union federation, peak trade union body, trade union, industrial union, organisation, political association, association or body, whether at an International, National, State, Territory or regional level, having objects similar in whole, or in part, to the objects of the Union;
- (xliii) contribute to a charitable and/or public benevolent institutions;

- (xliii) provide assistance to socially responsible community organisations;
  - (xliv) donate to a charity and/or for a public purpose and/or a worthy cause and/or a purpose that furthers these Objects;
  - (xlv) register the Union under any Commonwealth or State trade union, industrial arbitration, co-operative or similar statute;
  - (xlvi) incorporate, maintain an interest in and/or support entities for a purpose that furthers these Objects;
  - (xlvii) exercise the powers, privileges and advantages available or provided to an industrial organisation under a Commonwealth or State Act;
  - (xlviii) do the things provided for in these Objects in respect of non-members including for community members and others on a fee for service basis; and
  - (xlix) affiliate, cooperate and work with like-minded organisations including community or international organisations to further these Objects.
- (b) None of the objects provided for in sub-rule (a) is to be read in a way that limits another object of sub-rule (a).
  - (c) The Union may do other acts and things incidental to, or which relate, to the carrying out of the objects in sub-rule (a).
  - (d) These objects are to be read together with, and are not limited by, the Union’s purpose provided under rule 5.

**Section 3: Coverage**

7. ELIGIBILITY

- (a) The eligibility of a person entitled to apply for membership as an Industrial Member is set out in Schedule 1.

8. INDUSTRIES

- (a) The industries of the Union are set out in Schedule 2.

**Section 4: Membership**

**Section 4A: Electorates**

9. ELECTORATES

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

A	B
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Commonwealth Electorates	an Electoral Division of the House of Representatives under the <i>Commonwealth Electoral Act 1918</i> (Cth)
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- (b) The electorates of the Union are as provided by these rules.
- (c) For the purposes of these rules, an Industrial Member belongs to the electorate of the Union in which they reside.
- (d) Despite sub-rule (b), and subject to these rules, the Member Council may determine to alter the electorates of the Union.
- (e) In making a determination under sub-rule (d) the Member Council will take the following matters into account:
  - (i) that the total number of Convention Delegates to be elected at a Quadrennial Election is calculated by dividing the total number of Financial Industrial Members, as at the last business day in January of the last year of the previous Quadrennial Term, by 300 and rounding to the nearest number;
  - (ii) the number of Commonwealth Electorates;
  - (iii) the Commonwealth Electorates to be grouped to form electorates of the Union;
  - (iv) that electorates of the Union are to be arranged so that each electorate has at least 2500 Industrial Members residing in it;
  - (v) the geographical location of the Industrial Members;
  - (vi) the efficient administration of the affairs of the Union; and
  - (vii) other matters considered appropriate.
- (f) The National Secretary will as soon as practicable, following the making of a determination under sub-rule (d) give notice to the Industrial Members of an electorate of the Union that is altered, of the alteration.
- (g) The National Secretary may give the notice referred to in sub-rule (f) by publishing a list and/or map which depicts the electorates of the Union.
- (h) Despite these rules, notice required to be given by the National Secretary pursuant to sub-rule (f) may be given by the National Secretary placing the list and/or the map referred to in sub-rule (g) on the Union Website.
- (i) Once a determination is made under sub-rule (d), the electorates of the Union as determined become the electorates of the Union for the purposes of these rules subject to a further determination being made under sub-rule (d).
- (j) The National Secretary will place a list of the electorates of the Union, inclusive of the Commonwealth Electorates making up an electorate, on the Union Website,

and will promptly update that list to take account of determinations made under sub-rule (d).

#### **Section 4B: Types, OBLIGATIONS and Privileges of Membership**

#### 10. MEMBERS' OBLIGATIONS

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B.

<b>A</b>	<b>B</b>
Determination	a determination of a Governing Body made under these rules
Governing Body	Convention; Member Council; National Executive; and National Executive Committee

- (b) A Member must:
- (i) support the:
    - A Purpose; and
    - B Objects;
  - (ii) comply with, and uphold, these rules;
  - (iii) comply with their respective obligations under these rules; and
  - (iv) abide by a Determination.
- (c) A Member, other than an Industrial Member, in breach of sub-rule (b) may be requested by the National President to show cause as to why they should not be removed from membership, and may if failing to show cause to the satisfaction of the National Executive, be removed.

#### 11. INDUSTRIAL MEMBER

- (a) An Industrial Member is a person:
- (i) entitled to apply for membership;
  - (ii) working, or usually working, in an Occupation; and
  - (iii) able to be industrially represented.
- (b) A person under sub-rule (a) may seek admission to membership of the Union.

- (c) A Financial Industrial Member is the only Member entitled to:
  - (i) vote in an election ballot or plebiscite of the Union; and
  - (ii) if otherwise qualified under these rules nominate, or second nominations, for an office of the Union.
- (d) A Financial Industrial Member is entitled to:
  - (i) access the services of the Union; and
  - (ii) otherwise, as provided by these rules, participate in the business of the Union.

12. HONORARY LIFE MEMBER

- (a) For the purpose of this rule the words in column A have the meaning assigned opposite in column B:

<b>A</b>	<b>B</b>
Predecessor Organisation	a registered industrial organisation that has amalgamated to become the Union

- (b) An Honorary Life Member is a person appointed as an honorary life member by the Union under these rules.
- (c) Appointment as an Honorary Life Member is the highest honour the Union may confer on a member for services rendered to the Union.
- (d) Honorary Life membership may only be conferred on a Financial Industrial Member who in the Union, or in a Predecessor Organisation, has:
  - (i) been a member of good standing;
  - (ii) demonstrated achievement at a high level to the benefit of other members;
  - (iii) made a significant contribution to the Union, or to a Predecessor Organisation; and/or
  - (iv) demonstrated service to the Union, or to a Predecessor Organisation, that is worthy of recognition.
- (e) Honorary Life membership may be conferred by the National Executive on:
  - (i) its own motion;
  - (ii) the recommendation of the Convention; or
  - (iii) the recommendation of the Member Council.

- (f) An Industrial Member on being appointed as an Honorary Life Member is:
  - (i) not required to pay Membership Contributions or other fees; and
  - (ii) if working in an Occupation, entitled to the privileges of a Financial Industrial Member under these rules; or
  - (iii) if no longer working in an Occupation, entitled to the privileges of an Honorary Life Member under these rules.
- (g) An Honorary Life Member is entitled to:
  - (i) access the services of the Union;
  - (ii) become, if not working in an Occupation, a member of the Retired Members Association without the payment of a fee; and
  - (iii) the other rights that the Member Council determines.
- (h) Nothing prevents Honorary Life Membership being awarded posthumously.

### 13. COMMUNITY MEMBER

- (a) A Community Member is a person admitted as a community member by the Union under these rules.
- (b) The following person may apply to the Union to be admitted as a Community Member:
  - (i) a Financial Industrial Member no longer working in an Occupation;
  - (ii) a person not working in an Occupation; or
  - (iii) a person in a class of persons working in an Occupation, as defined under rule 3, that the National Executive determines for the purposes of these rules will be treated as Community Members.
- (c) Despite sub-rule (b), a person who is working in an Occupation determined to be an Occupation for the purposes of paragraph (b)(iii) may elect to seek admission as an Industrial Member, and if financial will have all the rights under these rules of an Industrial Member.
- (d) The National Executive is to determine the fees (if any) to be paid by a Community Member.
- (e) A Community Member who commences working in an Occupation, other than an Occupation determined to be an Occupation under paragraph (b)(iii) ceases to be a Community Member.
- (f) A financial Community Member is only entitled to the rights that the Member Council determines.

14. RETIRED MEMBER

- (a) A Retired Member is a person admitted as a retired member by the Union under these rules.
- (b) A Financial Industrial Member no longer working in an Occupation having retired from the workforce may apply to the Union to be admitted as a Retired Member.
- (c) The National Executive is to determine the fees (if any) to be paid by a Retired Member.
- (d) A Retired Member who commences working in an Occupation ceases to be a Retired Member.
- (e) A financial Retired Member is only entitled to the rights that the Member Council determines.

15. POLITICAL MEMBER

- (a) A Political Member is a person admitted by the National Executive as a political member under these rules.
- (b) A person may apply to the Union to be admitted as a Political Member, if they are:
  - (i) a Financial Industrial Member or a Community Member;
  - (ii) elected to hold office in a representative office of the Commonwealth, a representative office of a State or Territory or the council of a Local Authority; and
  - (iii) because of their election, not working in an Occupation.
- (c) A Political Member must pay Membership Contributions under these rules as if they were an Industrial Member.
- (d) A Political Member who ceases to hold their office under paragraph (b)(ii) ceases to be a Political Member.
- (e) A financial Political Member is only entitled to the rights that the Member Council determines.

**Section 4C: Joining**

16. APPLICATION FOR MEMBERSHIP

- (a) For the purpose of this rule the words in column A have the meaning assigned opposite in column B:

A	B

Application Form	the form determined by the National Executive under paragraph (b)(i)
Federal Counterpart	has the meaning provided under section 9A of the Act

- (b) An application for a person seeking to be admitted as a member will be:
- (i) in the form determined by the National Executive;
  - (ii) accompanied by the material required by the National Executive; and
  - (iii) signed by the applicant.
- (c) The Union may publish an Application Form in the way the National Executive determines.
- (d) Applications for membership are to be made to the National Secretary.
- (e) The Union may accept an Application Form received by internet and the applicant for membership will be held to have signed the Application Form if the requirements of the *Electronic Transactions Act 1999 (Cth)* are met.
- (f) The National Secretary may, despite sub-rule (b):
- (i) accept an application that is in some other form than the Application Form; or
  - (ii) accept applications that are made by phone.
- (g) No omission, irregularity or want of form will invalidate an application for membership, provided that:
- (i) the applicant intended the application, along with a payment authorisation, submitted to the Union to be an application for membership; and
  - (ii) the Union treated the application submitted as an application for membership.
- (h) An application is accepted, and the applicant is admitted to membership, subject to sub-rule (i), from the earlier of either the application being received by the National Secretary or another person authorised by the National Executive, provided that if a member applies for membership from another date the National Secretary may determine that membership commences from that date.
- (i) The National Secretary receiving an application for membership may refer the application to the National Executive for its determination where the National Secretary has concerns in relation to the applicant's bona fides.
- (j) An application, referred in accordance with sub-rule (i), will be considered by the National Executive which will, if satisfied with the bona fides of the applicant,

accept the application, admit the applicant to membership of the Union and that membership will commence, when it otherwise would have commenced in accordance with sub-rule (h), as if the application had not been referred.

- (k) The National Executive, where an application has been referred under sub-rule (i), may reject that application if they do not accept the application is bona fide, provided that where an application is rejected, monies paid by the applicant in respect of membership of the Union will be reimbursed.
- (l) The National Secretary will ensure that the Membership Register is amended to include in relation to an Industrial Member, the admitted applicant's Member Information.
- (m) An applicant for membership will, subject to these rules, when admitted to membership be entitled, dependent on their respective membership type, to the benefit of Membership Rights.
- (n) This rule does not prevent an application for membership of the Union being a joint application with an entity that has the Union as its Federal Counterpart, provided that the joint application is in the form determined by the National Executive.
- (o) A person applying to become an Industrial Member must be informed in writing of:
  - (i) an Industrial Member's financial obligations; and
  - (ii) how, and when, an Industrial Member may resign from membership.

17. GROUP MEMBERSHIP APPLICATIONS

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

<b>A</b>	<b>B</b>
Approved Association	an organisation, association, body or other entity determined by the National Executive to be an approved association

- (b) The National Secretary will promptly admit to membership of the Union:
  - (i) a financial member of an Approved Association who has received correspondence from the Approved Association advising:
    - A that the Approved Association seeks to facilitate that member's membership of the Union;

- B that the Approved Association intends to make application on that member's behalf for membership of the Union at the expiration of 28 days from the provision of the correspondence;
  - C that that member may determine to decline to join the Union within that period of 28 days by advising the Approved Association of that determination; and
  - D of the financial obligations of membership of the Union and how that member may resign from the Union;
- (ii) where the member receiving correspondence under paragraph (i) has not, within the period of 28 days from the provision of the correspondence, determined to decline to join the Union; and
  - (iii) where an application setting out the information required by these rules has been made by the Approved Association to the Union, on behalf of a member of the Approved Association who meets the requirements of paragraph (ii).

## 18. MEMBERSHIP CONTRIBUTIONS

- (a) The Membership Contribution for a Financial Year will be determined by the National Executive prior to the commencement of that Financial Year, and in the event that no determination is made the amount set for the previous Financial Year will apply.
- (b) The Membership Contribution is to be paid, at the rate determined to apply to the respective Industrial Member for the period concerned, by one (1) of the following means:
  - (i) at least monthly by cash, cheque or electronic funds transfer; or
  - (ii) under a Scheme.
- (c) The National Executive will determine the terms on which a Industrial Member may pay their Membership Contribution under a Scheme.
- (d) The Union will provide a written receipt to a Industrial Member within 28 days of the member paying their Membership Contribution under paragraph (b)(i).
- (e) The Union will provide, annually, a receipt to a Industrial Member paying their Membership Contribution under paragraph (b)(ii).
- (f) Receipts under sub-rules (d) and (e) may be electronic.

## 19. LEVIES

- (a) The National Executive may impose a levy on:

- (i) all of the Industrial Members; or
  - (ii) a group of the Industrial Members.
- (b) Monies received under a levy imposed under paragraph (a)(ii) may only be applied to the benefit of the Industrial Members of the respective group.
- (c) A Levy is to be expressed in dollars and as a percentage of the Membership Contribution.
- (d) The National Secretary must give notice under these rules to a Industrial Member liable to pay a Levy, of its:
  - (i) imposition;
  - (ii) amount;
  - (iii) duration; and
  - (iv) purpose.
- (e) Despite sub-rule (a) levies exceeding in total 25% of the Membership Contribution cannot be imposed other than by resolution of the Member Council.
- (f) A Levy is to be paid by a respective member within 28 days of the National Secretary giving notice to the member under sub-rule (d).
- (g) A Levy is to be paid by one (1) of the following means:
  - (i) by cash, cheque or electronic funds transfer; or
  - (ii) under a Scheme.
- (h) The Union will provide a written receipt to a member within 28 days of a member paying their Levy under paragraph (g)(i).
- (i) The Union will provide, annually, a receipt to a member paying their Levy under paragraph (g)(ii).
- (j) Receipts under sub-rules (h) and (i) may be electronic.
- (k) The National Executive may determine to waive payment of a Levy either in whole, or in part, by an Industrial Member or a group of Industrial Members where the National Executive is satisfied that the circumstances justify waiver.
- (l) Despite sub-rule (b) where, following the imposition of a Levy, its purpose is achieved and there remains an amount of unexpended funds derived from the Levy, the unexpended funds will form part of the National Fund and may be expended on the Objects.

## 20. FINANCIAL STATUS

- (a) An Industrial Member must, to remain financial, pay to the Union:
  - (i) their Membership Contribution;
  - (ii) any Levy that is made in relation to the member; and
  - (iii) a Fine determined against the member,

as they become due.
- (b) An Industrial Member paying their Membership Contribution by cash, cheque or electronic funds transfer is financial from the date on which the Membership Contribution is received by the Union.
- (c) An Industrial Member paying their Membership Contribution under a Scheme is financial from the date on which Membership Contributions under the respective Scheme are received by the Union.
- (d) An Industrial Member is un-financial if in arrears in the payment of their:
  - (i) Membership Contribution;
  - (ii) Levies; and/or
  - (iii) Fines,

for a period of three (3) months, or more, from the date on which a Membership Contribution, Levy and/or Fine became due, and remains un-financial until respectively the Membership Contribution, Levy and/or Fine are paid.
- (e) An Industrial Member making payment of their Membership Contribution and/or a Levy under a Scheme will be deemed to be financial for a period of up to three (3) months after the last payment under the Scheme was received.
- (f) An Industrial Member:
  - (i) in arrears of paying their Membership Contributions, Levies and/or Fines will be advised of their arrears by notice given in accordance with the member's Member Information on at least three (3) occasions; and
  - (ii) when three (3) months, or more, in arrears of paying their Membership Contributions, Levies and/or Fines, and having been advised under paragraph (i), will be advised by the National Secretary in writing of their financial status, how they may become financial and the consequences of their not becoming financial.
- (g) Subject to the Act, an un-financial member may be sued by the Union for the recovery of a Membership Contribution, Levy or Fine, as the case may be.
- (h) An un-financial Member is not entitled to Membership Rights.

21. COMMUNITY, RETIRED AND POLITICAL MEMBERS – FEES

- (a) The National Executive may determine the means by which a:
  - (i) Community Member; or
  - (ii) Retired Member,
 will pay the fee (if any) the National Executive has determined is to be paid for membership.
- (b) A Community Member, Retired Member or Political Member who is three (3) months, or more, in arrears of paying fees for their respective membership is un-financial.
- (c) An un-financial Community Member, Retired Member or Political Member may be sued by the Union for the recovery of their fee.

22. WAIVER

- (a) For the purpose of this rule the words in column A have the meaning assigned opposite in column B:

<b>A</b>	<b>B</b>
Group	a group of Industrial Members

- (b) The National Secretary may waive payment of the Membership Contribution and/or a Levy where an Industrial Member:
  - (i) is unemployed and has been unemployed for more than one (1) month;
  - (ii) is on approved leave without pay for more than one (1) month; and/or
  - (iii) has, due to injury or ill health, not been working for a period of more than one (1) month and is not receiving remuneration.
- (c) A waiver granted under sub-rule (b) can be granted for up to 12 months.
- (d) The National Executive may waive payment of Membership Contribution and/or a Levy under sub-rule (b) for more than 12 months, provided that the waiver is granted for a specified period or the happening of a particular event.
- (e) An Industrial Member granted a waiver under sub-rule (b) or (d) is financial during the period the waiver is granted.
- (f) The National Executive may waive payment of the Membership Contribution and/or a Levy in whole, or part, to a Group in circumstances where:
  - (i) unusually low wages are paid to that Group;
  - (ii) unusually low hours are worked by that Group;

- (iii) there is a dispute, including over coverage, which is not yet resolved in respect of that Group;
  - (iv) an industrial instrument to apply to the employment of the Group has not been finalised;
  - (v) organising opportunities may be enhanced in respect of that Group; or
  - (vi) the Group are in supported employment.
- (g) A member of a Group granted a waiver under sub-rule (f) is financial during the period the waiver is granted.
- (h) A waiver granted under sub-rule (f) will be periodically reviewed by the National Executive.

#### **Section 4E: Membership information**

#### **23. MEMBERSHIP REGISTER**

- (a) The National Secretary must record, in relation to a Member, their:
- (i) name;
  - (ii) postal address;
  - (iii) phone numbers;
  - (iv) e-mail address;
  - (v) financial status;
  - (vi) date of admission;
  - (vii) date of resignation;
  - (viii) membership type; and
  - (ix) other information required by the National Executive.
- (b) The National Secretary will record, as far as the National Secretary is able to determine, the following information in relation to an Industrial Member, their:
- (i) employer;
  - (ii) place of employment;
  - (iii) Occupation;
  - (iv) classification; and
  - (v) other information required by the:

- A National Executive; or
  - B Act.
- (c) The information recorded by the National Secretary under sub-rules (a) and (b) in relation to Industrial Members will be kept in the Membership Register.
  - (d) A Member must notify the National Secretary of any changes to the information to be recorded respectively under sub-rule (a) or (b), and the National Secretary will, within 28 days of being notified, amend the records to incorporate the changes to the recorded information.
  - (e) The Membership Register is:
    - (i) in the event of an Industrial Member failing to notify a change of information under sub-rule (d), conclusive proof under these rules of the matters set out in the Membership Register; and
    - (ii) proof of the financial status of a Member until the contrary is proven.
  - (f) The record kept by the National Secretary is:
    - (i) in the event of a member other than an Industrial Member failing to notify a change of information under sub-rule (d), conclusive proof under these rules of the matters set out in the record; and
    - (ii) proof of the financial status of a member until the contrary is proven.

#### **Section 4F: Resignation and Cessation**

#### **24. RESIGNATION OF MEMBERS**

- (a) A Member may resign by written notice addressed and delivered to the National Secretary.
- (b) A Notice of resignation of an Industrial Member takes effect:
  - (i) if the Member ceases to be eligible to become a Member on the day:
    - A the notice is received by the Union; or
    - B specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a Member,whichever is later, or
  - (ii) in any other case:
    - A at the end of two (2) weeks after the notice is received by the Union, or

B on the day specified in the notice,

whichever is later.

- (c) A Membership Contribution or fee payable but not paid by respectively a former Industrial Member or Member other than an Industrial Member, in relation to a period before the member's resignation from the Union took effect, may be sued for and recovered by the Union, in a court of competent jurisdiction, as a debt to the Union.
- (d) A notice delivered to the National Secretary under sub-rule (a) is deemed to have been received by the Union when it was delivered.
- (e) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (a).
- (f) A Member's resignation is valid, although 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.
- (g) The National Executive may accept the resignation of a Member and release the Member from some or all outstanding obligations to the Union, irrespective of whether these rules have been complied with.

## 25. CESSATION OF MEMBERSHIP

- (a) An Industrial Member ceases to be an Industrial Member if the member:
  - (i) has not, where required to do so, paid their Membership Contribution for a continuous period of 24 months since the Membership Contribution became payable;
  - (ii) resigns;
  - (iii) is to be removed in accordance with section 171A of the Act;
  - (iv) dies; or
  - (v) has their membership terminated under these rules.
- (b) Without limiting sub-rule (a) an Industrial Member also ceases to be an Industrial Member if they:
  - (i) are not financial under sub-rule 20(d);
  - (ii) have been given notice under paragraph 20(f)(i);
  - (iii) have been advised by the National Secretary under paragraph 20(f)(ii); and
  - (iv) have not made payment of arrears within the period of 14 days following the National Secretary giving the advice under paragraph 20(f)(ii).

- (c) a Member, other than an Industrial Member, ceases to be a Member if the member;
  - (i) resigns;
  - (ii) has not paid their fee for a period of 3 months;
  - (iii) dies; or
  - (iv) has their membership terminated under these rules,

and their name will be removed from the membership records.

26. PURGING THE MEMBERSHIP REGISTER

- (a) The National Secretary will, when directed by the National Executive promptly remove from the Membership Register an Industrial Member that the National Executive determines is no longer eligible for membership.
- (b) The National Secretary will give notice to an Industrial Member removed from the Membership Register under sub-rule (a) of their removal.
- (c) The National Secretary will, in accordance with the Act, remove from the Membership Register a member whose membership has ceased under paragraph 25(a)(i).
- (d) The National Secretary will remove from the Membership Register an Industrial Member whose membership has ceased under:
  - (i) paragraphs 25(a)(ii) – (iv); and
  - (ii) sub-rule 25(b).

**Section 5: governing Bodies and their OPeration**

27. UNION - POWERS

- (a) The Union may exercise all the powers of a body incorporated as a registered organisation under the Act.

28. ADVANCE THE OBJECTS

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

A	B
Governing Body	Convention; Member Council; National Executive; and National Executive Committee

- (b) The Governing Bodies will, subject to these rules, conduct the business of the Union and advance the Objects.

## 29. COMPOSITION OF THE CONVENTION

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

<b>A</b>	<b>B</b>
Total Convention Delegation	the number of Convention Delegates resulting from dividing the number of Financial Industrial Members by 300, as at the last business day in January of the last year of the previous Quadrennial Term, rounded up to the nearest whole number

- (b) The Convention is comprised of Convention Delegates elected by, and from, the Financial Industrial Members residing in an Electorate.
- (c) Each Electorate is entitled to elect as Convention Delegates that proportion of the Total Convention Delegation that the number of Financial Industrial Members residing in the respective Electorate bears to the Financial Industrial Members of the Union, as at the last business day in January of the last year of the previous Quadrennial Term, rounded up to the nearest whole number.
- (d) Convention Delegates are to be elected each four (4) years at the Quadrennial Elections.
- (e) At least 50% of the Convention Delegates must be women.

## 30. CONVENTION - POWERS

- (a) The Convention may, subject to this rule, exercise the powers of the Union.
- (b) The Convention will, subject to these rules, conduct the business of the Union and advance the Objects.
- (c) Without limiting sub-rule (a), the Convention will:
- (i) determine the strategic goals for the Quadrennial Term in which it is elected; and
  - (ii) elect the:
    - A Member Councillors; and
    - B National Officers.
- (d) Despite sub-rule (a) the Convention cannot exercise:

- (i) power that include powers that relate to the financial management of the Union;
  - (ii) a power expressly reserved by these rules to be only exercised by the Member Council;
  - (iii) a power expressly reserved by these rules to be only exercised by the National Executive; and/or
  - (iv) a power expressly reserved by these rules to be only exercised by a National Officer.
- (e) A determination of the Convention binds the Officers and Members.

31. COMPOSITION OF THE MEMBER COUNCIL

- (a) The Member Council will consist of the:
  - (i) Member Councillors; and
  - (ii) members of the National Executive.
- (b) At least 50% of the Member Councillors must be women.

32. MEMBER COUNCILLORS

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

A	B
Region	a State or Territory
Relevant Member	a person who was a Financial Industrial Member on the last business day in January of the last year of the previous Quadrennial Term

- (b) The number of Member Councillors to be elected for a Quadrennial Term is, subject to these rules, 50.
- (c) The Member Councillors are, subject to this rule, elected in two (2) separate groups:
  - (i) the first group, by the Convention Delegates from the Convention Delegates residing in a Region; and
  - (ii) the second group, elected by, and from, the Convention Delegates.
- (d) The number of Member Councillors to be elected under sub-rule (c)(i) from each Region is determined by dividing the number of Relevant Members residing in that Region by the number of Relevant Members of the Union, multiplying by 25 and rounding up to the nearest whole number provided that there is at least one Member Councillor elected from each Region.

- (e) The number of Member Councillors to be elected under sub-rule (c)(ii) is the difference between 50 and the total number of Member Councillors elected under sub-rule (d).
- (f) A Convention Delegate may only nominate as a candidate for, or hold the office of, Member Councillor under one (1) of paragraphs (c)(i) or (c)(ii).
- (g) A Convention Delegate may not nominate as a candidate for, or hold the office of, Member Councillor and National Officer.
- (h) A full-time employee of the Union may not nominate for, or hold the office of, a Member Councillor.

### 33. MEMBER COUNCIL - POWERS

- (a) Between meetings of the Convention, the Member Council:
  - (i) is to exercise the power of the Convention; and
  - (ii) is the highest authority of the Union.
- (b) The Member Council is to exercise power in relation to the financial management of the Union.
- (c) Without limiting the power under sub-rule (a), the Member Council has the power, subject to these rules, to:
  - (i) alter these rules;
  - (ii) call meetings of the Convention;
  - (iii) determine, consistent with sub-rule 39(i), the six (6) Member Councillors who are to comprise the Governance Finance and Risk Committee, determine the functions to be delegated to the committee and how the committee will conduct its business;
  - (iv) establish Union Sub-Committees to assist the Member Council in discharging its obligations;
  - (v) determine a code of conduct to apply to the Officers and Members;
  - (vi) approve the terms and conditions of engagement of:
    - A National Officers;
    - B Officials; and
    - C Employees;

- (vii) determine to establish a retired members association, provided that such an association as may be established must itself advance the Objects;
- (viii) determine a procurement policy for the Union; and
- (ix) determine appeals from a determination of:
  - A the National Executive; and
  - B a National Officer.
- (d) The powers under sub-rule (c) will only be exercised by the Member Council.
- (e) The Member Council:
  - (i) may determine Policy;
  - (ii) may allocate Members to membership types;
  - (iii) will oversee the financial administration of the Union; and
  - (iv) will oversee the conduct of the business of the Union.
- (f) The Member Council has the other powers provided under these rules.
- (g) Despite paragraph (a)(i) the Member Council cannot exercise a power expressly reserved by these rules to only be exercised by the Convention.
- (h) Despite this rule the Member Council cannot exercise a power expressly reserved by these rules to only be exercised by the National Executive.
- (i) Despite this rule the Member Council cannot exercise a power expressly reserved by these rules to be only exercised by a National Officer.
- (j) The Member Council may, subject to sub-rule (h), review a determination of the National Executive.
- (k) The Member Council may, subject to sub-rule (i), review a determination of a National Officer.
- (l) A determination of the Member Council binds the Officers and Members.
- (m) The Member Council will, at a meeting held at least 90 days prior to the calling of nominations in a Quadrennial Election for Convention Delegates, determine for the Quadrennial Election of Member Councillors and National Officers the matters required by:
  - (i) sub-rule 9(d), the Electorates;
  - (ii) sub-rule 35(c), the number of National Executive Members to be elected; and

- (iii) sub-rule 80(b), whether team nominations will be permitted.

#### 34. MEMBER ACTIVISM

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

<b>A</b>	<b>B</b>
Opportunities	the type of matters and things set out in sub-rule (c)

- (b) Without limitation to the powers of the Member Council under rule 33, the Member Council also has the purpose of ensuring that Opportunities for the democratic participation of Members in the business of the Union are actively pursued and maximised, having regard to factors such as:
- (i) equity;
  - (ii) diversity;
  - (iii) Member activism;
  - (iv) Member leadership; and
  - (v) upholding the right of Members to be active in the Union.
- (c) Opportunities include forming:
- (i) representative councils to advance Union campaigns or growth;
  - (ii) groups to assist in organising around common all-of-union campaigns for broader industrial, social and political change;
  - (iii) industry campaign committees at local and national levels to provide insight, advice and/or recommendation on industry campaigning;
  - (iv) community committees or councils formed to build solidarity across membership in a locality, area or region;
  - (v) groups of Members across a locality, region or area with communities of interest, to come together to strengthen and support the objectives of the Union around social justice, equity and diversity; and
  - (vi) planning committees to assist in administering and delivering local conventions.
- (d) Neither sub-rules (b) or (c) limit the power of the Member Council to consider an application by Members for the creation of a body that Members consider appropriate to advance the Objects and to build activism and growth.
- (e) A council, group or committee formed under sub-rule (c) or other body under sub-rule (d) is to be treated as a Union Sub-Committee formed under rule 39.

35. COMPOSITION OF THE NATIONAL EXECUTIVE

- (a) The National Executive is elected by, and from, the Convention Delegates, and consists of the National Officers.
- (b) The Member Council is to determine the size of the National Executive with the minimum size being 12 members and the maximum size being 24 members, inclusive of the members provided for in paragraph (a)(i).
- (c) The Member Council will, subject to these rules, determine, under sub-rule (b), the number of National Executive Members.
- (d) Once a determination is made under sub-rule (c) the number of National Executive Members determined, become the number of National Executive Members for the purposes of these rules, subject to a further determination being made under sub-rule (c).
- (e) Despite sub-rule (d), but subject to sub-rule (g), nothing prevents the Member Council determining, in the circumstances of:
  - (i) a casual vacancy arising in the office of National Executive Member; or
  - (ii) with the consent of a National Executive Member, that the office not be filled.
- (f) Once a determination is made under sub-rule (e) the number of National Executive Members determined, become the number of National Executive Members for the purposes of these rules subject to a further determination being made under either sub-rule (c) or sub-rule (e).
- (g) At least 50% of the National Executive must be women.

36. POWERS OF THE NATIONAL EXECUTIVE

- (a) The National Executive is the committee of management of the Union.
- (b) The National Executive may, subject to rule 33, exercise the powers of the Member Council between meetings of the Member Council.
- (c) The power to:
  - (i) determine the Membership Contribution;
  - (ii) appoint the Returning Officer; and
  - (iii) appoint the Auditor,may only be exercised by the National Executive.

- (d) The National Executive has, subject to these rules, the power to vary a determination of:
  - (i) the National Executive Committee; or
  - (ii) a National Officer.
- (e) Despite sub-rule (a) the National Executive cannot exercise a power expressly reserved by these rules to only be exercised by the Convention.
- (f) Despite sub-rule (b) the National Executive cannot exercise a power expressly reserved by these rules to only be exercised by the Member Council.
- (g) Despite sub-rule (d) the National Executive cannot exercise a power expressly reserved by these rules to only be exercised by a National Officer.
- (h) The National Executive has the other powers provided under these rules.
- (i) A determination of the National Executive binds the Officers and Members.

### 37. COMPOSITION OF THE NATIONAL EXECUTIVE COMMITTEE

- (a) The National Executive Committee is comprised of the:
  - (i) National President;
  - (ii) four (4) National Vice-Presidents; and
  - (iii) National Secretary.
- (b) At least one (1) of the offices under paragraphs (a)(i) and (iii) must be held by a woman.
- (c) At least two (2) of the offices under paragraph (a)(ii) must be held by women.

### 38. POWERS OF THE NATIONAL EXECUTIVE COMMITTEE

- (a) The National Executive Committee has the power delegated to it by the National Executive.
- (b) All members of the National Executive will be informed:
  - (i) in advance of the holding of a meeting of the National Executive Committee; and
  - (ii) promptly of the determinations of the National Executive Committee.
- (c) A determination of the National Executive Committee binds the Officers and Members.

39. UNION SUB-COMMITTEES

- (a) The Member Council may, subject to this rule, establish or revoke a Union Sub-Committee.
- (b) A determination of a Union Sub-Committee does not bind the Union and is recommendatory only.
- (c) A Union Sub-Committee can only consider the matters referred to it by the Member Council or the National Executive.
- (d) The Member Council will determine the Officers (if any) who will comprise a Union Sub-Committee.
- (e) Sub-rule (d) does not prevent the Member Council from appointing a Member, with the Member’s consent, to a Union Sub-Committee.
- (f) A Union Sub-Committee is responsible to, and under the control of, the Member Council, provided that the Member Council may delegate its responsibility to the National Executive.
- (g) The Member Council will, subject to these rules, determine in relation to a Union Sub-Committee how:
  - (i) frequently it will meet;
  - (ii) it will meet;
  - (iii) it will be chaired;
  - (iv) it will conduct its business
  - (v) it will be resourced;
  - (vi) it will report; and
  - (vii) often it will report.
- (h) The Member Council may determine that an Administrative Regulation providing for the circumstances for the conduct of a Union Sub-Committee, will also apply to the conduct of the Governance Finance and Risk Committee.
- (i) At least 50% of the members of a Union Sub-Committee must be women.

40. AN ORDINARY MEETING OF A GOVERNING BODY

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

A	B
Governing Body	Convention;

	Member Council; National Executive; and National Executive Committee
Ordinary Meeting	a programmed meeting of a Governing Body that is not a special meeting or an out of session meeting

### ***Agenda and Scheduling***

- (b) An Ordinary Meeting of a Governing Body will be held for the Governing Body set out in column C on at least the number of occasions set out opposite in column D:

<b>C</b>	<b>D</b>
Convention	one (1) each Quadrennial Term
Member Council	one (1) each year of the Quadrennial Term
National Executive	four (4) each year of the Quadrennial Term

### ***Convention***

- (c) The Ordinary Meeting of the Convention, being the Quadrennial Convention, will be held in the year of the Quadrennial Election at the time that the National Executive determines.
- (d) The National Secretary will give the Convention Delegates, at least 21 days' notice of a meeting under sub-rule (c).
- (e) The National Secretary will formulate, in consultation with the National Executive, an agenda setting out the business, inclusive of business submitted by the Member Council, to be dealt with at the Ordinary Meeting, and will provide the agenda and associated papers to Convention Delegates prior to the commencement of a meeting under sub-rule (c).

### ***Member Council***

- (f) An Ordinary Meeting of the Member Council will be held at least once each year, at the time that the National Executive determines.
- (g) The National Secretary will give the members of the Member Council, at least 21 days' notice of a meeting under sub-rule (f).
- (h) The National Secretary will formulate, in consultation with the National Executive, an agenda setting out the business, inclusive of business submitted by the Member Council, to be dealt with at a meeting under sub-rule (f).
- (i) The business submitted under sub-rule (f) must be submitted no later than 14 days prior to the day on which a meeting under sub-rule (f) is to commence.
- (j) The National Secretary will provide to the members of the Member Council the agenda and associated papers for a meeting under sub-rule (f) no later than seven (7) days prior to the day on which the meeting is to commence.

*National Executive*

- (k) An Ordinary Meeting of the National Executive will be held at a date and time to be determined by the National Executive.
- (l) The members of the National Executive will be notified in writing by the National Secretary of the time, date, place and agenda of a meeting under sub-rule (k).
- (m) The National Secretary will give members of the National Executive notice of a meeting under sub-rule (k) as practicable, but at least seven (7) days notice must be given by the means available.

*National Executive Committee*

- (n) Ordinary Meetings of the National Executive Committee will be held as frequently as are required to conduct the business of the National Executive Committee at the dates and time determined by the National Executive Committee.
- (o) The members of the National Executive Committee will be notified in writing by the National Secretary of the time, date, place and agenda of a meeting under sub-rule (n).
- (p) The National Secretary will give members of the National Executive Committee notice of a meeting under sub-rule (n) as practicable, but at least 72 hours notice must be given by the means available.

*Attendance and Quorum*

- (q) An Ordinary Meeting will be held at the Principal Office of the Union unless the National Secretary or the National Executive determines that another location is more convenient and is to be conducted by a method by which the respective members of the Governing Body can communicate each with each other.
- (r) The quorum for an Ordinary Meeting is 50% of the total number of persons holding office on the Governing Body, plus one (1).
- (s) Despite sub-rule (r) the quorum for an ordinary meeting of the Member Council is:
  - (i) 50% of the total number of persons holding office on Member Council, plus one (1); and
  - (ii) must comprise at least 50% of the Member Councillors who hold office under paragraph 32(c)(i).
- (t) Subject to sub-rule (u), if no quorum is present at an Ordinary Meeting within 30 minutes after the time fixed for the commencement of the meeting, the meeting is adjourned for seven (7) days to the Principal Office at the same time for commencement and those members of the Governing Body in attendance, within 15 minutes of the time for commencing the meeting, will be quorum.

- (u) If, at an Ordinary Meeting of the National Executive or the National Executive Committee, no quorum is present at the expiry of 30 minutes after the time fixed for the commencement of the meeting, then:
  - (i) the meeting will be adjourned, as determined by the National Secretary, for not less than one (1) day nor more than five (5) days;
  - (ii) the respective members will be given notice by the National Secretary, by the means available, of the date, time and place to which the meeting has been adjourned; and
  - (iii) if at the adjourned meeting no quorum is present, those present are quorum for the purpose of the business to be determined.
- (v) The Union must pay reasonable travel expenses to an Officer attending an Ordinary Meeting.

***Voting***

- (w) A question arising at an Ordinary Meeting will wherever possible be determined by consensus, provided that a question arising at the meeting which cannot be determined by consensus will, unless these rules otherwise require, be determined by a simple majority of the votes entitled to be cast by those present, in person or by proxy, and entitled to vote at the meeting.
- (x) At an Ordinary Meeting a member of the Governing Body, including the Chair, has a deliberative vote only.

***Late Items of Business***

- (y) Items of business not included in the agenda for an ordinary meeting of a Governing Body can only be considered at the ordinary meeting if a three-quarter (3/4) majority of the Officers in attendance at the meeting of the respective Governing Body determine to do so.

***Waiver of Notice***

- (z) A member of a Governing Body may at any time waive the period of notice required in relation to an Ordinary Meeting.

41. A SPECIAL MEETING OF A GOVERNING BODY

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

<b>A</b>	<b>B</b>
Governing Body	Convention; Member Council; National Executive; and National Executive Committee

Special Meeting	a meeting of a Governing Body that is not an ordinary meeting or out of session ballot
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***Calling***

- (b) A Special Meeting of the Convention will be held on the requisition of the:
  - (i) Member Council; or
  - (ii) National Executive.
- (c) A Special Meeting of the Member Council will be held as soon as practicable on the:
  - (i) requisition of the:
    - A Member Council;
    - B National Executive;
    - C National President;
    - D National Secretary; or
  - (ii) written requisition of 10 members of the Member Council.
- (d) A Special Meeting of the National Executive or the National Executive Committee will be held as soon as practicable on the requisition of:
  - (i) the National President when the National President considers that a matter of business needs urgent attention;
  - (ii) the National Secretary when the National Secretary considers that a matter of business needs urgent attention; or
  - (iii) five (5) members of the National Executive when those members consider that a matter of business needs urgent attention; or
  - (iv) on the requisition of two (2) members of the National Executive Committee when those members consider that a matter of business needs urgent attention.
- (e) A requisition under sub-rules (b), (c) or (d) must set out the business to be dealt with at the Special Meeting and be provided to the National Secretary.

***Notice***

- (f) The National Secretary will give the members of a respective Governing Body notice of a Special Meeting as is practicable, but at least 72 hours' notice must be given by the means available, except for:
  - (i) a Special Meeting of the Convention where at least 14 days notice must be given; and
  - (ii) a Special Meeting of the National Executive Committee where only 48 hours notice must be given.

***Business***

- (g) The business to be dealt with at a respective Special Meeting is the business respectively requisitioned under sub-rules (b), (c) or (d).

***Conduct***

- (h) A Special Meeting will be held at the Principal Office unless the National Secretary determines that another location is more convenient.
- (i) A Special Meeting is to be conducted by a method by which the members of the Governing Body can communicate each with each other.
- (j) The quorum for a Special Meeting is a simple majority of the members of the Governing Body, who are entitled to attend and vote at the meeting, plus one (1).
- (k) If, at a Special Meeting, no quorum is present within 30 minutes after the time fixed for the commencement of the Special Meeting, the meeting lapses.

***Voting***

- (l) A question arising at a Special Meeting will wherever possible be determined by consensus, provided that a question arising at the meeting which cannot be determined by consensus will, unless these rules otherwise require, be determined by a simple majority of the votes entitled to be cast by those present, in person or by proxy, and entitled to vote at the meeting.
- (m) A member of the Governing Body, including the Chair, has a deliberative vote only at a Special Meeting.

***Waiver of Notice***

- (n) A member of a Governing Body may at any time waive the period of notice required in relation to a Special Meeting.

42. PROXY

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

<b>A</b>	<b>B</b>
Governing Body	Member Council; and National Executive

- (b) A member of a Governing Body unable to attend a meeting of the Governing Body will notify the National Secretary.
- (c) A member of a Governing Body who is unable to be present at the whole, or any part, of a meeting or participate in a ballot of the Governing Body may, subject to this rule, in writing or by e-mail give notice to the National Secretary that they appoint another member of the Governing Body to act as their proxy.
- (d) A member of a Governing Body may, at a meeting of the Governing Body, exercise no more than one (1) proxy vote at a meeting of the Governing Body.
- (e) A meeting of a Governing Body under sub-rule (d) does not include an out-of-session ballot.
- (f) The notice under sub-rule (c) must be made at least 24 hours prior to the commencement of the meeting they are to attend.
- (g) The appointment of a proxy under this rule may be for:
  - (i) a single meeting;
  - (ii) a single ballot; and/or
  - (iii) a period of time.
- (h) A proxy has, in relation to meeting for which they are appointed under sub-rule (c), all the powers of the Officer they represent.
- (i) A member of a Governing Body, appointed as a proxy under sub-rule (c), is entitled to exercise their own vote together with the vote of the Officer for whom they are appointed as proxy.
- (j) An officer appointing a proxy under this rule must, as far as they are practically able to, have regard to these rules where they provide that the members of the Governing Body must at least be 50% women.

43. A DETERMINATION OF A GOVERNING BODY OUT OF SESSION

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

<b>A</b>	<b>B</b>
Governing Body	Convention; Member Council; National Executive; and National Executive Committee

- (b) An out of session ballot of a Governing Body may be conducted where the National Secretary considers that a matter needs to be dealt with expeditiously by a ballot of that Governing Body.
- (c) Without limitation to sub-rule (b) the:
  - (i) Member Council; or
  - (ii) National Executive,
    - may direct the National Secretary to conduct an out of session ballot of a Governing Body, where it determines that a matter needs to be dealt with expeditiously by a ballot of that Governing Body.
- (d) An out of session ballot is to be conducted by means of:
  - (i) post;
  - (ii) e-mail;
  - (iii) text message;
  - (iv) other electronic communication; and/or
  - (v) a mixture of those means.
- (e) Where an out of session ballot of a Governing Body is conducted:
  - (i) the National Secretary will determine a time limit within which the ballots must be received, but which is no less than 14 days, provided that the National Secretary may determine a shorter time limit for e-mail/text message/electronic ballots;
  - (ii) in a ballot for a Governing Body 50% of the members of the Governing Body casting a ballot plus one (1) in the time limited under paragraph (i), constitutes a quorum; and
  - (iii) determination of the ballot will, unless these rules otherwise require, be by simple majority of the votes cast.

44. ORDER OF BUSINESS

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

A	B
Governing Body	Convention; Member Council; and National Executive

- (b) The standing order for a meeting of a Governing Body, unless the meeting determines to adopt a different order, is:
  - (i) attendance and apologies;

- (ii) minutes;
  - (iii) business arising out of the minutes;
  - (iv) correspondence;
  - (v) financial statements and accounts;
  - (vi) reports;
  - (vii) business as notified; and
  - (viii) general business on notice.
- (c) Despite sub-rule (b), the standing order for a Special Meeting of a Governing Body is:
- (i) attendance and apologies; and
  - (ii) business as notified.

45. CHAIR OF A GOVERNING BODY MEETING

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

<b>A</b>	<b>B</b>
Governing Body	Convention; Member Council; National Executive; and National Executive Committee

- (b) This rule does not apply to a meeting held out of session.
- (c) The Chair of a meeting of a Governing Body is the National President.
- (d) Despite sub-rule (c), if the National President is either not present within 15 minutes of the time the meeting is to commence, or if present is unable or unwilling to chair, then if the National Vice-President determined by the National President to act in the absence of the National President is present, and able and willing to chair, then that National Vice-President will chair the meeting.
- (e) Despite sub-rule (d), if the National Vice-President determined by the National President to act in the absence of the National President is either not present within 15 minutes of the time the meeting is to commence, or if present is unable or unwilling to chair, then if a National Vice-President is present, and able and willing to chair, then that National Vice-President will chair the meeting, provided that if there is more than one (1) National Vice-President present, the National Vice-Presidents present will determine which of them is to chair the meeting.
- (f) Despite sub-rule (e), when a National Vice-President is to chair and a National Vice-President is either not present within 15 minutes of the time the meeting is to

commence, or if present is unable or unwilling to chair, then the meeting will elect a member of the Governing Body to chair the meeting.

- (g) A person chairing a meeting of a Governing Body will:
- (i) exercise the powers of the chair under Schedule 3;
  - (ii) ensure the meeting is conducted with propriety;
  - (iii) ensure the meeting is conducted with impartiality; and
  - (iv) take the steps necessary to conduct the business of the meeting effectively and efficiently.

#### 46. MINUTE BOOK

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

<b>A</b>	<b>B</b>
Governing Body	Convention; Member Council; National Executive; National Executive Committee; and Governance, Finance and Risk Committee

- (b) The minutes of each meeting of a Governing Body, which are the record of the proceedings and resolutions of meetings of the Governing Body, will be prepared as soon as practicable by the National Secretary and provided to each member of the Governing Body.
- (c) Upon confirmation, at the next meeting of the Governing Body, the minutes will be signed by the chair of that meeting.
- (d) A copy of the minutes of each Governing Body meeting will, upon their being confirmed:
- (i) be forwarded to each member of the respective Governing Body;
  - (ii) be forwarded, if minutes of the National Executive, to the members of the Member Council;
  - (iii) be forwarded, if minutes of the National Executive Committee, to the members of the National Executive;
  - (iv) be forwarded, if minutes of the Governance, Finance and Risk Committee, to the members of the Member Council;
  - (v) be stored at, or if kept in electronic form be accessible at, the Principal Office during Business Hours; and
  - (vi) are prima facie evidence under these rules of the matters set out in them.

- (e) The minutes of each meeting of the Governing Bodies will be prepared in compliance with the Act.

47. RULES OF DEBATE

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

A	B
Governing Body	Convention; Member Council; National Executive; National Executive Committee; and Governance, Finance and Risk Committee

- (b) The rules of debate set out in Schedule 3 will be adhered to as far as practicable at all meetings of a Governing Body.

**SECTION 6: OFFICERS AND REPRESENTATIVES OF THE UNION**

48. GENERAL OBLIGATIONS OF OFFICERS

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

A	B
Determinations	are the determinations of a Governing Body made under these rules
Governing Body	Convention; Member Council; National Executive; and National Executive Committee

- (b) An Officer must:
- (i) advance the:
    - A Purpose; and
    - B Objects;
  - (ii) comply with and uphold these rules; and
  - (iii) abide by Determinations.
- (c) Without limitation to sub-rule (b), a National Officer:
- (i) must report to the National Executive on all matters undertaken by the National Officer between meetings of the National Executive;
  - (ii) must perform further duties determined by the National Executive; and

- (iii) is responsible to the Members, the Convention, the Member Council and the National Executive for ensuring the implementation of Determinations.
- (d) A National Officer is:
  - (i) full-time; and
  - (ii) paid.
- (e) A National Officer will not during their term of office:
  - (i) be employed other than by the Union;
  - (ii) be engaged as a contractor other than by the Union; or
  - (iii) hold an office other than the Offices to which they are elected under these rules,
 

without the consent of the National Executive and on the conditions that the National Executive determines.

49. NATIONAL PRESIDENT

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

A	B
Determinations	are the determinations of a Governing Body made under these rules
Governing Body	Convention; Member Council; National Executive; and National Executive Committee

- (b) The National President is to ensure these rules are upheld by Officers, Employees and Members.
- (c) The National President is a spokesperson for the Union, in consultation with the National Secretary.
- (d) The National President, unless exceptional circumstances apply, will chair meetings of a Governing Body.
- (e) The National President is an ex-officio member of each Union Sub-Committee and may, without limitation to sub-rule (d), if present, chair meetings of any such committee.
- (f) The National President will, in consultation with the other National Officers, ensure that opportunities are provided for Members to participate in local and regional meetings to obtain information on the activities of the Union.
- (g) The National President will exercise the powers and perform the functions and duties of the National Secretary:

- (i) in the temporary absence of the National Secretary; or
  - (ii) whenever the National Secretary requests the President do so.
- (h) Where the National President reasonably considers that these rules may not have been complied with by an Officer or Member, the National President may request the respective Officer or Member to:
- (i) explain the non-compliance;
  - (ii) correct the non-compliance; and/or
  - (iii) otherwise deal with the issue of non-compliance.
- (i) The National President must report to the National Executive a request made under sub-rule (h), and the response of the Officer or Member (as the case may be) to the request.
- (j) The National President has the other powers and duties provided under these rules.

50. NATIONAL VICE-PRESIDENT

- (a) The National Executive will determine the:
- (i) duties to be performed by a National Vice-President; and
  - (ii) the Work Portfolio that a National Vice-President has responsibility for, either individually or with other Officers.
- (b) The performance of the duty under sub-rule (a) is subject to the approval of the National Executive.
- (c) A National Vice-President, as determined by the National President, will exercise the powers and perform the functions and duties of the National President:
- (i) in the temporary absence of the National President; or
  - (ii) whenever the National President requests a National Vice-President do so, provided that nothing prevents the National President from making a determination under paragraph (i) in advance of a temporary absence.
- (d) If the National President has not made a determination under sub-rule (c) for the purposes of paragraph (c)(i), the National Executive may do so.

51. NATIONAL SECRETARY

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

<b>A</b>	<b>B</b>
----------	----------

Agents	an agent engaged to perform work for the Union
Contractor	a contractor or sub-contractor engaged to perform work for the Union
Determination	the determination of a Governing Body made under these rules
Governing Body	Convention; Member Council; National Executive; National Executive Committee; and Governance, Finance and Risk Committee

- (b) The National Secretary will, subject to these rules, between the meetings of the National Executive Committee, conduct the business of the Union.
- (c) Without limitation to sub-rule (b), the National Secretary has the power and responsibility to:
- (i) action the determinations of the:
    - A Convention;
    - B Member Council; and
    - C National Executive;
  - (ii) commence an action in the name of the Union;
  - (iii) defend an action in the name of the Union;
  - (iv) maintain the records of the Union under the Act;
  - (v) maintain the Financial Records under the Act;
  - (vi) ensure compliance with the Act;
  - (vii) provide notice, and make declarations, on behalf of the Union;
  - (viii) notify industrial disputes under the Act; and
  - (ix) be the designated officer of the Union under the Act, subject to a Determination of the National Executive that another National Officer perform the function.
- (d) The National Secretary has the other powers and duties provided under these rules.
- (e) The National Secretary is a member of each Governing Body and an ex-officio member of each Union Sub-Committee and may attend meetings of any such committee to provide a report.

- (f) The National Secretary will, subject to a determination of the National Executive:
  - (i) be responsible for appointing and dismissing Employees, Contractors and Agents; and
  - (ii) administer appointments of representatives determined under rule 54.
- (g) Despite sub-rule (f) the National Secretary has no power to dismiss an Employee who is an Officer, unless the Officer has been removed from office under rule 84 and an appeal (if any) under rule 85 has been determined against the officer.
- (h) Subject to this rule, a Determination of the National Secretary, when exercising a power granted to the National Secretary under these rules, binds the Officers and Members.
- (i) Despite sub-rule (b), the National Secretary cannot exercise a power expressly reserved by these rules to only be exercised by, respectively, the:
  - (i) Convention;
  - (ii) Member Council;
  - (iii) National Executive; or
  - (iv) another National Officer.

52. NATIONAL EXECUTIVE MEMBERS

- (a) The National Executive will determine the:
  - (i) duties to be performed by a National Executive Member; and
  - (ii) the Work Portfolio that a National Executive Member has responsibility for, either individually or with other Officers.
- (b) The performance of the duty under sub-rule (a) is subject to the approval of the National Executive.

53. OFFICERS REGISTER

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

A	B
Officer Information	the information about an Officer under sub-rule (b)

- (b) The National Secretary will maintain an Officers Register containing, as far as the National Secretary is able to determine, the following information in relation to each Officer:
  - (i) name;

- (ii) postal address;
- (iii) occupation; and
- (iv) other information required by the:

A Act; and/or

B National Executive.

- (c) An Officer changing their Officer Information must notify the National Secretary who will, as soon as practicable and to the extent required by the Act, amend the Officers Register.
- (d) The Officers Register is, in the event of an Officer failing to notify a change of their Officer Information under this rule, conclusive proof under these rules of the matters set out in the Officers Register.

#### 54. REPRESENTATIVES

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

A	B
Representative	is a representative appointed under sub-rule (b)

- (b) Representation on bodies to which the Union is affiliated or on which the Union is represented will be determined by the National Executive.
- (c) A Representative will hold their appointment, in the absence of a specified term:
  - (i) until the appointment is terminated; and
  - (ii) subject to the conditions determined by the National Executive
- (d) A Representative must, to the extent practicable, conduct themselves when acting as a Representative:
  - (i) under these rules; and
  - (ii) in accordance with the determinations of the:
    - A Member Council;
    - B National Executive;
    - C National Executive Committee; and

D National Secretary.

- (e) A Representative may be replaced by a determination of the Member Council.

**Section 7: Administration and Finance**

55. FINANCIAL YEAR

- (a) The financial year for the Union is the year commencing 1 July and ending 30 June in the year following.

56. NATIONAL FUND

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

A	B
National Fund	the property of the Union under sub-rule (d)
Asset	has the meaning provided by section 35 of the Act

- (b) The Union may raise funds by Membership Contributions, fees, Levies, accretions to funds held, by investment and other lawful means.
- (c) The funds of the Union will be held in a form convenient for attaining the Objects.
- (d) The National Fund consists of:
  - (i) funds raised under sub-rule (b);
  - (ii) fines recovered from Industrial Members; and
  - (iii) Assets.
- (e) The National Fund may only be disbursed for the management of the Union and advancing the Objects.
- (f) The National Fund not presently required for disbursement under sub-rule (e) may be held in the form determined by the Member Council but must be held in the name of the Union.
- (g) Despite sub-rule (f), property held by an Officer, an Employee or a Member, whether expressed to be held in the name of the Union or not, is held on trust by that person for, and on behalf of, the Union.
- (h) An Officer, an Employee or a Member must account to the Union for property they hold under sub-rule (g).
- (i) The National Secretary may direct an Officer, an Employee or a Member holding property under sub-rule (g) to deliver the property to the Union, and that person must promptly comply with that demand.

- (j) Subject to sub-rule (l) the National Secretary together with such other members of the National Executive, as only the National Executive may determine, and subject to Policy, make investments and withdraw from the National Fund.
- (k) Despite sub-rule (j) the National Executive may delegate authority to the National Secretary to determine withdrawals from the National Fund, provided that such delegation provides only for withdrawals in relation to:
  - (i) recurrent expenditure;
  - (ii) budgeted expenditure;
  - (iii) specific expenditure; and/or
  - (iv) expenditure to a limit.
- (l) Withdrawals from the National Fund, including by way of cash, cheque and electronic funds transfer, must be approved by two (2) National Officers.

#### 57. INDEMNITY AND INSURANCE

- (a) The Union is responsible for the authorised acts of its Officers and Employees and will indemnify its Officers and Employees in respect of payments made and liabilities incurred by them, if the act, payment or liability respectively performed, made or incurred by an Officer or an Employee was:
  - (i) within the scope of the Officer's or the Employee's authority;
  - (ii) in the ordinary and proper conduct of the business of the Union;
  - (iii) in the honest and reasonable discharge of the Officer's or the Employee's respective office or employment; and
  - (iv) in good faith.
- (b) The Union will, subject to the provisions contained in sub-rule (a), indemnify the persons mentioned in sub-rule (a) against liability for a loss or damage, though the loss or damage may have occurred by reason of negligence, a reasonable mistake, error, oversight or omission on the part of the person concerned.
- (c) To the extent permitted by the Act, the Union may insure and/or pay a premium on a policy of insurance for the Officers and Employees against liability that the Union indemnifies an Officer or an Employee for under this rule.
- (d) An Officer may vote in favour of a resolution that the Union grant an indemnity pursuant to sub-rule (b), take insurance and/or pay the premiums on an insurance policy pursuant to sub-rule (c), even though the Officer has a direct and material interest in the outcome of the resolution.
- (e) Nothing in this rule prevents the Member Council from indemnifying persons who are not the subject of the indemnity provided under this rule.

58. LOANS, GRANTS OR DONATIONS

- (a) A loan, grant or donation of an amount exceeding \$1,000.00 will not be made by the Union from the Fund unless the National Executive:
  - (i) has satisfied itself:
    - A that the making of the loan, grant or donation would be in accordance with these rules; and
    - B in relation to a loan, that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
  - (ii) has approved the making of the loan, grant or donation.

59. AUDITOR

- (a) A yearly audit of the accounts of the Union will be conducted by an auditor appointed under this rule who is qualified under the Act.
- (b) The auditor will be appointed by the National Executive and the appointment will continue unless the auditor resigns, dies or is replaced by the National Executive.
- (c) Where the auditor resigns or dies, the National Executive will, as soon as practicable, replace the auditor under these rules.
- (d) The auditor will audit the financial accounts of the Union for the Financial Year and will promptly present those audited financial accounts and report to the National Executive.

60. SPECIAL MEETING TO CONSIDER THE FINANCIAL REPORTS

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

A	B
Request	the request made under sub-rule (b)

- (b) Upon a request in writing by no less than five per cent (5%) of the Industrial Members, the National Secretary is to convene a general meeting of the Industrial Members for the purposes of considering the Financial Reports as described in the Act.
- (c) The Request, to be valid, must:
  - (i) be signed by no less than five per cent (5%) of the Industrial Members as at the date of receipt of the Request; and
  - (ii) contains, in relation to each signature:

- A the date of signing; and
- B the signatory's name in capital letters.

61. UNION TO DEVELOP EXPENDITURE POLICIES

- (a) The Member Council will develop, and the National Executive will implement, policies and procedures relating to the expenditure of the Union.

62. INDUSTRIAL AGREEMENTS AND EXECUTION

- (a) Agreements that apply to Industrial Members and Documents may be executed by, or on behalf of, the Union by:
  - (i) the National Secretary; or
  - (ii) a National Executive member approved by the National Executive.
- (b) Applications made by the Union are to be executed by:
  - (i) the National Secretary;
  - (ii) another National Officer directed by the National Executive to perform the function; or
  - (iii) another person as the Act may require.

63. SEAL

- (a) The National Secretary, or another National Officer directed by the National Executive to perform the function, together with another member of the National Executive will, in respect of Documents required to be under seal, apply the Union's seal and execute the Documents under seal.

64. NOTIFYING INDUSTRIAL DISPUTES

- (a) The National Secretary will, subject to a determination of the National Executive that another National Officer perform the function, notify the Fair Work Commission of industrial disputes on behalf of the Union.

65. COPY OF THE RULES AND INSPECTION OF RECORDS

- (a) A Member is entitled, in accordance with the Act, to request from the National Secretary a:
  - (i) copy of these rules;

- (ii) amendments made to these rules since a specified time; and
  - (iii) a list of the persons holding office in the Union.
- (b) A Financial Industrial Member may inspect the registers, minutes and Financial Records of the Union in accordance with the Act.
- (c) Where the Member Council has determined under these rules to apply a code of conduct to Members, then a copy of that code must be placed on the Union Website and a copy provided to a Member requesting the code.

#### 66. REGULATIONS

- (a) The Member Council, or the National Executive, may make administrative regulations for the administration of the Union.
- (b) An administrative regulation made under sub-rule (a) must be consistent with these rules.
- (c) Administrative regulations made under sub-rule (a) by the National Executive may be amended by either the Member Council or the National Executive.
- (d) Administrative regulations made under sub-rule (a) by the Member Council, or amendments made under sub-rule (c) by the Member Council, may only be amended by the Member Council.
- (e) Where the Member Council or National Executive has made, or amended, an Administrative Regulation under these rules, the National Secretary must promptly place a copy of the Administrative Regulation, as made or amended, on the Union Website.

#### 67. NOTICE TO MEMBERS

- (a) A notice to be given under these rules to a Member, can be given, unless otherwise required by the Act, by means of:
- (i) an advertisement in the Journal;
  - (ii) a public notice in a newspaper circulated in each state;
  - (iii) the Union Website;
  - (iv) being posted at a conspicuous place at a Member's place of employment;
  - (v) post to a Member;
  - (vi) e-mail communication to a Member; and/or
  - (vii) another means by which notice can be given to bring the notice, as far as is practicable, to the attention of a Member.

- (b) A notice delivered by the Union in accordance with a member's Member Information or in accordance with the member's Member Record, if the member is not an Industrial Member, is, for the purposes of these rules, deemed to have been received by the respective Member.
- (c) The non-receipt of a notice by a Member does not invalidate a meeting held in accordance with a respective notice.

### **Section 8: Elections and Ballots**

#### **68. RETURNING OFFICER**

- (a) The National Executive will appoint a Returning Officer when required.
- (b) The Returning Officer will not be:
  - (i) the holder of an office in; or
  - (ii) an employee of,  
the Union.
- (c) The Union's Returning Officer will be responsible for the conduct of ballots of the Union as required under these rules, except where an election for an office must be conducted by the Australian Electoral Commission.
- (d) In the event of a Returning Officer being unable to discharge the duties of the Returning Officer, the National Executive will appoint a replacement Returning Officer.
- (e) The National Executive will appoint Deputy Returning Officers if required to assist the Returning Officer.
- (f) A Deputy Returning Officer will not be:
  - (i) the holder of an office in; or
  - (ii) an employee of,  
the Union.
- (g) The Returning Officer may delegate a power, role or responsibility of the Returning Officer under these rules to a Deputy Returning Officer.

#### **69. ELECTIONS**

- (a) The election of Officers will, subject to this rule:
  - (i) occur every four (4) years; and
  - (ii) be conducted under these rules.

- (b) The Convention Delegates are to be elected by, and from, the Financial Industrial Members.
- (c) The Member Councillors are to be elected by, and from, the Convention.
- (d) The National Officers are to be elected by, and from, the Convention.
- (e) The Returning Officer may, for the conduct of an election under these rules, where it is practicable to do so, utilise an electronic balloting system as an alternative to the paper balloting system.
- (f) The Returning Officer must ensure that the electronic balloting system utilised under sub-rule (e) provides:
  - (i) for the security and secrecy of an election ballot to the same extent that these rules provide; and
  - (ii) that each Industrial Member entitled to vote in an election under these rules is given the opportunity to vote.
- (g) The Returning Officer may conduct an election partly by means of a paper balloting system and partly by means of an electronic balloting system, provided that the Returning Officer ensures that:
  - (i) the electronic balloting system utilised provides for the matters set out under paragraph (f)(i); and
  - (ii) that in conjunction with the paper ballot each Industrial Member entitled to vote in an election under these rules is given the opportunity to vote.

#### 70. QUALIFICATION OF CANDIDATES FOR OFFICE

- (a) To be eligible to nominate as a candidate for Convention Delegate a member must:
  - (i) be a Financial Industrial Member at the close of nominations; and
  - (ii) have been a Financial Industrial Member continuously for the 12 months immediately prior to the opening of nominations.
- (b) To be eligible to nominate as a candidate for Member Councillor a member must:
  - (i) be a Financial Industrial Member at the close of nominations;
  - (ii) be a Convention Delegate; and
  - (iii) have been a Financial Industrial Member continuously for the 12 months immediately prior to the opening of nominations.
- (c) To be eligible to nominate as a candidate for a National Office a member must:
  - (i) be a Financial Industrial Member at the close of nominations;

- (ii) be a Convention Delegate;
- (iii) have been a Financial Industrial Member continuously for the 12 months immediately prior to the opening of nominations; and
- (iv) during the 12 months immediately prior to the close of nominations have been:
  - A regularly employed in an Occupation;
  - B a National Officer; or
  - C an Official.

#### 71. NOMINATION

- (a) No member is eligible to nominate in a Quadrennial Election for more than one (1):
  - (i) office of Convention Delegate;
  - (ii) office of Member Councillor; or
  - (iii) National Office.
- (b) Sub-rule (a) does not prevent a Convention Delegate, otherwise entitled under these rules, from nominating for an office of:
  - (i) Member Councillor; or
  - (ii) a National Officer.

#### 72. ELECTION OF CONVENTION DELEGATES

- (a) Convention Delegates will, subject to these rules, be elected by, and from, each Electorate.
- (b) An election under sub-rule (a) will be conducted in accordance with the Election Procedure Rules.

#### 73. CONVENTION DELEGATES – AFFIRMATIVE ACTION

- (a) In the event that, at the declaration of the election of Convention Delegates, the number of women elected does not equal or exceed the 50% required under sub-rule 29(d), the Returning Officer will call for further nominations, and hold elections, for sufficient additional offices of Convention Delegate to ensure sub-rule 29(e) is achieved.

- (b) Only female Financial Industrial Members, otherwise eligible under sub-rule 70(a), may nominate for an additional office under sub-rule (a).

74. ELECTION OF MEMBER COUNCILLORS AND NATIONAL OFFICERS

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

A	B
Election Meeting	is the Quadrennial Convention

- (b) Member Councillors and National Officers will, subject to these rules, be elected by, and from, the Convention as the electoral college in an election under sub-rule (b) conducted under this rule.
- (c) The Returning Officer will, 21 days prior to the commencement of the Election Meeting, seek nominations from the Convention Delegates in the manner provided under the Election Procedure Rules.
- (d) Nominations close 14 days prior to the commencement of the Election Meeting.
- (e) A candidate must be nominated in writing by at least two (2) Convention Delegates, and the nomination signed by the person nominating.
- (f) If the Returning Officer finds that a nomination is defective, the Returning Officer will, before rejecting the nomination, notify the person concerned of the defect and, where able to do so, give the person the opportunity to remedy the defect.
- (g) A candidate for office may, by written request to the Returning Officer, withdraw the candidate’s nomination prior to voting in the ballot commencing.
- (h) The Returning Officer will notify each Convention Delegate of the opening and closing times of the ballots, provided that despite rule 44 the conduct of the ballots are to commence during the first day of the Quadrennial Convention.
- (i) If at the close of nominations, and subject to the provision of affirmative action under these rules, only the required number of nominations have been received, the Returning Officer will declare to the Convention those candidates elected.
- (j) If there are more than the required number of candidates, the Returning Officer will conduct a ballot at the Election Meeting.
- (k) The ballot will be:
  - (i) conducted as a secret ballot; and
  - (ii) subject to the provision of affirmative action under these rules.
- (l) The ballot will, subject to paragraph (k)(ii), be determined by means of a first past the post system of voting.

- (m) A candidate may, in the manner provided under the Election Procedure Rules, appoint a scrutineer.
- (n) A person appointed as a scrutineer under sub-rule (m) has the same rights and obligations as a scrutineer appointed under the Election Procedure Rules.
- (o) The Returning Officer will, in the manner required under the Election Procedure Rules:
  - (i) prepare ballot papers; and
  - (ii) provide a ballot box.
- (p) The Returning Officer will initial and provide to each Convention Delegate a ballot paper.
- (q) In a ballot for multiple vacancies in an office, a Convention Delegate may cast a vote for a candidate for each of the offices to be filled.
- (r) A Convention Delegate will cast a vote by:
  - (i) placing a cross, or other mark, against the name of the candidate they wish to vote for; and
  - (ii) placing their completed ballot paper in the ballot box under the control of the Returning Officer.
- (s) A Convention Delegate who will not be present at the Election Meeting may lodge a request with the Returning Officer for an absentee vote, together with an address where the Convention Delegate can receive communications, and, if a member has done so, the Returning Officer will not declare the result of the ballot until the Convention Delegate concerned has been given a reasonable opportunity to vote.
- (t) The Returning Officer will, in the manner required under Election Procedure Rules:
  - (i) count the votes;
  - (ii) subject to paragraph (k)(ii), declare the candidate securing the highest number of votes elected; and
  - (iii) as soon as practicable, declare the result to the Convention.
- (u) A candidate declared elected under paragraph (t)(iii) by the Returning Officer takes office under rule 78.
- (v) Where the Member Council has made a determination under paragraph 33(m)(iii), candidates for Member Councillor or for a National Office may nominate as a team in the manner provided under the Election Procedure Rules.
- (w) Where a team has nominated under sub-rule (v):

- (i) a Convention Delegate, may vote by only marking that part of the ballot paper that provides for the recording of a team vote; and
- (ii) the Returning Officer will count the ballot in the manner required under the Election Procedure Rules where a team has nominated.

75. MEMBER COUNCILLORS – AFFIRMATIVE ACTION

- (a) If at the declaration of the election of Member Councillors the number of women elected as Member Councillors does not equal or exceed the 50% required under sub-rule 31(b), the Returning Officer will call for further nominations, and hold elections, for sufficient additional officers of Member Councillor to ensure sub-rule 31(b) is achieved.
- (b) Only female Convention Delegates, otherwise eligible under sub-rule 70(b), may nominate for an additional office under sub-rule (a).

76. NATIONAL EXECUTIVE – AFFIRMATIVE ACTION

- (a) For the purposes of sub-rule 35(g), at each Quadrennial Election, the elections for National Executive Members will occur after the declaration of the elections for the following offices:
  - (i) National President;
  - (ii) National Vice-Presidents; and
  - (iii) National Secretary.
- (b) In the event that, at the declaration of the election for National Executive Members, the number of women elected as National Executive Members does not equal or exceed the 50% required under sub-rule 35(g), taking into account the number of women elected to the offices under sub-rule(a), the Returning Officer will call for further nominations, and hold elections, for sufficient additional offices of National Executive Member to ensure sub-rule 35(g) is achieved.
- (c) Only female Convention Delegates may nominate for an additional office under sub-rule (b).

77. NATIONAL EXECUTIVE COMMITTEE – AFFIRMATIVE ACTION

- (a) For the purposes of rule 37(b) at each Quadrennial Election the declaration of the elections for the offices of National President and National Secretary will occur in the following order:
  - (i) National President; and
  - (ii) National Secretary.

- (b) Where a male candidate has been declared elected to the office of National President a female candidate will be declared elected to the office of National Secretary as follows, if there:
  - (i) is only one female candidate for the office of National Secretary, then that candidate;
  - (ii) was more than one female candidate for the office of National Secretary, then the female candidate who received the highest number of votes of the female candidates; or
  - (iii) were no female candidates for the office of National Secretary, the election will not be declared in relation to the office of National Secretary and nominations will be recalled by the Returning Officer for the office of National Secretary, provided that only female members, who are otherwise eligible, may nominate in that election to be conducted under these rules.
- (c) For the purposes of rule 37(c) at each Quadrennial Election the declaration of the elections for the offices of National Vice-President will occur in the following order:
  - (i) National Vice-President (for the purposes of this sub-rule ‘first office’);
  - (ii) National Vice-President (for the purposes of this sub-rule ‘second office’);
  - (iii) National Vice-President (for the purposes of this sub-rule ‘third office’); and
  - (iv) National Vice-President (for the purposes of this sub-rule ‘fourth office’).
- (d) Where male candidates have been declared elected to the office of National Vice-President (first office) and National Vice-President (second office) female candidates will be declared elected to the office of National Vice-President (third office) and National Vice-President (fourth office) as follows, if there:
  - (i) are only two (2) female candidates for the offices of National Vice-President (third office) and National Vice-President (fourth office), then those candidates;
  - (ii) was more than two (2) female candidates for the offices of National Vice-President (third office) and National Vice-President (fourth office), then the female candidates who received the highest number of votes of the female candidates; or
  - (iii) were no female candidates for the office of National Vice-President (third office) and National Vice-President (fourth office), the elections will not be declared in relation to the office of National Vice-President (third office) and National Vice-President (fourth office) and nominations will be recalled by the Returning Officer for the office of National Vice-President (third office) and National Vice-President (fourth office), provided that only female members, who are otherwise eligible, may nominate in that election.

- (e) Where a male candidate has been declared elected to the office of National Vice-President (first office), a female candidate has been declared elected to the office of National Vice-President (second office) and a male candidate has been declared elected to the office of National Vice-President (third office), a female candidate will be declared elected to the office of National Vice-President (fourth office) as follows, if there:
  - (i) is only one (1) female candidate for the office of National Vice-President (fourth office) then that candidate;
  - (ii) was more than one (1) female candidate for the office of National Vice-President (fourth office), then the female candidate who received the highest number of votes of the female candidates; or
  - (iii) were no female candidates for the office of National Vice-President (fourth office), the election will not be declared in relation to the office of National Vice-President (fourth office), and nominations will be recalled by the Returning Officer for the office of National Vice-President (fourth office), provided that only female members, who are otherwise eligible, may nominate in that election.
  
- (f) Where a female candidate has been declared elected to the office of National Vice-President (first office), a male candidate has been declared elected to the office of National Vice-President (second office) and a male candidate has been declared elected to the office of National Vice-President (third office), a female candidate will be declared elected to the office of National Vice-President (fourth office) as follows, if there:
  - (i) is only one (1) female candidate for the office of National Vice-President (fourth office) then that candidate;
  - (ii) is more than one (1) female candidate for the office of National Vice-President (fourth office), then the female candidate who received the highest number of votes of the female candidates; or
  - (iii) are no female candidates for the office of National Vice-President (fourth office), the election will not be declared in relation to the office of National Vice-President (fourth office), and nominations will be recalled by the Returning Officer for the office of National Vice-President (fourth office), provided that only female members, who are otherwise eligible, may nominate in that election.

## 78. TERM OF OFFICE

- (a) The term of office for a:
  - (i) Convention Delegate is four (4) years and commences on 1 July in the year of the Quadrennial Election;

- (ii) Member Councillor or National Officer is four (4) years and commences on the first day of the Quadrennial Convention, when they are declared elected:
  - A under sub-rule 74(i); or
  - B under paragraph 74(t)(iii).
- (b) A Convention Delegate, subject to paragraph (a)(i) holds office under these rules, unless they earlier:
  - (i) die;
  - (ii) resign in writing to the National Secretary; or
  - (iii) otherwise cease to hold their office under these rules.
- (c) A Member Councillor holds office until their successor is elected in elections held under these rules, unless they earlier:
  - (i) die;
  - (ii) resign; or
  - (iii) otherwise cease to hold the office under these rules.
- (d) A National Officer holds office until their successor is elected in elections held under these rules, unless they earlier:
  - (i) die;
  - (ii) resign; or
  - (iii) otherwise cease to hold the office under these rules.
- (e) An Officer is taken to have also resigned their office if the Officer resigns from membership of the Union.
- (f) A Convention Delegate holds office, subject to sub-rules (b) and (e), irrespective of whether they continue to reside in the Electorate from which they were elected.
- (g) A Member Councillor holds office, subject to sub-rules (c) and (e), irrespective of whether they continue to hold office as a Convention Delegate.
- (h) A National Officer holds office, subject to sub-rules (d) and (e), irrespective of whether they continue to hold office as a Convention Delegate.

## 79. CASUAL VACANCY

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

<b>A</b>	<b>B</b>
Casual Vacancy	is a vacancy in an Office under sub-rule (b)
Quadrennial Term	the period commencing for an Office of the Union, on the declaration of election following a Quadrennial Election up to the declaration of election at the next following Quadrennial Election

- (b) A casual vacancy occurs in an Office, where the holder of the Office:
  - (i) does not take up Office;
  - (ii) dies;
  - (iii) resigns from Office; or
  - (iv) is removed from Office under these rules.
  
- (c) Subject to this rule, where a Casual Vacancy occurs and the unexpired portion of the Quadrennial Term of the respective Office is more than three (3) years, the vacancy must be filled by an election to fill the relevant position conducted in accordance with Section 8 of these rules.
  
- (d) Subject to this rule, where a Casual Vacancy occurs and the unexpired portion of the Quadrennial Term of the respective Office is less than three (3) years, then the vacancy is to be filled by appointment by the Member Council with a person who is eligible under these rules to nominate for the respective Office.
  
- (e) Despite sub-rules (c) and (d) a Casual Vacancy in the office of Convention Delegate will not be filled until the number of Convention Delegates holding office is less than 50% of the number of persons holding office as Convention Delegates following the completion of the Quadrennial Elections.
  
- (f) Despite sub-rule (e), the Member Council may determine at any time that a Casual Vacancy in an office of Convention Delegate be filled in accordance with this rule.
  
- (g) Eligibility for the purposes of sub-rules (c) and (d) includes:
  - (i) where the vacant office is an office of Member Councilor, sub-rule 31(b);
  - (ii) where the vacant office is an office of member of the National Executive other than a member of the National Executive Committee, sub-rule 35(g); and
  - (iii) where the vacant office is an office of a member of the National Executive Committee, sub-rule 37(b) and (c).
  
- (h) Subject to this rule, Casual Vacancies are to be filled as soon as practicable.
  
- (i) An Officer elected or appointed under this rule holds Office under these rules for the balance of the respective Quadrennial Term.

## 80. TEAM NOMINATIONS

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

A	B
Governing Body	Convention; Member Council; and National Executive
Team	A group nomination under sub-rule (c)

- (b) The Member Council may, subject to these rules, determine to permit team nominations for a respective Governing Body.
- (c) A group of Financial Industrial Members, otherwise eligible to nominate under these rules, may, where a determination has been made by the Member Council under sub-rule (b) to permit team nominations for an election of a respective Governing Body, nominate as a team in an election for the respective Governing Body.
- (d) Where a team is entitled to nominate, under sub-rule (c) in an election, then the election will be conducted in the manner provided for by rule 74 and the Electoral Procedure Rules.

## 81. TEMPORARY VACANCIES

- (a) If the functions of an Officer are unable to be performed because:
- (i) the respective Officer is temporarily:
- A absent; or
- B unable to perform the functions of their Office; or
- (ii) the Office is casually vacant under these rules and the process of filling that casual vacancy has not been completed,
- then the National Executive may temporarily appoint a person, otherwise qualified under these rules to nominate for the respective Office, to perform the functions of that Office until the respective Officer is either:
- (iii) present, and able, to perform the functions of their Office; or
- (iv) a Financial Industrial Member is elected to the casual vacancy.

- (b) A Financial Industrial Member temporarily appointed in accordance with sub-rule (a) has the functions of the respective Office but has no entitlement to exercise a vote in relation to the respective Office.
- (c) A person temporarily appointed in accordance with sub-rule (a) is entitled to nominate in an election for the respective Office.

82. PLEBISCITES

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

<b>A</b>	<b>B</b>
Governing Body	Member Council; and National Executive
Matter	a matter concerning the Union submitted to a plebiscite under sub-rules (b) or (c)
Request	a request in writing, clearly setting out the decision to be reviewed

- (b) A Governing Body may direct the conduct of a plebiscite of the respective Financial Industrial Members on a matter concerning the Union.
- (c) A decision of a Governing Body will be subject to review by the Financial Industrial Members, voting in a plebiscite under this rule, on the National Secretary receiving a Request signed by five per cent (5%) of the financial Industrial Members.
- (d) A Request under sub-rule (c) must be made within three (3) months of the decision of the Governing Body.
- (e) A plebiscite will be conducted as a secret ballot by the Returning Officer and will be completed, in the case of a plebiscite under sub-rule (b) within two (2) months of the direction and in the case of a plebiscite under sub-rule (c) within two (2) months of the receipt by the National Secretary of the Request.
- (f) Where a direction given under sub-rule (b) or a Request has been received under sub-rule (c), the Governing Body will not, so far as is practicable, until the completion of the plebiscite, act in relation to the Matter.
- (g) The Returning Officer will determine the opening and closing dates of the ballot and will take practicable steps to ensure its secrecy.
- (h) Where the plebiscite is held following a request under sub-rule (c), two (2) of the Financial Industrial Members who requested the plebiscite will be appointed by the Member Council as scrutineers for the conduct of the plebiscite and the respective National Secretary will, before the opening of the ballot, advise the Returning Officer of their names.
- (i) The Returning Officer will:

- (i) on the opening date of the ballot forward by prepaid post or otherwise to each Financial Industrial Member a ballot paper bearing the Returning Officer's signature together with a reply-paid return envelope addressed to the Returning Officer;
  - (ii) give directions to voters as the Returning Officer considers necessary;
  - (iii) give a direction that a voter will not make a mark on the ballot paper which will identify them and that such a mark will render their vote invalid; and
  - (iv) provide for a method of permitting the Financial Industrial Members to vote whilst preserving the secrecy of the ballot.
- (j) Despite sub-rule (i) the Returning Officer may determine that an electronic balloting system that provides for security, secrecy and determination of the ballot to the same extent as a postal ballot may be used, or partly used, to conduct the ballot.
- (k) A voter will cast a vote in a ballot under this rule by completing the ballot paper forwarded to the voter under sub-rules (i) or (j) in accordance with the directions to voters and forwarding the ballot paper to the respective Returning Officer so as to reach the Returning Officer no later than the closing date of the ballot.
- (l) All ballot papers forwarded to the voter under sub-rule (i) and returned to the Returning Officer must be placed by the Returning Officer in a ballot-box which must be locked and sealed and not opened until 9.00am on the day following the date on which the ballot is declared closed.
- (m) A vote cast in the ballot will be informal if the intention of the voter is not clear.
- (n) Subject to sub-rule (j), a scrutineer appointed under this rule may be present during the conduct of the ballot by the Returning Officer including the counting of ballot papers returned in the plebiscite and may object to a ballot paper being counted on the ground that it does not clearly express the voter's attitude to the question to which the plebiscite is directed.
- (o) A scrutineer will observe a direction given by the Returning Officer during the conduct of the ballot and will comply with a determination of the Returning Officer as to whether a ballot paper is to be counted as sufficiently expressing a voter's attitude to the question the subject of the plebiscite.
- (p) On completion of the counting of ballot papers returned in a plebiscite, the Returning Officer will declare the result of the plebiscite by advising the National Secretary in writing of the number of ballot papers forwarded to voters, the number approving the Matter, the number not approving the Matter and the number of informal votes.
- (q) In the event of a tied vote the plebiscite is not approved.
- (r) Where a majority of the Financial Industrial Members voting in a plebiscite approve the Matter the decision will be final and binding until the next

Quadrennial Election and action must be promptly taken by the Union to give effect to such decision.

- (s) Upon the National Secretary receiving a Request under sub-rule (c), a Governing Body may, where the Matter is capable of adoption by a Governing Body, so far as is practicable, implement it and the adoption of the proposal contained in the Request means that a plebiscite is not required to be conducted.
- (t) Nothing contained in this rule prevents the conduct of the ballot by the Australian Electoral Commission.

**Section 9: Appeals and Conduct**

83. MISCONDUCT OF MEMBERS

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

A	B
Agent	an agent appointed by the Union
Bond	a sum of \$300.00, or another amount as the National Executive determines, which, subject to this rule, will be refundable
Charge	a charge made under sub-rule (b)
Charged Member	a member charged under sub-rule (b)
Employee	an employee of the Union
Governing Body	Convention; Member Council; National Executive; National Executive Committee; and a National Officer
Notice	a notice that is in writing and sets out the: Charge; Particulars; name of the person Charging; and Process
Particulars	sufficient particulars so that the matters and circumstances of the Charge are clear
Process	the process made under sub-rule (f)

- (b) A Financial Industrial Member may charge an Industrial Member with:
  - (i) tampering with, falsifying or otherwise wilfully misusing membership cards, books or Documents of the Union;
  - (ii) contrary to these rules obtaining or keeping the possession of books, Documents or property belonging to the Union;
  - (iii) knowingly failing to comply with these rules;
  - (iv) knowingly failing to comply with a resolution or direction of a Governing Body binding on them;

- (v) failing to carry out and comply with, or acting in contravention of, an industrial instrument binding on an Industrial Member;
- (vi) grossly misbehaving;
- (vii) misappropriating the funds of the Union;
- (viii) substantially breaching these rules;
- (ix) acting in a disorderly and/or offensive manner at a meeting held under these rules;
- (x) obstructing a Governing Body, an Employee, an Agent or other lawful representative of the Union in the performance of the functions of the Union;
- (xi) giving false or misleading information to a Governing Body, an Officer, an Employee, an agent or other lawful representative of a Union Body on a matter;
- (xii) obstructing, insulting or behaving in an offensive manner towards an Officer in the course of the officer's duties;
- (xiii) obstructing, insulting or behaving in an offensive manner towards a Union Employee in the course of the Employee's duties;
- (xiv) wrongfully holding themselves out as occupying an Office, or as being entitled to represent the Union, provided that it will be a defence to this charge that the member honestly believed on reasonable grounds that they were entitled to act in that Office or as a representative;
- (xv) aiding or encouraging a Member to breach these rules;
- (xvi) encouraging a Member to resign from the Union;
- (xvii) knowingly encouraging a Member to join an association, organisation or corporation which is in competition with the Union;
- (xviii) wrongfully causing injury to the reputation of the Union, an Officer, an Employee, agent or other lawful representative of the Union or a Member;
- (xix) knowingly making a false allegation against the Union, an Officer, an Employee, agent or other lawful representative of the Union or a Member;
- (xx) knowingly conducting themselves in a way that is calculated to bring the Union, an Officer, an Employee, agent or other lawful representative of the Union or a Member into disrepute;
- (xxi) distributing to Members a statement concerning the activities of the Union or a Member, knowing the statement to be false;
- (xxii) engaging in conduct which has the effect of harassing or victimising an Industrial Member because that member engages in lawful Union activities;

- (xxiii) after, having been reasonably requested to assist, failing to assist a Governing Body, an Officer, an Employee, agent or other lawful representative of the Union in the performance of the functions of the Union;
  - (xxiv) after, having been reasonably requested to assist, failing to assist an Officer or Employee in the course of the officer's or Employee's duties;
  - (xxv) refusing to comply with the directions of a Governing Body to show cause to a meeting of the Governing Body why the respective member should not be suspended from membership or expelled from the Union;
  - (xxvi) lending or selling to some other person their membership card or other document used to identify a person as a Member;
  - (xxvii) if the Industrial Member is an Officer, of failing, despite a request from the National President to do so and having a reasonable opportunity to do so, to comply with their financial management training obligations under the Act; and/or
  - (xxviii) breaching the Union Code of Conduct.
- (c) A member making a Charge must provide the National President in writing with the:
- (i) Charge;
  - (ii) Particulars; and
  - (iii) Bond.
- (d) The National President must, within 28 days, notify the National Executive of the Charge.
- (e) The National Executive must, as soon as is practicable, hear and determine the Charge.
- (f) Having regard to the circumstances, the National Executive will determine the process to apply for it to discharge its obligation under sub-rule (e) to ensure the Charged Member is provided with natural justice and will consider matters including:
- (i) whether to conduct an oral hearing or receive written submission;
  - (ii) if an oral hearing is to be conducted, whether this is to be in person or by telephone and/or videolink or any combination of these;
  - (iii) when, and where, any hearing is to occur;
  - (iv) whether there are interlocutory matters to be determined and if so whether by written submission or at an oral hearing;

- (v) whether it will consider evidence from persons, whether Members or not, and if so the means by which it will consider such evidence; and
- (vi) how, and when, it will receive material relevant to the Charge.
- (g) The National Executive will, having regard to its determinations under sub-rule (f), issue directions for the conduct of the hearing and determination of the Charge.
- (h) The National Executive will provide the Charged Member with a Notice.
- (i) In the hearing of the Charge, the National President will be the prosecutor but will not otherwise participate in determining the Charge.
- (j) A Charge may, subject to any determination under sub-rule (f), be determined in the absence of the Charged Member.
- (k) The National Executive may, where it finds the Charged Member guilty of a Charge, determine to:
  - (i) impose no penalty;
  - (ii) fine the Member a sum not exceeding \$1000.00; or
  - (iii) expel the Member from the Union.
- (l) If the National Executive determines that the Charged Member is guilty of a Charge, then the National Executive will give the member an appropriate opportunity to make submission on penalty, and the National Executive may determine to receive such submissions orally at a hearing or in writing.
- (m) A Charged Member may, in relation to any oral hearing of a Charge, including submissions on penalty, be represented by a Financial Industrial Member, but by no other person.
- (n) The National Executive must provide the Charged Member with its determination, whether as to guilt, or penalty, or both, in writing.
- (o) If the National Executive finds the Charged Member guilty, then the Bond must be repaid to the Financial Industrial Member who made the Charge.
- (p) If the National Executive finds the Charged Member not guilty, then the Bond will be forfeited to the Union and paid to the Union Fund.
- (q) If it is the National President that is charged, a National Vice-President determined by the National Executive, will act in the National President's place for the purpose of this rule.
- (r) Where a Member is fined under this rule, the Member is required to pay the fine within 14 days of having been notified, in writing, of the imposition of the fine.

84. MISCONDUCT OF OFFICERS

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

A	B
Charge	a charge made under sub-rule (b)
Charged Officer	an officer Charged
Notice	a notice that is in writing and sets out the:  Charge; Particulars; name of the person Charging; and Process
Particulars	sufficient particulars so that the matters and circumstances of the Charge are clear
Process	the process made under sub-rule (g)

- (b) An Officer may only be removed from Office where:
- (i) the Officer has been charged and found guilty under these rules, of:
    - A misappropriation of the funds of the Union;
    - B a substantial breach of these rules; or
    - C gross misbehaviour or gross neglect of duty; or
  - (ii) where the Officer has ceased, under these rules to be eligible to hold the respective Office.
- (c) Only a Financial Industrial Member may Charge an Officer.
- (d) A Financial Industrial Member charging an Officer must provide the National President in writing with the:
- (i) Charge; and
  - (ii) Particulars.
- (e) The National President must, within 28 days, notify the National Executive of the Charge.
- (f) The National Executive must, as soon as is practicable, hear and determine the Charge.
- (g) Having regard to the circumstances, the National Executive will determine the process to apply for it to discharge its obligation under sub-rule (f) to ensure the

Charged Officer is provided with natural justice and will consider matters including:

- (i) whether to conduct an oral hearing or receive written submission;
  - (ii) if an oral hearing is to be conducted whether this is to be in person or by telephone and/or videolink or any combination of these;
  - (iii) when, and where, any hearing is to occur;
  - (iv) whether there are interlocutory matters to be determined and if so whether by written submission or at an oral hearing;
  - (v) whether it will consider evidence from any persons, whether Members or not, and if so the means by which it will consider such evidence; and
  - (vi) how, and when, it will receive material relevant to the Charge.
- (h) The National Executive will, having regard to its determinations under sub-rule (g), issue directions for the conduct of the hearing and determination of the Charge.
  - (i) The National Executive will provide the Charged Officer with a Notice.
  - (j) In the hearing of the Charge the National President will be the prosecutor but will not otherwise participate in determining the Charge.
  - (k) A Charge may, subject to any determination under sub-rule (g), be determined in the absence of the Charged Officer.
  - (l) The National Executive may, where it finds the Charged Officer guilty, determine to:
    - (i) censure the Officer;
    - (ii) suspend the Officer from their Office for a period not exceeding 90 days; or
    - (iii) remove the Officer from their Office.
  - (m) If the National Executive determines that the Charged Officer is guilty, then the National Executive will give the Officer an appropriate opportunity to make submission on penalty, and the National Executive may determine to receive such submissions orally at a hearing or in writing.
  - (n) A Charged Officer, may in relation to any oral hearing of a Charge, including submissions on penalty, be represented by another Financial Industrial Member, but by no other person.
  - (o) The National Executive must provide the Charged Officer with its determination whether as to guilt, or penalty, or both in writing.

- (p) If it is the National President that is charged, a National Vice-President determined by the National Executive, will act in the National President's place for the purpose of this rule.

85. APPEALS FROM A DETERMINATION OF THE NATIONAL EXECUTIVE UNDER RULES 83 OR 84

- (a) For the purpose of this rule, the words in column A have the meaning assigned opposite in column B:

<b>A</b>	<b>B</b>
Appellant	the member appealing
Determination	a determination of the National Executive of guilt and penalty under rule 83 or rule 84
Notice of Appeal	the notice given under sub-rule (c)

- (b) A member who has had a Determination made against them may appeal the Determination to the Member Council, and the Member Council will review the Determination.
- (c) Notice of the appeal must be given to the National Secretary, by the member concerned, in writing within seven (7) days of the member being given notice of the Determination.
- (d) The notice of appeal under sub-rule (c) must set out the:
  - (i) facts and matters that the member seeks to appeal; and
  - (ii) grounds of the appeal.
- (e) The appeal is to be conducted by written submission.
- (f) Having regard to the circumstances, the Member Council will determine the process to apply to the Appeal to ensure the Appellant is provided natural justice and will consider matters including the issuing of directions for the making of written submissions.
- (g) An appeal may be determined, whether or not the Appellant has provided submissions, but not before the Appellant has been given notice of the matters in sub-rule (f).
- (h) The Member Council will determine whether the Appeal is granted and may, if granting the Appeal and subject to sub-rule (f):
  - (i) refer the Charge back to the National Executive for its determination; or
  - (ii) make its own determination of the Charge.
- (i) In the event that it is the National Secretary that is charged, the President will act in the respective National Secretary's place for the purpose of this rule.
- (j) The determination of the Member Council is final.

**Section 10: RULE CHANGE**

86. RULE CHANGE

- (a) The National Secretary or the National President may, subject to sub-rule (b), request that the Member Council:
  - (i) at an Ordinary Meeting;
  - (ii) at a Special Meeting; or
  - (iii) by an out of session ballot,  
determine to amend these rules.
- (b) The members of the Member Council must be given a copy of the proposed amendment to the rule, with respectively the notice of the meeting or the request for an out of session ballot.
- (c) Despite paragraph 43(e)(i), where a determination is to be made following a request under paragraph (a)(iii) the time limit in which the ballots must be reviewed is to be not less than 14 days.

**SECTION 11: TRANSITION**

87. TRANSITION

- (a) The rules providing for transition of United Voice and the National Union of Workers on their amalgamation are set out in schedule 5.

## **SCHEDULE 1: ELIGIBILITY**

### **PART A**

#### **Part 1:**

The following persons shall be eligible to be members of the Union:

The Union shall consist of an unlimited number of persons who are employed or usually employed to perform work in or in connection with any one or more of the following industries and/or industrial pursuits, namely:-

Persons employed in Aboriginal local government communities or regional councils in the Northern Territory, Western Australia and South Australia (excluding persons employed in professional, administrative and clerical positions other than at Tangentyere, Kalano, Julalakari and Jurnkurrakur Councils and excluding registered and enrolled nurses employed as such other than enrolled nurses in Western Australia); persons employed in Aboriginal health services in the Northern Territory, Western Australia and South Australia (excluding persons who work in a professional, administrative or clerical capacity in the public sectors in South Australia and Western Australia other than regional Aboriginal health liaison officers in Western Australia and excluding Aboriginal health workers in the public sector in South Australia other than persons employed by Aboriginal health services operated in conjunction with Aboriginal local government communities or regional councils based in the Northern Territory and excluding registered and enrolled nurses employed as such other than enrolled nurses in Western Australia); persons employed in Aboriginal welfare associations in the Northern Territory, Western Australia and South Australia (excluding persons employed in professional, administrative or clerical positions and in counselling, co-ordinating and developmental work other than at the Institute for Aboriginal Development and excluding registered and enrolled nurses employed as such other than enrolled nurses in Western Australia); airbrush artist; asbestos and/or asbestos cement products (except in Queensland, Tasmania and Western Australia); fibre reinforced products and/or fibre cement products (except in Tasmania, Queensland and Western Australia); animal welfare establishment (except animal husbandry and research establishments in connection with pastoral pursuits - provided that this exception shall not include the Northern Territory - and excepting animal health stations and experimental farms in Queensland and New South Wales); veterinary hospitals and any establishment or business which accommodates, handles, treats or otherwise caters for the welfare of animals and household pets (other than in the public sector); animal care; persons employed in animal, marine or wildlife establishments (except establishments which are engaged in agriculture or pastoral pursuits, other than in the Northern Territory); bag and sack; basketware; bill posting; broom or brush (except in Victoria, New South Wales, Tasmania and South Australia); carbon paper makers; caretaking, caretaker, building superintendent, janitor, handyperson or maintenance person; cemetery; chemical (other than persons engaged principally in or in connection with the making, preparation, handling, putting up, reception, sale demonstration and/or delivery of drugs, pharmaceutical goods and medicinal chemicals); chemical workers; child minding centre, child care, child minding (other than qualified teachers in Victoria and other than in hospitals in New South Wales and within universities in New South Wales and the Australian Capital Territory); cork or cork product (except in Victoria and Queensland); crematorium; cleaners; cleaning and pollution control (excluding persons employed full-time by employers in the metal industry within their establishments); commissionaire; dance instruction; day nursery (other than in hospitals in

New South Wales and within universities in New South Wales and the Australian Capital Territory); dentists; dental mechanics; dental therapists; dental assistants and attendants; domestic work; domestic workers (except domestic servants employed in Queensland, in the Pastoral Industry such as gardeners, chauffeurs, grooms, stablemen, kitchenmen, cooks, waitresses, laundresses, housemaids, nurse girls and general servants); domestic staff, groundsman or yardman of denominational schools; emergency and safety employees of the Port of Melbourne Authority and the Port of Geelong Authority; the manufacture of engine packing (except where made in the rubber industry with rubber or with any rubber substitutes); ferry workers; fibrolite (except in Queensland, Tasmania and Western Australia); gardening; gatekeeping; greenkeeping (except in New South Wales, Victoria and in local government in Tasmania and also except in Western Australia as regards golf links, bowling greens, tennis courts and all gardens, lawns and greens in connection therewith); gypsum plasterboard and similar products; health or physical culture including all instructors, counsellors, masseurs and attendants in health and physical culture studios including weight loss studios and/or centres; home care aides and attendants (except in Victoria and Tasmania); personal care aides and attendants employed in households (except in Victoria and Tasmania); personal care aides and attendants, employed other than in households, in South Australia, Western Australia, Northern Territory and Australian Capital Territory; home helps (except in Victoria and Tasmania); ice cream makers; insulwool, slagwool or other insulation material; jury keepers (in the State of Victoria only); laboratory assistant, attendant or tester in or in connection with the oil industry; laundry workers including persons employed in dry cleaning; and/or laundrettes; librarian not principally engaged in clerical duties (in Queensland only); library attendants (except those employed by universities in Western Australia); lift attending; linoleum; porters; manufacture of photographic supplies or materials; manufacture of resin-bonded fibre reinforced products including pipes (except in Tasmania, Queensland and Western Australia); manufacture of Sisalkraft, Duk-Bak and similar products; manufacture of coated or laminated products, whether reinforced or not; margarine (except in the States of New South Wales, Victoria, Western Australia and Tasmania); messengers; motor car cleaning, detailing washing or greasing; motor garage, including service station (other than chauffeurs and workers in the iron trades and coachmaking trades and their assistants); oilskin (but not the manufacture of goods from fabrics which have been so treated); paint; sealants; parking attendant (except municipal and shire council employees and those employed in any kind of amusement, whether outdoor or indoor, or in or about theatres, halls, racecourses, sports, exhibition and agriculture shows); perlite and/or vermiculite products; pest control (except in New South Wales, Queensland and Western Australia, provided that this exception shall not relate to domestic pest control services in Western Australia); photographic establishments; plaster of paris; plastics or substitutes therefor and/or goods made therefrom and/or goods in the manufacture of which plastics or substitutes therefor are used (other than engineers and persons eligible to be members of the Federated Rubber and Allied Workers' Union of Australia and coming within the award of the Court known as the Rubber Workers' Award 1947); port hostesses; pre-school kindergarten; pyrotechnic; sealing, sanding, treating and/or otherwise processing floor coverings and floor surfaces, excepting the sanding of floors in buildings under construction or in the course of structural alteration or structural repair; all employees (other than in Queensland) including qualified, trained, trainee or untrained in private pathology laboratories, including scientific or technical work therein, except: (i) in Victoria and Tasmania; and (ii) in South Australia, Western Australia, the Australian Capital Territory and the Northern Territory employees eligible to be members of the Australian Nursing Federation in accordance with the rules of the ANF as at 10 June 1993; and (iii) in New South Wales registered or enrolled nurses or

persons entitled to be registered or enrolled by any nurse registration authority, employed as such; and (iv) in Western Australia employees in professional, administrative, clerical or technical classifications; security or watching (in either case other than employees employed in a shop by the operator thereof) rangers (other than those employed by the Crown in the right of the Commonwealth or of a State or Territory); manufacture of records, rolls, tapes, video tapes or any such like article used for reproducing purposes; spruiking; manufacture of stramit, strawboards (in the State of Victoria) and similar boards; sugar refineries (except in Queensland, South Australia and Victoria); synthetic resins and/or moulding powders; tea attendants (other than in hospitals in New South Wales and in the Universities of Macquarie, Sydney and New England); teacher aides; toy makers and assemblers (except in New South Wales, Victoria, South Australia and Western Australia) using substantially non-metallic materials; typewriter ribbon; tourist guide and/or tourist leader (other than those directly employed by a travel agent); veterinarians, veterinary assistants and/or attendants (other than in the public sector); zoological and/or aquatic exhibition, garden or reserve (excepting ticket takers and ticket sellers in aquatic exhibition, garden or reserve) but not including persons other than watchmen employed by the Taronga Zoological Park Trust; persons designated as attendants and/or assistants and performing work which is otherwise covered by this present rule 3 part 1.

The generality of description of any of the foregoing industries or industrial pursuits is not to be limited by reference to any other industry or industrial pursuit.

Provided that notwithstanding anything contained herein persons employed in the rubber industry in the State of Queensland and eligible for membership of the Australian Workers' Union shall not be eligible for membership.

Provided further that notwithstanding anything contained herein no person shall be eligible for membership who is principally engaged in clerical duties in the following industries and/or industrial pursuits:-asbestos and/or asbestos cement products; bag and sack; basketware; bill- posting; broom or brush; chemical; cleaning and pollution control; cork or cork products; fibrolite; gypsum plaster board and similar products; ice cream makers; insulwool slagwool or other insulation material; manufacture of photographic supplies and materials; manufacture of Sisalkraft, Duk-Bak and similar products; margarine; motor garage including service station; pearlite and/or vermiculite products; plaster of paris, plastics or substitutes therefor and/or goods made therefrom and/or goods in the manufacture of which plastics or substitutes therefor are used; sanding; treating and/or otherwise processing floor coverings and floor surfaces; stramit and similar boards; sugar refineries; synthetic resins and/or moulding powders; typewriter ribbon; undertaking.

Provided further that persons

- (a) Principally engaged in the transportation of goods or persons by motor vehicle upon public roads and
- (b) who would be ineligible for membership if the rules of The Federated Miscellaneous Workers Union of Australia as at the first day of September, 1973, had remained in force

shall not be eligible for membership pursuant to the foregoing provisions.

Provided further that tradesman's assistants, riggers and metal workers employed in maintenance sections of any establishment in the foregoing industries and/or industrial pursuits shall not be eligible for membership pursuant to the foregoing provisions.

Provided further that persons principally engaged in selling, receiving, handling, demonstrating and/or delivery of goods in and for any shop or wholesaler's warehouse (other than photographic establishments and manufacturers' establishments) and employees principally engaged in the sale or demonstration of goods other than in or for any shop or wholesaler's warehouse (except such employees employed in or in connection with manufacturers' establishments) shall not be eligible pursuant to the foregoing provisions.

Part 2:

**[16]**

**[17]** An unlimited number of persons who are employed or usually employed to perform work in any capacity whether permanent or casual in or in connection with any one or more of the following industries and/or industrial pursuits, namely:

**[18]**

**[19]** (1) breweries, maltings, bottling establishments, distilleries, wine cellars, wineries, or spirit stores;

**[20]**

**[21]** (2) aerated water, soft drink, post mix syrup, beverages, still water, cordial and fruit juice provided that eligibility pursuant to the words "fruit juice" shall be confined to establishments where the principal activity of such establishments is otherwise covered by this Rule, cider, ginger beer, or other non-intoxicating beer factories, and employees retailing to the public any of the products of these

**[22]** factories;

- (3) hotels, hotel reservation centres, cruise ships or boats, motels, wine saloons, bars, wine bars, night clubs, coffee palaces, coffee lounges, tea rooms, soda fountains, milk bars, fruit-juice or flavour bars;
- (4) marine stores or yards, cork cutting factories, bottle washing establishments, yeast or vinegar factories;
- (5) catering, clubs, restaurants, cafes, eating houses, board and lodging, accommodation, apartment houses, catering outlets or establishments;
- (6) race courses, football grounds, cricket, dog racing, coursing or other sports grounds or venues;
- (7) the preparation and service of food and drink wherever consumed by persons employed by professional or contract caterers for any commercial, social, industrial or other purpose or function and all persons employed in or in connection with canteens, mobile canteens, messes, kitchens, or catering establishments;
- (8) cleaning and attending to the provision of board and lodging or any form of accommodation in camps and staff or workers' quarters;
- (9) the provision, conduct or supervision of games of chance or any other gambling activities or facilities in, businesses carrying out such activities, clubs, hotels, motels, restaurants, tourists complexes, convention centres or casinos (excluding government regulatory or inspectorial functions);

(10) exhibition halls and convention centres (except in the State of Queensland).

PROVIDED that nothing in paragraphs (7), (8) or (9) hereof shall of itself make eligible for membership employees employed in the Northern Territory unless employed in catering in or in connection with the airline industry; and

PROVIDED that an employee in the industry, calling, occupation or vocation of either or both catering and cleaning for or at premises provided for persons working in or in connection with the following industries or callings:

the search and/or drilling for hydrocarbons, the production, processing and transmission of hydrocarbons, and

the construction of pipelines used in or in connection with the extraction and transmission of hydrocarbons, slurries and similar substances

is not eligible for membership.

### PART 3

Without in any way limiting and without being in any way limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall also consist of employees engaged in or in connection with any one or more of the following viz.:

The tanning and leather dressing industry, handling, bagging or grinding bark, the manufacture of bark and other tanning extracts, the classing or sorting of leather (finished or unfinished) where such is done on tannery premises, the manufacture of agar-agar, glue and gelatine and by-products, putty; adhesives, pastes, fertilizer constituents, dextrine, calciners or other like materials, the washing or other treatment of animal hair, with tanning, dressing, dyeing or other treatment of fur or other skins, including woolled lambs or sheep- skins, canvas working; leather working; the manufacture alteration, repair and installation of articles made from leather, woolled lamb or sheep-skins, furred skins, such as spindle polishing mops, paint roller sleeves, dusters (other than establishments covered by The Federated Storemen and Packers' Union of Australia), playsuits, woolskins and furskin toys, soft toys of all descriptions (excluding furred garments and toys made in clothing factories), clicking, cutting by hand or machine, or in the making or repairing saddles, saddle trees, harness, collars and rugs for horses and other animals, bridles, fly-veils and strapping, whips, whip-thongs, machine belting, respirators or gas masks of leather, canvas, fabric or other like materials, welders' masks, trunks, bags, portmanteaux, travel goods, suit or attache cases, braces of all descriptions, belts, razor strops, watch straps, suspenders, sporting goods of canvas, leather or like material, travellers' sample cases of all descriptions, slither cans, musical, gramophone, wireless, surgical and spectacle cases of all descriptions, cosmetics cases; ladies' evening bags, ladies' handbags, handbags of all descriptions, shopping bags; making and/or fitting zippers, wallets, purses, pouches, folio or folio covers of all descriptions, leather or fabric gloves and mitts of all descriptions, leggings, hat leathers, designing, leather coats, leather hats or caps, rifle and/or gun covers, rifle pouches and belts; play suits of leather or fabric, artificial limb and appliances including surgical belts and surgical supports of leather, canvas, webbing or other like material, sails (including the designing thereof), tents, tarpaulins, rigging, flags, nose bags, anti-fouling bags; water bags, waterbed mattresses; weather cloths, dodgers, canvas, duck or calico bags of

all descriptions, blinds of all descriptions (including venetian blinds), inside or out, mast coats, awnings, sail covers, canvas, duck, fabric or calico covers of all descriptions, canopies; canvas or coir save-alls, slings of all descriptions, wind sails, hose of all descriptions, covers for wings of aeroplanes, or component parts of aeroplanes of canvas, fabric, or other like material, parachutes, parachute harness, car safety harness of leather, canvas, webbing, or other like material, seat covers; aeroplane hangars, sheds (Belman and others), components of aeroplane hangars, sheds or houses of canvas, fabric or other like material, mail bags, fenders; cargo nets, ships' gear, boat covers marquees, skillions, binding and conveyor aprons, gaskets and washers of leather, canvas or other like material, industrial mops, camp beds, deck chairs, camp furniture, rope or wire splicing and all classes of goods other than boots, shoes and slippers, made from leather, pelts, fabric, canvas, fibre or vulcanised fibre, webbing and/or all substitutes (including plastics and vinyl) for leather, pelts, fabric, canvas, fibre or vulcanised fibre, webbing, used in the industries also machining in all sections and on spraying.

#### PART 4:

Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall also consist, in the Northern Territory, of persons employed to perform work in or in connection with any one or more of the following industries and/or industrial pursuits:-

Ambulance and first aid attendants; Pastoral, Agricultural, Horticultural, Viticultural, Dairying, productions and/or processing of game and poultry; Fruitgrowing, Sugar-growing, Canecutting, Cotton-growing, Rabbit-trapping, Timber-getting, Saw-milling, Building Industry, Butchering and Meat Industry, Brick-making Industry; manufacture of cement, concrete and/or concrete products; the manufacture of boards, panels and all types of building materials, joinery and glazing whether or not performed at a building site, carpet laying, cabinet making, furnishings and furniture making, assembling and finishing; Cotton Industry, Industry of searching, boring for, extracting, storing, transmitting, processing of water, oil, hydro-carbons and/or any other mineral or element (excepting persons principally engaged in the transportation of goods or persons upon private roads by motor vehicle and who would be ineligible for membership if the rules of The Federated Miscellaneous Workers Union of Australia, as at the 1st day of July 1977 had remained in force); oil industry, hydro-carbon industry (excepting persons principally engaged in the transportation of goods or persons upon private roads by motor vehicle and who would be ineligible for membership if the rules of The Federated Miscellaneous Workers Union of Australia, as at the 1st day of July 1977 had remained in force); Mining Industry, milling, Smelting and refining of Ores, quarrying, crushing and/or processing industry of quarry materials; Construction and Maintenance of Rivers and Harbours, Diving, Waterside-Workers, Construction and Maintenance of Roads, Aerodromes, Water and Sewerage Works including conservation and irrigation, Public Works and Services, prevention, suppression and extinguishment of fires, (excepting persons employed under the provisions of the Commonwealth Public Service Act), hospitals, Benevolent Homes, Dispensaries, Asylums, Mental Hospitals, Sanitariums, Rest Homes, Retirement Communities and Homes, Convalescent Homes, Medical Schools, Laboratories, Colleges, Industrial and Other Homes, Charitable Institutions, Ambulance Work, Welfare Organisations, Doctors and/or Dental Surgeries, Clinics and Practices, Provision of Medical, Paramedical and/or Nursery Care for aged persons in Day Care Centres and/or Homes, Provision of care and training to the intellectually and/or physically disabled and/or psychiatrically disabled and/or developmentally disabled and work ancillary thereto in

Hostels, Day Care Centres and Homes (but excluding persons employed as social and/or welfare workers employed in social support services, other than persons employed by the Harry Giese Centre, Tangentyere Council, FORWARD, YWCA Youth Refuge (Darwin), Katherine Aboriginal Action Group, Alice Springs Drug and Alcohol Services Association and Institute for Aboriginal Development and excluding registered medical practitioners other than those employed in non-government aboriginal health services and excluding registered or enrolled nurses or persons entitled to be registered or enrolled by any nurse registration authority employed as such), Construction and Maintenance of Fuel Oil and Petrol Tanks, and Pipelines, Municipal Works and Services, Construction and Maintenance and operation of Railways, Surveying, the industry of harvesting and/or processing of finfish (wet fish), crustacea, molluscs and/or plankton (whether for commercial or for game purposes) and whether on water or on land; Net-making, Clerical Work, Brewing, Motor Driving, Shipping, Saddle-making, flour milling including all employees employed in handling, manufacturing, packing and distributing flour in flour mills and/or flour mill depots; Baking, including bread manufacturing, pastry cooking, biscuit making, industry; Cordial and aerated waters manufacturing, fruit juices and all alcoholic and non-alcoholic drinks, the industry of hairdressing and scalp treatment and/or beauty care and/or body care/massage; all workers engaged in the conduct of Hotels, Clubs, Restaurants, motels, boarding establishments, guest houses, hostels and/or any other type of accommodation and/or catering, food preparation and/or processing industry; the provision, conduct, or supervision in clubs, hotels, motels, restaurants, tourist complexes, convention centres or casinos or games of chance or any other gambling activities or facilities Shops, Stores, Laundries, employees employed in or in connections with, including selling tickets by any means in connection therewith, in or about any kind of amusement, whether indoor or outdoor, including Picture Theatres, sporting and amusement establishments; persons employed to perform work in the service of any port authority whether or not the port authority is included within the definition of "the Public Service" in Section 3 of the Public Service Arbitration Act, 1920-1973 (except persons employed to perform work for Nabalco Pty. Limited or any subsidiary or successor thereof at Gove of any kind referred to in the definition of 'waterside worker' as defined in the Stevedoring Industry Act 1956 to 1973); and all kinds of general labour.

Without in any way limiting, or being limited by, the generality of the foregoing, the Union shall also consist in the Northern Territory of persons employed to perform work in or in connection with any one or more of the following industries and/or industrial pursuits:-

- (A) Civil and/or mechanical engineering;
- (B) The construction industry, including -
  - The building, construction, erection, maintenance, repair and/or demolition of:-
    - (a) Any building, plant, complex or structure; or
    - (b) Any civil or mechanical engineering project or work.
- (C) All work in joinery establishments or establishments concerned with the prefabrication of items (including structures) for use in or in connection with building or construction.

- (D) All work or works ancillary or incidental to any of those covered by the paragraphs (A), (B) or (C) above.

Provided that in the Northern Territory, unless eligible otherwise under these rules, apart from this Part 4, the following shall not be eligible for membership:-

- a. any boilermaker or any of the following persons engaged or employed in the engineering industry, viz.: Fitters, Turners, Machinists, Blacksmiths, Plumbers, Electrical Fitters, Pattern-makers and Engineers generally;
- b. any person or classes of persons who are eligible to become members of the Australasian Meat Employees Union;
- c. persons employed under the provisions of the Commonwealth Public Service Act and eligible for membership pursuant to the existing conditions of eligibility for membership in The Australian Public Service Association (Fourth Division Officers) as at 17 March 1953, the Electrical Trades Union, the Commonwealth Public Service Artisans Association, the Amalgamated Postal Workers' Union of Australia, The Federated Union of Locomotive Enginemmen, the Commonwealth Public Service Clerical Association, the Storemen and Packers' Union;
- d. persons employed under the provisions of the Commonwealth Railways Act 1917-1950 in the Commonwealth Railways from Alice Springs to Quorn, eligible for membership pursuant to the existing conditions of eligibility for membership in the Australian Workers' Union;
- e. persons principally engaged in the transportation of goods or persons upon public roads by motor vehicle except in or in connection with the following industries:  
  
Pastoral; Construction and Maintenance and Operation of Railways; Municipal Works and Services; Mining (except employees at Groote Eylandt Mining Co. Pty. Ltd. at Groote Eylandt, and employees engaged in the mining or treating bauxite at Gove); Milling, Smelting and Refining of Ores; Quarrying; Building and Construction Works; Public Works and Services; Construction and Maintenance of Roads, Aerodromes, Water and Sewerage;
- f. Clerks (other than storeman-clerks, station book-keepers, and shipping clerks).

#### PART 5:

Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall also consist of persons who are employed or usually employed in or in connection with any one or more of the following industries and/or industrial pursuits, namely:-

In the State of New South Wales

artists' model; billiard marker; manufacture of pyram aircraft and industrial

components therefor; manufacture of window display models (otherwise than in a shop or wholesale warehouse) excepting such articles made of metal; trained, trainee and untrained make-up artist, (excluding persons employed in a shop in or in connection with the sale or demonstration of cosmetics perfumes and toilet preparations); persons employed in or in connection with the manufacture, processing warehousing and dispatch of refined sugar, refined sugar products, carbon dioxide, alcohol and other distillery products and/or of building and associated materials in the establishments of the CSR Limited and CSR Timber Products at Pymont or any establishment operated in lieu thereof, persons employed or usually employed in or in connection with experimental research and pilot plant work at the establishment of CSR Research Pty Ltd, but excluding in respect of each of the said establishments persons who are Staff employees employed at a yearly rate of pay and tradesmen's assistants and metal workers (but not riggers) but excluding persons principally engaged at clerical duties in the foregoing industries and/or industrial pursuits;

In the State of Queensland

- (A) manufacture of compressed fibre board and similar products, beauty treatment, hairdressing, scalp treatment, wigmaking including barber, beautician, hairdresser, hairworker, manicurist, maxillo-facial technician, wigmaker, oil extracting and processing; manufacture of ship or boat fenders; modelling, compering, including mannequins and mannequins' comperes (excluding persons employed in a shop); pharmaceutical chemist or unregistered pharmaceutical chemist; industrial chemist; laboratory assistant; dental technologist; radiographer; attendant, assistant and/or receptionist in dentists', doctors' and optometrists' surgeries and/or consulting rooms; swimming baths and/or pools; libraries (except library attendant principally engaged in clerical duties); optical mechanics and technicians, assistants and attendants to opticians, spectacle makers; jeweller, watchmaker including mounter, setter, chainmaker, swivelmaker, bolt ringmaker, ringmaker, polisher, lapper, melter, refiner, bracelet and bangle maker, stamper, silversmith, spinner, goldsmith, gilder, chaser, engraver, watch, clock, clockwork, electric and spring dial clockmaker, repairer, attendant and winder, jeweller's tool maker and renovator of electroplated ware, metal badge maker, enameller, jewel case maker, engraving copper plates, seal dies or other dies stamps and all persons engaged wholly or partly in manufacturing or repairing jewellery, watches clocks teacher aide; used car yards; tow truck operating; sportsgrounds; laundrettes and/or laundromats; accommodation industry including all employees employed in domestic work in boarding houses, accommodation houses, motels (other than motels licensed to sell intoxicating liquor), flats, clubs, hostels, residential colleges, and similar types of establishments; biscuit manufacture including all employees employed in handling, manufacturing, packing and distributing biscuits in biscuit manufacturing establishments; bread baking including all employees employed in handling, manufacturing, packing and distributing bread and bread crumbs in bread bakeries and/or bread bakery depots; catering including all employees employed in establishments, businesses, clubs, canteens and institutions or sections thereof which cater for and/or prepare and serve food or food and drinks excluding persons employed in or in connection with airports; confectionery manufacture, including all employees employed in handling, manufacturing and distributing confectionery; flour milling including all employees employed in handling, manufacturing, packing and distributing flour in flour mills and/or flour mill depots; pastry-cooking, including all employees employed in handling, manufacturing, packing and distributing cakes,

pastrycooks goods, and cheese-cakes and/or similar products in pastrycooking, cake making and/or any establishment wherein such goods are made but excluding persons principally engaged at clerical duties in the foregoing industries and/or industrial pursuits but this exclusion shall not apply to restaurant receptionists and/or cashiers; assistants and/or receptionists in dentists' surgeries; and shop assistants employed in pastrycooks and cake shops; provided that, except where the context otherwise indicates, persons principally engaged in selling or distributing goods or in selling or demonstrating cosmetics, perfumes and toilet preparations shall not be eligible for membership pursuant to the foregoing provisions of this part of this paragraph.

- (B) Notwithstanding the foregoing rules, all persons who are or may be employed in the Private Pathology Industry and who may be employed in any of the following capacities: pathology specimen collectors, couriers and clerical employees associated with the general administration of a practice, including any clerical functions associated with the activities of collectors or couriers, storeworkers, and all other employees not otherwise eligible for membership of the State Public Services Federation Queensland Union of Employees as at 1 May 1996 shall also be eligible for membership (excluding medical practitioners);
- (C) Persons employed in the Ambulance Industry including all persons employed by the Queensland Ambulance Service or its successors, however named, with the exception of:-
- (a) persons eligible to become members of the Australian Federation of Air Pilots;
  - (b) employees whose conditions of employment are prescribed by an Award of the Queensland Industrial Relations Commission or other industrial instrument as at 25 March 1996 and such Award or industrial instrument directs preference of employment towards the following industrial organisations:-
    - (i) State Public Services Federation Queensland Union of Employees;
    - (ii) Australian Municipal, Administrative, Clerical and Services Union , Central and Southern Queensland Clerical and Administrative Branch, Union of Employees;
  - (c) employees of contractors and/or sub-contractors, employed to perform work for the Queensland Ambulance Service from time to time;
  - (d) employees of the Medical Division employed as Medical Director and Research Officer;
  - (e) employees of the Technical Service Division employed as Fleet Co-ordinators, Communications Engineer and Radio Technicians;
  - (f) employees appointed to the positions of Commissioner, Deputy Commissioner or Assistant Commissioner.
- (D) The membership of the Union shall also consist of blind persons who wish to band together to improve the working conditions of the blind, to assist in the obtaining of

the objects of the Union as set out in this constitution, and to abide by this constitution and rules.

In the State of South Australia

- (A) cycle building, assembling and repairing; milk or cream depots; manufacture of products from milk or cream; motor tyre retreading or repairing; rubber worker; jeweller; watchmaker; optical mechanic; preparation for sale of poultry (poultry catchers at poultry-raising establishments only); stonemason, including, without limiting the meaning of the foregoing term, persons employed in or in connection with the work of cutting or dressing or preparing or setting of all kinds of stone, marble, slate, terrazzo or similar compositions used for in or in connection with building or monumental work; registered pharmaceutical chemist employed as a manager or a managing assistant of a hospital dispensary, the dispensary of a medical practitioner or public institution or as:-

Assistant who is a qualified pharmaceutical chemist, or as:-

Apprentice to a pharmaceutical chemist who is serving under Articles of Apprenticeship duly registered with the Pharmacy Board of South Australia or as:-

unregistered assistant who has not served an apprenticeship to a pharmaceutical chemist or as:-

unregistered assistants who have served a prescribed term of apprenticeship under any Pharmacy Act, with a pharmaceutical chemist, and who are proceeding to registration as a pharmaceutical chemist, and who are engaged in or in connection with dispensaries connected with friendly societies or hospitals or public institutions or conducted as part of the practice of duly qualified medical practitioners, in the compounding, dispensing, preparation, manufacture, distribution and sale of drugs, medicines, chemicals, medicinal substances and admixtures thereof; but excluding persons principally engaged at clerical duties in the foregoing industries and/or industrial pursuits; provided that persons employed in a shop principally engaged in selling shall not be eligible for membership pursuant to the foregoing provisions of this paragraph, provided further that any person -

- (i) principally engaged as a hardware shop assistant, or a salesman, or who is a registered pharmaceutical chemist employed as a manager or managing assistant of a retail pharmacy, and
- (ii) who was, as at 31st August, 1973, a member of the (S.A. Registered) F.M.W.U. of Australia

shall be eligible for membership.

- (B) Workers employed in the State Government Service and Government (i.e. State Government) Subsidised Institutions, and all district and other hospitals.
- (C) An unlimited number of persons who are employed or usually employed to perform work in or in connection with any one or more of the following industries and/or industrial pursuits, namely:-

Hospitals, Benevolent Homes, Dispensaries, Asylums, Mental Hospitals, Sanitariums, Rest Homes, Retirement Communities and Homes, Convalescent Homes, Medical Schools, Laboratories, Colleges, Industrial and Other Homes, Charitable Institutions, Ambulance Work, Welfare Organisations, Doctors and/or Dental Surgeries, Clinics and Practices, Provision of Medical, Paramedical and/or Nursery Care for aged persons in Day Care Centres and/or Homes, Provision of care and training to the intellectually and/or physically disabled and/or psychiatrically disabled, and/or developmentally disabled and work ancillary thereto in Hostels, Day Care Centres and Homes (but excluding persons employed as social and/or welfare workers employed in social support services other than persons employed in the health industry and excluding medical practitioners and excluding registered or enrolled nurses or persons entitled to be registered or enrolled by any nurse registration authority employed as such).

- (D) Persons employed in water and sewerage services by<sup>1</sup>:
- (a) the South Australia Water Corporation [“SAWC”] and United Water International Pty Limited [“United Water”] undertaking work previously performed by the Engineering and Water Supply Department [“EWS”] as at 31st December 1994, whose terms and conditions of employment are determined by the United Water Employees’ Interim Award 1995 and the South Australia Water Corporation Terms and Conditions of Employment Award 1999, including any agreement made in connection with those Awards, and any successor award or agreement thereto applying to work within the scope of the above award/s and/or agreements as at 4th July, 2001.
  - (b) employees of any successor to the corporations named in clause (a) or other employer who enters into a contract with the South Australia Water Corporation or successor authority, to provide water and sewerage services to the public of South Australia undertaking work which was previously performed by the EWS as at 31st December 1994.”

*Note 1. A copy of the agreement between the union and the CEPU, a copy of which was tendered and marked Exhibit LHMWU 5 in proceedings in matter D No. 2003 of 2000, may be inspected in any Registry of the Industrial Registrar.*

#### In the State of Western Australia

- (A) manufacture, preparation or processing of butter, casein, cheese milk or yoghurt; production and/or processing (by total environment methods) of game and poultry; manufacture and/or distribution of aerated waters, all types of soft drinks, fruit juices, cider, cordials and syrups; manufacture of records, rolls, tapes, or any such like article used for reproducing purposes, manufacture, preparation, processing or treatment of coated abrasives; candles; cotton; felt or felt products; glycerine; soap or soda; tobacco or tobacco products; teacher aides (however described at the place of employment); ambulance and first aid attendants; rag picking; flock or cotton waste maker; rope and twine (excluding persons engaged principally in or in connection with the wholesale and/or retail industry); wool scouring (excluding persons employed in sorting and classing) or fellmongery; mounter, setter, chainmaker, swivelmaker, belt ring maker,

repairer, ring maker, polisher, lapper, melter, refiner, bracelet and bangle maker, stamper, silversmith, spinner, goldsmith, gilder, chaser or engraver, watch, clock, clockwork, electric and spring dial clock maker, repairer, attendant and winder, jewellers' tool maker and optical technician, lapidaries' spectacle maker, maker and renovator of electroplated ware, (when working for jewellers or watchmakers other than persons employed in a shop principally engaged in selling), metal badge maker, jewel case maker, and all persons engaged wholly or partly in manufacturing or repairing jewellery, watches or clocks in any of the above branches (other than persons employed in a shop principally engaged in selling); drying and refining of salt; handling of scrap metals, or wrecking or dismantling of plant or machinery for scrap salvage other than in an establishment engaged principally in the production of iron and steel; reclamation of drums; and (excluding persons employed in a shop principally engaged in selling and persons engaged principally in or in connection with the making preparation handling putting up reception sale demonstration and/or delivery of drugs, pharmaceutical goods and medicinal chemicals and cosmetics and perfumes), artificial fertilizers, acids, bonemill, animal manure, phosphate, superphosphate, compost, bird manure, fish fertilizer, sea-weed, lime or other mineral processing, and/or other chemical industries including potash, arsenical-compound, sodium, sodium-sulphate, saltpetre, antimony-ore, woodmeal, borax, potassium-chloride, potash-muriate, potassium-nitrate, ammonium-nitrate, golden-sulphide-of-antimony, sulphate-of-iron, trisodium phosphate, didalcic-phosphate, formalin, phosphoric-acid, acetic-acid, muriatic-acid, sulphurous-acid, puritic-acid, lime-sulphur, hyposulphite-of-soda, limil, caustic-soda, sulphate-of-copper, carbon-tetra-chloride, black-hypo, derris-products, mineral-wool, manganese sulphate, agrosan, copper-carbonate, copper-oxy-chloride, carbon-bi-sulphide, nicotine-sulphate, copper-sulphate, arsenate of lead, arsenate-of-calcium alunite, glauconite, silica-products, alkali chlorites, chlorine, soluble-alkali silicates, stannic-chloride, hydrochloric acid, sulphuric-acid, nitric acid, arsenic pentoxide, arsenic-acid, phenol-processing, beta naphthol, ammonium-chloride, ammonium-sulphate, ether-andethyl-chloride, calcium, aluminium and zinc sterrates, phthalic-anhydride, sodium-bi-sulphite, sodium arsenate, lactic acid, sylphanilamide, phosphate-compounds, sulphur dioxide, carbon-di-oxide, carbolic-acid, formaldehyde, fungicides, insecticides, veterinary medicines, synthetic hormones, solvents, power alcohol, alkali, synthetic ammonia, bleaching powder or liquid, liquid cattle dips, stock licks, marking fluid, spedito, milk oil fluid, branding liquid, tricalos, stock food, itch fluid, foot rot paste, blow fly repellent, molasses manufacture or processing and also food processing works within the Kimberley Land Division, but excluding persons principally engaged at clerical duties in the foregoing industries and/or industrial pursuits; provided that persons who are tradesmen's assistants riggers and metal workers employed in a maintenance section of an establishment in the foregoing industries shall not be eligible for membership pursuant to the foregoing provisions of this paragraph.

(B) Persons employed in water and sewerage services by<sup>1</sup>:

- (a) the West Australian Water Corporation, Serco Water (WA) Pty Ltd, Dawson AOC Water Services Limited, Western Water Services Pty Ltd, undertaking work previously performed by the West Australia Water Authority [“WAWA”] as at 31st December 1994, whose terms and conditions of employment are determined by the Metropolitan Water Supply Sewerage and Drainage Employees Western Australia Award 1988 including any agreement made in

connection with that award, and any agreement covering the abovenamed organisation, and any successor award or agreement thereto that applies to work within the scope of the above award/s and/or agreement/s as at 4th July, 2001.

- (b) employees of any successor to the corporations named in clause (a) or other employer who enters into a contract with the West Australia Water Corporation or successor authority to provide water and sewerage services to the public of Western Australia undertaking work which was previously performed by WAWA as at 31st December 1994.
- (C) Any person who is employed, or is usually employed, in any hospital in the State of Western Australia other than persons being trained as nurses in registered training schools or persons who are employed as nurses and who are registered or are entitled to be registered under the Nurses' Registration Act 1922, or the Health Act, 1911-1923; provided that this exclusion shall not be deemed to include enrolled nurses or pupils undergoing training as enrolled nurses.

Persons, employed in or in connection with the training or care of elderly or mentally, intellectually or physically handicapped people other than in hospitals or by the State Government. This sub-rule shall not extend to nurses registered on any register of the Nurses' Board of Western Australia, other than enrolled nurses.

For the purposes of this rule, the term "hospital" shall include

- (a) Establishments operated other than for profit or by Government:-
  - (i) Providing accommodation and personal care services for frail, aged or handicapped persons and at which staff are available to help frail residents with bathing and dressing, cleaning rooms, personal laundry and oversight of medication and at all times, to assist in case of emergency; or
  - (ii) Operated as after-care mental hostels.
- (b) Establishments known as Princess Margaret Hospital for Children, Sir James Mitchell Spastic Centre, N'Gal-a Mothercraft Training Centre, The Braille Hospital, Hawkevale, Nadezda, Homes of Peace, or other establishments of the same or like nature as the foregoing and any establishment providing health care or medical services including, without limiting the generality thereof, any service for disabled, handicapped or aged persons.

The provisions of this paragraph (C) shall not apply to:

- (a) persons who work in professional administrative and clerical capacities;
- (b) persons employed in any classification which at the 1st day of July 1982 was covered by an award or a deemed consent award to which the

Hospital Salaried Officers Association of Western Australia (Union of Workers) was a party.

- (D) (a) Cleaner, caretaker, lift attendant, window cleaner, watchman, charwoman, usher, door keeper, gatekeeper, porter, janitor, day or night patrolman, security officer, attendant in ladies' retiring rooms, and attendant in libraries, art galleries, museums, and car parks; the following classifications of persons employed on the Governor's establishment, or by a public authority or post-secondary education institution; gardener, gardener's labourer, maintenance man (other than tradespersons), maintenance labourer, groundsman, power mower operator, tractor mower operator, leading hand and home economics assistant (other than persons directly employed by Local Government authorities or Cemetery Boards), the following classifications of persons employed in National Parks, marine and nature reserves, parks, recreation camps and Zoological Gardens (other than persons directly employed in parks wholly operated by Local Government authorities or Cemetery Boards); keeper, gardener, gardener's labourer, maintenance man, maintenance labourer, groundsman, warden, aquarist and ranger. (Provided that the term gardener shall include horticulturist).
- (b) A person employed, in any of the callings mentioned in paragraph (a) hereof, by a contractor engaged in the industry or industries in connection with which this union is registered shall, notwithstanding any possible implication to the contrary from the foregoing, be eligible for membership of this union.
- (E) (a) Any graduate of a University or College of Advanced Education or Child Care Certificate Course or equivalent who -
- (i) holds a certificate, diploma or degree specializing in early childhood care and/or education; and
- (ii) is or usually is actively engaged in teaching and/or caring for children under the age of six years.
- (b) Any teacher with qualifications equivalent to that outlined in paragraph (a) hereof, approved by the Australian Early Childhood Association and who is or usually is actively engaged in teaching children under the age of six years.
- (c) Any teacher who holds a certificate of a Teachers' Training College approved by the Australian Early Childhood Association and who is or usually is actively engaged in teaching children under the age of six years.
- (d) Any other graduate of a course in early childhood education at a University or College of Advanced Education who is employed or usually employed in or in connection with pre-school teaching and/or child care and whether or not in a teaching capacity.
- (e) Any person who holds a recognised qualification in early child care and who is or usually is actively engaged in the care of children under normal primary school age.

- (f) Any graduate with early childhood education qualifications as specified in paragraphs (a) - (e) hereof who is or is usually engaged in administration or supervision of services for education or care of children under the age of six years.
  - (g) Any graduate with early childhood education qualifications as specified in paragraphs (a) - (e) hereof who is or is usually engaged in tutoring or lecturing to students of childcare or early childhood education.
  - (h) Persons employed as enrolled nurses or pupils undergoing training as enrolled nurses in child minding centres, health or physical culture studios.
- (F) Any persons employed as enrolled nurses or pupils undergoing training as enrolled nurses.
- (G) Persons employed in community health work by non-Government Aboriginal Agencies other than persons who work in a professional, administrative or clerical capacity, and other than registered nurses, but not excluding enrolled nurses.
- (H) Persons employed in or in connection with the following callings or industries:
- The callings of Bakers (hand or machine), Pastrycooks, Confectioners, Apprentices and all others engaged in the manufacture, preparation, handling or processing of bread, pastry and confectionery.
- (I) Persons employed in or in connection with the industries of laundries, drycleaning and/or linen repair including but not limited to tradesperson drycleaners, receivers and despatchers, cleaners, repairers, spotters, pressers, hand ironers, wet cleaners, steam air-finishers, examiners of garments, assemblers of garments, sorters of garments, washing machine operators and laundry hands.

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#### In the State of Tasmania

attendant, assistant or receptionist in dentists', doctors' and optometrists' surgeries or consulting rooms; domestic staff, groundsman or yardman in schools and colleges; industrial chemist; industrial chemists' assistant; hairdresser; manicurist; manufacture of products from milk or cream; radiographer; traffic warden; x-ray technician; but excluding persons principally engaged at clerical duties in the foregoing industries and/or industrial pursuits but this exclusion shall not apply to attendants, assistants or receptionists in dentists' surgeries.

Prisons or correctional facilities, however described, but excluding:

- (i) persons employed as General Manager, Operations Manager, and Accommodation Manager, Risdon Prison Complex, Manager Hayes Prison Farm, Manager Launceston remand Centre, and Manager, Hobart remand Centre;
- (ii) persons employed in offender services in the Tasmanian prison services such as programs, industries and prison support provided that this exclusion does not extend to correctional officers or industry supervisors; and
- (iii) persons employed in Departmental positions in or in connection with prisons in Tasmania provided that this exclusion does not extend to correctional officers or industry supervisors.

Provided that persons

- (a) principally engaged in the transportation of goods or persons by motor vehicles upon public roads (excepting in the State of New South Wales, persons employed by CSR Limited, CSR Timber Products or CSR Research Pty Ltd; in the State of Queensland, persons employed in the ambulance industry including all persons employed by the Queensland Ambulance Service or its successors; in the State of Western Australia, persons employed in ambulance services) and;
- (b) who would be ineligible for membership if the rules of The Federated Miscellaneous Workers Union of Australia as at the first day of September, 1973, had remained in force

shall not be eligible for membership pursuant to the foregoing provisions of this Part.

Part 5:

Provided that any person employed as an agricultural scientist, bacteriologist, biochemist, biologist, botanist, chemist (other than a pharmacist in a dispensary and/or retail pharmacy or a chemical assistant or laboratory technician employed by the Colonial Sugar Refining Co. Ltd., Hardboards Australia Ltd., or C.S.R. Research Pty. Ltd. or a leather chemist in the tanning industry) chemical engineer, entomologist, geologist, mathematician, metallurgist, microbiologist, mycologist, pathologist, pharmacologist (other than a pharmacologist employed in a dispensary and/or a retail pharmacy), physicist, physiologist or zoologist (other than a zoologist employed at a zoological garden in one of the States of Victoria, Tasmania, South Australia or Western Australia) and who possesses or is qualified to possess a degree, tertiary diploma or equivalent professional educational or technical qualification shall not be eligible for membership.

Part 6:

Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall also consist of persons who are employed or usually employed by the Flagstaff Industrial and Commercial Services Group Ltd. in the following business enterprises:

1. The Flagstaff Industrial and Commercial Services Group Ltd. (The Flagstaff Group)
2. Document Management Solutions
3. Flagstaff Engineering
4. Leisure & Coastal Canvas Supplies
5. Monika's Kreative Kitchen

excluding employees of any service undertaken by the Flagstaff Group concerning placement services for people with disabilities into open industries other than placements for existing employees of the Flagstaff Group.

Part 7:

Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall also consist of persons who are employed or usually employed (other than in the State of Western Australia) in the supported employment business services industry, excluding employees of services which operate placement services exclusively for persons employed by supported employment business services and excluding employees of supported employment business services who carry out work associated with the provision of residential services.

Part 8:

Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the union shall also consist of persons, other than academic staff, wholly or substantially employed in the higher education industry, who:

In the State of Western Australia

are employed by Murdoch University, Edith Cowan University, The University of Western Australia and Curtin University of Technology other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the State of New South Wales

are employed by the University of New England, University of New South Wales (other than employees employed in the Medical School), University of Newcastle (other than employees employed in the Medical School), Charles Sturt University, the University of Wollongong and the Southern Cross University, other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the State of Victoria

are employed by the University of Melbourne, LaTrobe University, Victorian College of Agriculture and Horticulture Limited, Ballarat University College, Deakin University, Swinburne University of Technology, LaTrobe University College of Northern Victoria, Victoria University of Technology, Royal Melbourne Institute of Technology, Victorian College of Pharmacy, Hawthorn Institute of Education Limited, Victorian College of the Arts and Monash University other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations and other than Attendant Building, Parking Attendant, Engineering Services Officer and Plant Technician employed by Monash University.

In the State of Tasmania

are employed by the University of Tasmania other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the Northern Territory

are employed by the Northern Territory University.

In the State of South Australia

are employed by the University of Adelaide, Flinders University of South Australia and the University of South Australia other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the State of Queensland

are employed by the University of Queensland, Griffith University, James Cook University of North Queensland, Queensland University of Technology, The University of Central Queensland and the University of Southern Queensland other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the Australian Capital Territory

are employed by the Australian National University and the University of Canberra.

Part 9:

Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall also consist of persons employed in or in connection with the following industries or callings: Pastrycooks, Biscuitmakers, Ornamenters, the manufacture and preparation for sale of bread in Victoria, flour and sugar goods.

Part 10:

- (A) Without in any way limiting or being limited by the conditions of eligibility for membership elsewhere in this rule, the following persons shall also be eligible for membership: any person employed as an ambulance employee in Victoria, provided that any employee who is eligible for membership of the Shop, Distributive and Allied Employees Association of Australia, shall not be eligible for membership under this sub-rule.
- (B) (1) Without limiting or in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the following persons shall also be eligible for membership: all employees who work in or in connection with the provision of ambulance services in Victoria.
- (2) Without limiting the generality of Part 10 (B) (1), "ambulance services" include the following work: emergency patient care of the kind customarily provided by ambulance employees, patient transport, ambulance communications, clerical and administrative work in connection with the provision of ambulance services including the collection and processing of ambulance subscriptions and patient accounts, the maintenance of ambulance infrastructure, equipment and vehicles and the provision of supervision and training services for the foregoing employees.

Part 11:

Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall consist of all persons employed or to be employed by Aboriginal Hostels Limited in hostels or similar accommodation.

Part 12:

Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall consist of all persons employed or to be employed by:

- Taubmans Ltd, or by
- Wattyl Ltd in New South Wales, Victoria, Australian Capital Territory and Northern Territory;

In or in connection with retail paint outlets (including retail stores) operated by or on behalf of paint manufacturers, or their franchisees.

Part 13:

Without in any way limiting or being limited by the conditions of eligibility for membership elsewhere in this rule, the following persons shall also be eligible for membership; persons employed in or in connection with the Industry of Bread (including hamburger buns, bread rolls and crumbs), Yeast Goods, Crumpets, Cakes, Pastry, Pastry Goods and Allied Products Manufacture and Distribution from the manufacturer to the manufacturer's customer but does

not include persons employed as a shop assistant; together with persons who are employees who are qualified to be employed in and in connection with the said Industry; together with persons whose usual occupation is that of employee in the said Industry; together with persons employed in the said Industry in New South Wales who are employees for the purposes of the Industrial Arbitration Act 1904 as amended from time to time of that State, in Queensland who are employees for the purposes of the Industrial Conciliation and Arbitration Act 1961 as amended from time to time of that State, in South Australia who are employees for the purposes of the Industrial Conciliation and Arbitration Act 1972 as amended from time to time of that State and in Western Australia who are employees for the purposes of the Industrial Arbitration Act 1912 as amended from time to time of that State.

Provided that there shall not be eligible for membership of the Union any persons who are or would have been eligible for membership of the Transport Workers' Union of Australia in accordance with its registered rules as at 19 October 1978 except:

- (i) persons in the States of Victoria, New South Wales and Queensland who are wholly or partly engaged in the industry of bread carting including bread carters, spare drivers, foreman carters, bread-packers, inspectors, and collectors; or
- (ii) persons in the State of South Australia and Tasmania engaged in the selling, carting or delivery by carting of bread, cakes, pastry, biscuits and allied products (but not including crumpets in the State of South Australia).

Provided further that any person employed in or in connection with the preparation and/or manufacture and/or distribution of pastry and/or pastry goods in the State of New South Wales shall not be eligible to be a member of the Union.

#### Part 14:

All persons employed or to be employed in the Territory of the Cocos (Keeling) Islands in or in connection with or incidental to, the industries or industrial pursuits of:

construction, building and building maintenance including all electrical, mechanical, plumbing, painting, furnishing and labouring work; laundry and dry cleaning; child care and child minding; manufacturing including the manufacture of clothing, footwear and tourist artefacts; transport including maritime transport; waterfront; cemetery and undertaking; warehousing and all stores; water and sewerage works; animal welfare; animal, marine and wildlife establishments; Statutory Authorities, Boards or Commissions; public works and services; mining; gardening and greenkeeping; agricultural and horticulture; the manufacture and preparation of all food stuffs and aerated waters; retail; community services; health, dental but excluding medical services and registered nurses; emergency and safety services; education excluding teachers; tourism; security and watching; theatre, performing, sporting, amusement and recreational establishments and activities; accommodation, catering, hospitality, gaming, hotels, motels, resorts, restaurants, clubs; private sector administration and clerical work; and work carried out by employees of Cocos (Keeling) Islands Shire Council or a successor body or bodies thereto, throughout the Territory of the Cocos (Keeling) Islands, where such persons are employed for the performance of work wholly or mainly in the Territory

Provided that the following person shall not be eligible under this sub rule:

- (i) persons who are from and employed from mainland Australia to work on specific projects where such projects are for a finite period;

- (ii) performers and associated technical personnel engaged elsewhere in Australia for a limited season or for location filming in the Territory of the Cocos (Keeling) Islands
- (iii) persons eligible to be members of the Australian Maritime Officers Union and Maritime Union of Australia employed as Marine Officers, Coxswains, Deckhands or such other positions requiring marine qualifications;
- (iv) persons eligible to be members the Australian Institute of Marine and Power Engineers;
- (v) Persons employed or appointed under the provisions of the Australian Federal Police Act at the Cocos (Keeling) Islands;
- (vi) Government officers seconded or transferred to the Cocos (Keeling) Islands who are eligible to be members of the Community and Public Sector Union provided that this shall not apply to persons employed as Library Assistants and School Secretarial Staff employed by the Cocos Island Cooperative or persons employed by the Administrator and/or the Administration of the Cocos (Keeling) Islands who are residents of the Cocos (Keeling) Islands.
- (vii) members of the Association of Professional Engineers, Scientists and Managers Australia employed by the Cocos (Keeling) Island Shire Council or any successor body thereto.
- (viii) Persons eligible to be members of the Australian Services Union employed by the Cocos (Keeling) Island Shire Council or any successor body thereto.

Part 15:

Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the union shall consist of all persons employed or to be employed in or in connection with, the cultivation, production and harvesting of pearls and cultured pearls, in the Northern Territory employed as part of the operations of a pearl farm, and who are wholly or usually employed on site at the pearl farm.

Part 16:

Deleted

Part 17:

Any other person who is elected or appointed as an officer of the union or who is an official employed by the union to carry out the following functions and/or duties: organising, industrial, research, advocacy, publicity, education and training, occupational health and safety, workers compensation, superannuation, recruitment, or such other similar functions and/or duties, but not persons employed predominantly in a clerical and/or administrative capacity.

Part 18:

No restriction or qualification to the eligibility for membership under any Part of this Rule shall restrict or qualify eligibility under any other Part of this Rule.

Part 19:

Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the union shall also consist of persons who are employed in or in connection with any one or more of the following industries and/or industrial pursuits, namely:

- (a) All persons employed in all work in or in connection with the preparation and sale of meals, snacks and/or beverages which are sold to the public to be eaten on the premises or taken away provided that notwithstanding anything in these rules to the contrary persons not otherwise eligible for membership shall not in consequence of the foregoing be eligible to join the union who are employed in all work in or in connection with the preparation and sale of meals, snacks and/or beverages which are sold to the public primarily to take away:
  - (i) where such work is carried out in shops or stores where this work is incidental to the primary role of the sale of consumer goods; and/or
  - (ii) in food service establishments which primarily provide a take away service where no alcohol is sold.
- (b) All persons employed in all work in or in connection with the preparation and sale of food and/or beverages where such persons are employed by race courses, sporting venues, clubs, entertainment venues, exhibition centres, convention centres and like establishments.
- (c) All persons engaged in privately run retail stores which are located on the following higher education campuses, namely:

In Western Australia:

Murdoch University,  
Edith Cowan University,  
University of Western Australia,  
Curtin University of Technology.

In New South Wales:

University of New England,  
University of New South Wales,  
University of Newcastle,  
Charles Sturt University,  
University of Wollongong,  
Southern Cross University.

In Victoria:

University of Melbourne,  
La Trobe University,  
Victorian College of Agriculture and Horticulture Limited,  
Ballarat University College,  
Deakin University,  
Swinburne University of Technology,  
La Trobe University College of Northern Victoria,  
Victoria University of Technology,  
Royal Melbourne Institute of Technology,  
Victorian College of Pharmacy,  
Hawthorn Institute of Education Limited,  
Victorian College of the Arts,  
Monash University.

In Tasmania:

University of Tasmania.

In Northern Territory:

Northern Territory University.

In South Australia:

University of Adelaide,  
Flinders University of South Australia,  
University of South Australia.

In Queensland:

University of Queensland,  
Griffith University,  
James Cook University of North Queensland,  
Queensland University of Technology,  
University of Central Queensland,  
University of Southern Queensland.

In Australian Capital Territory:

Australian National University,  
University of Canberra.

- (d) All persons employed in stand alone photo processing establishments known as photographic mini-labs.
- (e) All persons employed in shopping centres where such persons are employed by centre managements to carry out catering, cleaning, security, parking, lift attending, gardening, greeting and other like work.

- (f) All persons employed by contract companies where found in the retail industry in the areas of catering, cleaning and security.
- (g) All persons employed by contract catering companies who work in or in connection with the preparation and sale of meals, snacks and/or beverages which are primarily sold to the public to be eaten on the premises or taken away.

Provided that notwithstanding anything in these rules to the contrary persons not otherwise eligible for membership shall not in consequence of the foregoing be eligible to join the Union who are:

- (i) All persons employed and/or to be employed in food services establishments trading as "Pizza Hut".
- (ii) All directly employed persons engaged in retail stores in cleaning, store greeting, security, lift attending, store cafeterias and food services involving the preparation and sale of meals, snacks and/or beverages which are sold to the public primarily to take away and employees engaged in the photoprocessing sections of such stores.
- (iii) All persons employed in photographic and camera stores.
- (iv) All persons employed in the preparation and/or sale of take away food and/or beverages in food courts in shopping centres.

Provided further that nothing in Part 19 shall make eligible for membership employees employed in the State of Queensland outside the South Eastern Division of Queensland [being the area within the following boundaries in the State of Queensland: commencing at Point Danger and bounded thence by the southern boundary of the state westerly to 151 degrees of east longitude; thence by that meridian of longitude bearing true north to 24 degrees 30 minutes of south latitude thence by that parallel of latitude bearing true east to the sea coast; and thence by the sea coast southerly to the point of commencement; and all islands comprised in any state or federal electorate in the South-Eastern Division of Queensland].

Part 20:

Provided that persons (not otherwise eligible for membership) employed by Village Sea World Operations Pty Ltd and Warner Sea World Operations Pty Ltd (collectively trading as Sea World Enterprises) at the Sea World Theme Park, Gold Coast, and its associated facilities, shall not be eligible for membership.

Part 21:

Notwithstanding the provisions of Part 1 and Part 2 of Rule 3, the following persons shall not be eligible for membership of the Union:

All persons employed or to be employed by Kirby Banner Pty Ltd and Warner World Australia Pty Ltd (collectively trading as Movie World Enterprises) at the Movie World Theme Park, Movie Studios (except where such employees are engaged directly in the production of film or television programmes) and Wet'N'Wild Water Slide Complex at Oxenford in the State of Queensland.

All persons employed or to be employed by Janola Dale Pty Ltd, its successors, assignees or transmittes at Dreamworld Theme Park, Coomera, Queensland.

Part 22:

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

Part 23:           INDEPENDENT CONTRACTORS ELIGIBLE FOR MEMBERSHIP

The following persons shall also be eligible to be members of the union:

persons who are independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the organisation under rule 3 of these rules.

Part 24

Notwithstanding any provision of this rule to the contrary and for the purpose of giving effect to orders made on 18 July 1996 and recorded in Print N3460, the union shall not have the eligibility to cover persons who are eligible to be members of The Australian Workers' Union in the following areas:

1. persons employed by Spotless in Commercial Support Program of the Australian Department of Defence contract work who are employed substantially in the following activities: grounds maintenance, tarmac maintenance, mechanical and electrical maintenance, building repair and/or maintenance, technical or supervisory and generally other persons whose work activities may generally be characterised as 'outdoor work'.
2. persons employed in contract cleaning and associated work undertaken by Event Services (excluding catering or food services work), in the following activities/locations: Homebush Bay Showground and services directly provided in association with events at the showground, the Eastern Creek Equestrian Centre, the Royal Hall of Industries, the Hordern Pavilion and associated facilities in regard to exhibitions at Paddington, and the AGVIEW event conducted at Camden (previously administered by the Royal Agricultural Society of New South Wales).
3. persons employed by Cleanevent Pty Ltd primarily employed in cleaning work in the following activities/locations: race courses, motor racing, golf tournaments, agricultural and horticultural events, outdoor entertainment venues (other than at sports stadiums), and employees performing horticultural work in sports stadiums/venues.

This rule shall not apply in the State of Queensland and the Northern Territory.

Part 25

Notwithstanding any provision of this rule to the contrary, the union shall have the eligibility to cover persons employed by the operators in the correctional facilities and prisoner transport described below, other than persons employed as managers, medical practitioners, teachers, nurses and persons employed in administrative and clerical positions by the operators including those who may become eligible solely as a result of the Private Correctional Facilities (LHMW/CPSU) Demarcation Order 1998 [Print P9108]:

1. In Queensland: Persons employed or engaged to work in any private correctional facility and prisoner transport, including the provision of security escort services to and from correctional facilities, courts and /or hospitals. Without limiting the generality of the foregoing, this includes persons employed by The GEO Group Australia Pty Limited (ACN: 051 130 600) at the Arthur Gorrie Correctional Centre and by Serco Australia Pty Limited (ACN: 003 677 352) at the Southern Queensland Correctional Centre.
2. In South Australia: Persons employed by Group 4 Correction Services Pty Ltd (Group 4) ACN 050 069 255 at the Mount Gambier Correctional Centre.
3. In New South Wales: Persons employed or engaged to work in any private correctional facility and prisoner transport, including the provision of security escort services to and from correctional facilities, courts and /or hospitals.
4. In Victoria and South Australia: Prisoner Transport operated by Group 4.
5. In Western Australia: Persons employed at Acacia Private Prison.

And, any successor in business (or part of the business or undertaking) concerned of the correctional facilities named herein or to the operators of the prisoner transport activities named herein.

## Part26

Notwithstanding any provision of this rule to the contrary, the union shall have the eligibility to cover persons employed by employers contracted by the Commonwealth Government to operate or manage immigration detention centres, other than persons employed as managers, medical practitioners, teachers, nurses and persons employed in administrative, clerical and social and/or welfare positions.

## **PART B**

There is no Sub-Rule (A).

- (B) The Union shall consist of an unlimited number of employees engaged in, or assisting
  - 
  - (a) The reception, handling, storage, preparation, bottling, packing and delivery of goods and merchandise, and processes and activities incidental or ancillary to

such reception, handling, storage, preparation, bottling, packing and delivery including the pulping, testing and/or processing of eggs.

- (aa)
1. Sorting in wool brokers stores, classing of wool, sampling, storing, baling, bagging, packing and despatching of wools, except in shearing sheds, furs, hair, bristles, hides, pelts and skins of animals, provided that in the State of Queensland the industry of wool classing and wool sorting shall be excluded, and further that in the State of Queensland the activities associated with furs, hair, bristles, hides, pelts and skins of animals shall be confined to that portion of the said State as is defined as the South Eastern Division of the State of Queensland.
  2. Sorting, classing, grading, sampling, baling, bagging, packing, storing, and despatching tobacco leaf in wool brokers establishments, grains, and the seed products of flowers and vegetables for resale.
  3. Where carried out by wool or skin brokers or dealers or by hide, pelt, skin, hair, bristles or fur merchants or by brokers or agents of any kind the sorting, classing, sampling, baling, bagging, packing, storing and despatching of skins, hides, pelts, wools, furs or hair of any animal provided that in the State of Queensland the industry of wool classing and wool sorting when so carried out shall be excluded and further that in the State of Queensland the activities associated with furs, hair, bristles, hides, pelts and skins of animals shall be confined to that portion of the said State as is defined as the South Eastern Division of the State of Queensland.
- (b) All persons engaged in the process, trade, business or production activity of -
- (i) Preparing horsehair, cowhair, or pighair for use, production or sale;
  - (ii) Making brooms, brushes, mops and/or feather dusters;
  - (iii) Making flock, mungo, felt or wadding;
  - (iv) Cleaning wool by mechanical or physical means other than by washing, carbonising or scouring;
  - (v) The extraction, refining and treatment of -
    - (a) Oil, whether vegetable or mineral;
    - (b) Tar bitumen, tar pitch and road surfacing preparations;
    - (c) Products from the above materials;
  - (vi) The manufacture of toilet preparations, food preservatives and vermin insect and fungi destroyers.

- (c) All persons engaged in or in connection with the business of a wholesale and/or manufacturing chemist.
- (d) In the State of Queensland the Union shall consist of persons who are employed in or in connection with the reception, storage, and/or packing and/or handling and/or wholesale selling and/or assembling and/or delivering of goods (such as merchandise, soft goods, hardware, spare parts, glassware and crockery, wool, hides, skins, oils and grease, fruit, vegetables, tyres and batteries, paints, boots and shoes, etc.) but not so as to limit the generality of variety of goods to be received, stored, packed, handled, sold, assembled or delivered, in wholesale warehouses, stores yards and factories, wool, hide, skin and wool dumping stores, wharf stores, bond and bulk stores, agricultural produce and egg stores, fruit sections and stores, machinery warehouses and stores, employees other than Engineering Tradesmen and their Assistants in factories where wire fencing, barbed wire, wire weaving and tubular iron gates are sold and manufactured, factories where agricultural and pastoral machinery is assembled, and factories where employees are engaged in repairing, working at, manufacturing, processing, refining, dehydrating, handling, blending, bottling, labelling or packing into tins, jars, cartons, or other containers, any such articles as drugs, medicines, chemicals or chemical compounds (such as dyes, rust proofing compounds, etc.), polishing materials (such as boot polish, floor polish, etc.), tar and bitumen, gaskets (other than metal gaskets), dry ice, fruit juice and fruit pulp, smoke coils, starch, rice, self-raising flour, maize meal, oatmeal, breakfast meal, dehydrated potato chips or flakes, macaroni, spaghetti, vermicilli and allied products, farinaceous foods, edible nuts, chicory, tea, coffee, condiments, vinegar, sauce, pickles, disinfectants,

turpentine, ammonia, methylated spirits, acids, oil, grease, benzine, kerosene, petrol, honey, lemon squash, lemon juice, fruit cordials, jelly crystals, custard powders, dried fruit, vegetables, lard, pate, veal and tongue, camp pie or other articles of produce, butter, cheese or other dairy products, grain, sorghum, ham, of a like nature, and employees engaged in the manufacture or preparation of confectionery, soap, soap powder, washing soda crystals, candles, jams, jellies, preserved fruit, ginger, candied peel, and civilian employees engaged in Army, Naval and Air Force establishments, and employees engaged in storing and/or packing in spare parts section of motor body and coach making establishments, government and semi-government departments, such as Department of Works and Housing, Civil Aviation, Stores and Transport, Supply and Development, Brisbane City Council Depots and Main Roads Depots, such persons having made application to join the Union and been admitted as members thereof.

2. The Union shall also include employees in the service of the Commonwealth Service of Australia engaged in or in connection with, or assisting in any way whatsoever in the reception, handling, storage, packing, preparation, delivery and general distribution of goods, also such other persons who are designated temporary assistant armourers.

3.

Provided however, that sub-paragraphs (v) and (vi) of (b) shall not operate so as to render eligible for membership in the States of New South Wales and Queensland persons, eligible for membership of the Australian Workers' Union.

4. (C) The Union shall also consist of all persons engaged in or in connection with the manufacture or repair of rubber goods of every description in the Commonwealth or goods comprising rubber components or constituents; in the manufacture of substitutes for rubber or any kinds of linos; in the insulating of cables or similar articles or the impregnating insulating or spreading all classes of fabric (including leathercloth) with rubber or substitutes therefor; in the manufacture of duperite bakerlite xylonite celluloid or similar compositions or substitutes therefor.

(D) The Union shall also consist of an unlimited number of employees in the industry of the craft occupation of Commercial Traveller.

For the purpose of these Rules, "commercial traveller" shall mean a person employed in or for the purpose of soliciting orders or promoting business of whatsoever kind of conducting market research and inquiry and without limiting the ordinary meaning of the foregoing shall include:-

(1) persons employed -

(a) for the purpose of soliciting orders for, or selling, articles, goods, wares, merchandise or material -

(i) for wholesale sale; or

(ii) for resale; or

(iii) for use in or in connection with the production and/or preparation and/or distribution of commodities for sale;

or

(iv) in bulk quantities;

(b) soliciting orders for, or selling -

(i) theatre screen advertising space; or

(ii) advertising space in newspapers, journals, periodicals, howsoever described; or

- (iii) advertising time on television transmission or radio broadcasts; or
- (iv) the sale and/or hiring of neon signs or other illuminated advertising media; or
- (v) docket books or business machines, supply rolls for internal use by the wholesale or retail trade; or
- (vi) office stationery and office supplies from banks, municipal and/or shire councils, insurance offices or government departments; or
- (vii) electrical typewriters, mechanical filing, accounting and book-keeping systems and the like, cash registers and similar mechanical equipment; or
- (viii) poker machines, games of chance; or
- (ix) glassware and mechanical and/or electrical equipment in connection with the bar trade; or
- (x) farm and trade machinery and equipment (excepting persons employed in the sale of such goods by retail); or

- (xi) building material and supplies from building, tiling, painting, plumbing, glazing or electrical contractors; or
  - (xii) technical or commercial services; or
  - (xiii) the freighting or transportation of persons, animals, articles, goods, wares, merchandise or materials; or
  - (xiv) services of planning, invoicing, computing, cleaning, safety, catering, cafeteria or maintenance nature; or
- (c) soliciting orders on behalf of printers, manufacturing stationers, paper manufacturers and paper importers (excepting persons employed in the sale of goods by retail away from the employer's place of business);
- (d) introducing drugs and medicinal supplies and/or instruments to medical, veterinary and/or dental practitioners and/or hospitals;
- (e) buying for some person, firm or company engaged in wholesale business for resale in any form.
- (2) persons employed in the market research industry.
- (3) the following classes of persons shall be excluded from the classes of persons eligible for membership of the Union by reason only of Rule 5(D) hereof:
- (a) persons employed in the gas industry who are eligible for membership of The Gas Industry Salaried Officers Federation;
  - (b) persons employed in the shipping industry who are eligible for membership of Australian Shipping Officers Association;
  - (c) persons employed in the insurance industry who are eligible for membership of The Australian Insurance Employees' Union;
  - (d) persons employed in or in connection with the business of wool selling brokers who are eligible for membership of Wool Brokers Staffs Association;
  - (e) persons engaged in or in connection with the transport industry whether by land, water (except sea) or air who are eligible for membership of Australasian Transport Officers Federation;
  - (f) persons eligible for membership of the Public Service Association of New South Wales;

(g) persons eligible for membership of CPSU, the Community and Public Sector Union:

- (i) pursuant to Rule 2, Part II of the CPSU rules; or
- (ii) pursuant to Rule 2, Part I, sub-rule A.1 (i)(a), (b), (c), (d), (e), (f) and/or sub rule A1(iv) of the CPSU rules, with the exception of employees of the ACTEW/AGL Customer Service Call Centre; or
- (iii) pursuant to Rule 2, Part 1, sub-rule O of the CPSU rules; or
- (iv) who are employed or engaged by the contract call centre providers Teletch or Stellar or any company related to Teletch or Stellar within the meaning of the Corporations Act 2001.

(ha) persons employed wholly or substantially in a clerical and/or administrative capacity, excluding persons employed in classifications appearing in the Market Research Industry - Consolidated - Award 2003 [AW827717] and/or the Market and Business Consultancy Services - Roy Morgan Research - Award 2002 [AW809520] as varied from time to time.

- (hb) persons at the employer's place of business, employed to solicit donations and or sponsorship and or membership, and or engaged in other fundraising other than the sale of goods or services for commercial profit, excluding persons employed in telemarketing activities by the Royal Society for Prevention of Cruelty to Animals Incorporated in the State of Victoria.
- (i) persons employed in the printing industry who are engaged wholly or substantially in soliciting orders for articles, goods, wares, services, merchandise, materials or advertising of any kind from the place of business of the employer where such persons hold a qualification specifically related to the printing industry and/or where such persons who perform duties in soliciting orders as described above as part of a career path related to or as part of a career path in the printing industry;
- (j) persons employed in the printing industry wholly or substantially engaged in retail or wholesale selling at the employer's place of business except where the employee solicits orders via telephone or other electronic means or any combination thereof.

(k) persons employed in or for the purpose of soliciting orders for goods in or for any retail operation except:

- (i) where the employee is employed substantially away from the employer's place of business; or
- (ii) where the employee is principally employed in soliciting orders via telephone or other electronic means or any combination thereof and the soliciting of orders is neither directly related to the retail operation or an extension of activity performed by employees employed in the retail operation.

- (l) persons employed in retail shops including employees who solicit orders and/or promote the business of their employer as part of their ordinary duties and the performance of such activities is incidental and/or ancillary to the performance of duties as an employee employed in or for any retail operation or retail shop.

Provided that the above exclusions shall apply only to Rule 5(D) hereof.

- (E) The Union shall also consist of persons employed as:-

Foremen, Forewomen, Store Supervisors and Transport Supervisors in the Department of Defence (Naval Establishments) Department of Administrative Services, Department of Productivity, Munitions Factories, Australian Department of Construction and Clothing Factories throughout Australia, where such Establishment and/or Factories are carried on by the Australian Government, and all foremen at all Government undertakings, including Australian National Airlines Commission and the Northern Territory Public Service.

Provided that line foremen, any foremen artisans or foremen storemen in the Postmaster-General's Department, foremen printers, foremen storemen in Army or R.A.A.F. Ordnance Stores or employed by Australian National Airlines Commission, foremen gardeners at Flinders Naval Depot, foremen mechanics (Lighthouse) and any foremen employed in the Commonwealth Railways, shall not be eligible for membership.

Provided that the above exclusions shall apply to classes of persons eligible for membership of the Union by reason only of Rule 5(E) hereof.

- (F) The Union shall consist of an unlimited numbers of persons employed in or in connexion with freezing, refrigerating, ice, ice cream, butter, cheese, milk (fresh, dried and/or condensed), bacon, oleomargarine, and meat preserving factories, employees in retail dairymen's establishments (other than employees in those establishments whose work in the main comprises the work of carters and drivers or their assistants stablemen loaders or collectors of money or watchmen) or in or in connexion with the fish, game and poultry industry, but excepting engine drivers, firemen and greasers, engineering mechanics, electrical trades employees and persons employed in any clerical capacity or solely as salesmen or saleswomen in dairies. Provided that the above exclusions shall apply to classes of persons eligible for membership of the Union by reason only of Rule 5(F) hereof.

- (G) (i) The Union shall consist of persons who are bona-fide employees, wholly or partly engaged in any capacity in the manufacture or preparing for sale of (a) candles, (b) soap, soap powders and extracts, soda, (c) starch, (d) blue (washing), boot blacking, boot polish, boot paste, boot stains, black lead, charcoal, coal dust, cloudy ammonia, dubbo, ebonite shine, furniture polish, glycerine, greases, harness dressing, harness compounds, ink, knife polish, kindlers, linoleum and oilcloth polish, metal polish, moulders' blacking, oils, phenyle, plumbago preparations, stove polish, vaseline, (e) condiments and cereal foods, and all other articles, goods and preparations usually or commonly known as Grocers' sundries including arrowroot, baking powder,

barley, bicarbonate of soda, bird seed, borax, brose meal, carraway seeds, cassia, castor sugar, chicory, chicorine, chillies, chocolate, cinnamon, citric acid, citron peel, cloves, cocoa, coffee, coffee essence, coriander seed, cornflour, cornina, cream of tartar, cummin seed, curry powder, custard powder, copras oils, condensed milk, dessicated coconut, digestive meal, epsom salts, fennel, fenugreek, flavouring essences, graham flour, groats, ginger, haricot beans, hommell, hemp seed, icing sugar, jellies, lemon peel, lentils, linseed, linseed meal, macaroni, mace, magnesia, meal wheat, malt preparations, maize meal, millet seeds, mustard, nutmegs, oatmeal, oats, orange peel, peas, pepper, pimento, patent foods, rape seed, rice, sago, sago flour, self-raising flour, spices, semolina, sulphur, tapioca, tartaric acid, vermicelli, (f) matches and matchboxes, (g) glucose and all products of maize and all other similar or allied preparations, goods and articles to any of the abovementioned preparations, goods or articles.

- (ii) Other than in the Northern Territory and the State of Queensland, all persons engaged in any capacity in or in connection with the Grain Milling Industry.
- (H) (a) For the purpose of this Sub-Rule the following definitions shall apply:
- (i) "Administrative clerk" means any clerk employed in budgeting, costing, accounting and allied functions, preparation of payrolls, clerical work associated with purchasing, banking of monies, typing or secretarial work, stenography, and in the performance of those functions shall include the operation of telex, facsimile, accounting or calculating machines, computers, and other equipment used in connection with electronic data processing and operators of switchboards, and persons employed in a clerical capacity for the keeping and maintenance of general administrative records.
  - (ii) "Container depot" means an area and building authorised by Customs Authorities for the examination of goods on landing at which containers, pallets and flats are unpacked, the contents sorted and prepared for delivery or stored, and for the receipt, delivery and storage of containers, and at which loose goods or packages are received and stored into containers or onto pallets and flats, or otherwise handled or stored.
  - (iii) "Employees" means that class or group of employees being:
    - (a) employees engaged or assisting in the work of handling, storing, preparing, packing or despatching goods or merchandise or work on or in connection with the loading or unloading, stacking, moving or sorting of such goods and merchandise in or about container depots, including the operation of equipment necessary to move containers or goods and any equipment required to clean the premises or containers, and including clerical work, but excluding the work of an administrative clerk and work of a supervisory nature; employees engaged in watching, guarding or protection duties in or about container depots;

(c) employees performing the work of a qualified trades person,

or any combination of work specified in sub-paragraphs (a), (b) and (c).

(b) For the purpose of this Sub-Rule the employers and the specified container depots operated by the employers are as follows:

EMPLOYER	CONTAINER DEPOT
National Terminals Aust. Ltd	East Swanston Dock Vic Port Botany NSW
Conaust Limited	McKenzie Road West Swanston Dock Vic Rozelle NSW Gillman SA
F.G. Strang Pty Ltd trading as Strangtainers	Footscray Vic
Western Packing Pty Ltd trading as Cargo Distributors	Footscray Vic
Port Botany Container Depot Pty Ltd	Banksmeadow NSW
Seatons Container Freight Station Pty Ltd	Camellia NSW
Brisbane Cargo Services Pty Ltd operating as Brisbane Amalgamated Terminals Limited	Fishermans Island
Macpak Pty Ltd	Hemmant Qld

Rivers Trading Company Cargo Pty Ltd trading as Rivers Trading Company	Nudgee Qld
Interport (Brisbane) Pty Ltd	Hamilton Qld
Charlick Operators Pty Ltd trading as Austainer Services	Gillman SA
Terminal Properties of Australia Pty Ltd trading as Freightbases	Gillman SA
Fremantle Port Authority	North Quay Fremantle WA
Fremantle Terminals Limited	North Quay Fremantle WA

- (c) For the purpose of this Rule the employees, as defined in sub-paragraph 5(H)(a)(iii) hereof, of each of the employers specified in paragraph 5(H)(b), where those employees are employed at the specified container depots in respect of each employer, shall not be eligible for membership of the Union.
- (d) Nothing in this Sub-Rule shall limit or affect the right of the Union to enrol employees employed by an employer specified in paragraph (b) herein and not employed at a container depot specified in that paragraph.
- (HA) In the State of New South Wales the Union shall also consist of persons who are employed or competent to be employed in the pastrycooking or biscuitmaking industry, or the manufacture of any goods of which flour or sugar forms a part.
- (I) Without limiting the scope of Sub-Rules (B), (C), (H) and (N), the Union shall also consist of all persons who are employed by employers engaged in or in connection with:
- (i) the manufacture and distribution of cables and other conductors for the transmission of energy, or
  - (ii) processes connected with or incidental to such manufacture and distribution,
- excluding persons whose principal work is ancillary to the work of tradesmen howsoever classified, and excluding persons employed by:
- (1) Pacific Dunlop Limited, Olex Cable Division at Geebung Queensland;
  - (2) Metal Manufactures Limited trading as Pyrotenax;

- (3) Metal Manufactures Limited MM Metals Division at Port Kembla, New South Wales;
  - (4) Metal Manufactures Limited MM Cables Division at Port Kembla, New South Wales;
  - (5) Pacific Dunlop Limited, National Cables Division trading as Spinaway Cables at Wetherill Park, New South Wales; and
  - (6) Metal Manufactures Limited in its management of Optical Waveguides Australia Ltd at Noble Park Victoria.
- (J) Notwithstanding anything to the contrary contained in this Rule, but subject to Sub-Rule (M), any person who is a member, staff member or special member of the Australian Federal Police is not eligible for membership of the Union.
- (K) Notwithstanding anything to the contrary contained in this Rule, but subject of Sub-Rule (M), persons who are employed in paint manufacturing and/or distribution by:
- (a) I.C.I. Australia Operations Pty. Ltd. in the operations of Dulux Australia at its sites at Rocklea Qld., Cabarita and Padstow N.S.W., Clayton Vic. and O'Connor W.A. or within the Northern Territory or the A.C.T.;
  - (b) Taubmans Pty. Ltd. at its sites at Villawood N.S.W., Yeronga Qld., Sunshine Vic. and Perth W.A. or within the Northern Territory; or
  - (c) Wattyl Limited, Wattyl (NSW) Limited, Wattyl (Qld) Pty Ltd, and Wattyl (SA) Pty Ltd, at all sites of those companies;
- shall not be eligible for membership of the Union.
- (L) There is no Sub-Rule (L)
- (M) Provided that Sub-Rules 5(H), (J) and (K) shall operate only so as to exclude from eligibility for membership of the Union persons otherwise eligible under Sub-Rules 5(B) and (C) hereof. Sub-Rules 5(H), (J) and (K) have no application to persons eligible for membership under Sub-Rules (A), (D), (E), (F), (G), (I), (N) and (L).
- (MA) All persons employed within on-airport tax free and duty free operations, within international terminals, throughout the Commonwealth of Australia.
- (N) The Union shall also consist of such other persons whether engaged as aforesaid or not who are:-
- (a) elected officers of the Union; and
  - (b) appointed officers of the Union.

## SCHEDULE 2: INDUSTRIES

**PART A****PART 1**

The description of the industries and/or industrial pursuits in or in connection with which the Union is registered is as follows:-

The industries and industrial pursuits of persons employed in Aboriginal local government communities or regional councils in the Northern Territory, Western Australia and South Australia (excluding persons employed in professional, administrative and clerical positions other than at Tangentyere, Kalano, Julalakari and Jurnkurrakur Councils and excluding registered and enrolled nurses employed as such other than enrolled nurses in Western Australia); persons employed in Aboriginal health services in the Northern Territory, Western Australia and South Australia (excluding persons who work in a professional, administrative or clerical capacity in the public sectors in South Australia and Western Australia other than regional Aboriginal health liaison officers in Western Australia and excluding Aboriginal health workers in the public sector in South Australia other than persons employed by Aboriginal health services operated in conjunction with Aboriginal local government communities or regional councils based in the Northern Territory and excluding registered and enrolled nurses employed as such other than enrolled nurses in Western Australia); persons employed in Aboriginal welfare associations in the Northern Territory, Western Australia and South Australia (excluding persons employed in professional, administrative or clerical positions and in counselling, co-ordinating and developmental work other than at the Institute for Aboriginal Development and excluding registered and enrolled nurses employed as such other than enrolled nurses in Western Australia); air brush artists, in the photographic industry; manufacture of asbestos and/or asbestos cement products (except in Queensland, Tasmania and Western Australia); fibre reinforced products and/or fibre cement products (except in Tasmania, Queensland and Western Australia); animal welfare establishments (except animal husbandry and research establishments in connection with pastoral pursuits - provided that this exception shall not include the Northern Territory - and excepting animal health stations and experimental farms in Queensland and New South Wales); veterinary hospitals and any establishment or business which accommodates, handles, treats or otherwise caters for the welfare of animals and household pets (other than in the public sector); animal care; persons employed in animal, marine or wildlife establishments (except establishments which are engaged in agriculture or pastoral pursuits, other than in the Northern Territory); manufacture and repair of bags and sacks; broom and brush making (except in Victoria, New South Wales, Tasmania and South Australia); manufacture of carbon paper; caretaking; caretaker, building superintendent, janitor, handyperson or maintenance person; cemetery and undertaking; chemical (other than persons engaged principally in or in connection with the making, preparation, handling, putting up, reception, sale demonstration and/or delivery of drugs, pharmaceutical goods and medicinal chemicals); chemical workers; child minding centre, child care, child minding (other than qualified teachers in Victoria and other than in hospitals in New South Wales and within universities in New South Wales and the Australian Capital Territory); manufacture and treatment of cork and cork products (except in Victoria and Queensland); crematorium; cleaners; cleaning and pollution control (excluding persons employed full-time by employers in the metal industry within their establishment); commissionaire; dance instruction; day nursery (other than in hospitals in New South Wales and within universities in New South Wales and the Australian Capital Territory); dentists; dental mechanical work; dental therapy; assistant and attending dentists; domestic work; domestic workers (except domestic servants employed in Queensland in the Pastoral Industry such as gardeners, chauffeurs, grooms, stablemen, kitchenmen, cooks, waitresses, laundresses,

housemaids, nurse girls and general servants); domestic staff or groundsmen or yardmen of denominational schools; emergency and safety employees of the Port of Melbourne Authority and the Port of Geelong Authority; manufacture of engine packing (except where made in the rubber industry with rubber or with any rubber substitutes); carrying by ferry boats; making of fibrolite (except in Queensland, Tasmania and Western Australia); gardening; gatekeeping; greenkeeping (except in New South Wales, Victoria and in local government in Tasmania and also except in Western Australia as regards golf links, bowling greens, tennis courts and all gardens, lawns and greens in connection therewith); gypsum plasterboard and similar products; health and physical culture including all instructors, counsellors, masseurs and attendants in health and physical culture studios including weight loss studios and/or centres; home care aides and attendants (except in Victoria and Tasmania); personal care aides and attendants employed in households (except in Victoria and Tasmania); personal care aides and attendants, employed other than in households, in South Australia, Western Australia, Northern Territory and Australian Capital Territory; home helps (except in Victoria and Tasmania); making of ice cream; insulwool, slagwool or other insulation material; jury keepers (in the State of Victoria only); laboratory assistant, attendant or tester in or in connection with the oil industry; washing, cleaning, ironing, sorting and packing of laundry including persons employed in dry cleaning; industry of laundering and laundrettes; libraries and library services; library workers (not principally engaged at clerical duties); lift attending; manufacture of linoleum; portage; manufacture of lead; manufacture of photographic supplies or materials; manufacture of Sisalkraft, Duk-Bak and similar products; manufacture of coated or laminated products, whether reinforced or not; margarine making and packing (except in the States of New South Wales, Victoria, Western Australia and Tasmania); carrying of messages; motor car washing, greasing, cleaning detailing and attending; motor garage, including service station (other than chauffeurs and workers in the iron trades and coachmaking trades and their assistants); making of oilskins (but not the manufacture of goods from fabrics which have been so treated); making paint, sealants; varnish; white and red lead; parking attendants (except municipal and shire council employees and those employed in any kind of amusement, whether outdoor or indoor or in or about theatres, halls, racecourses, sports, exhibition and agriculture shows); manufacture or preparation of perlite and/or vermiculite products; pest control (except in New South Wales, Queensland and Western Australia, provided that this exception shall not relate to domestic pest control services); photographic establishments; manufacture of resin-bonded fibre reinforced products including pipes (except in Tasmania, Queensland and Western Australia); manufacture of plaster of paris; plastics or substitutes therefor and/or goods made therefrom and/or goods in the manufacture of which plastics or substitutes therefor are used (other than engineers and persons eligible to be members of the Federated Rubber and Allied Workers' Union of Australia and coming within the award of the Court known as the Rubber Workers' Award, 1947); port hostesses; pre-school kindergartens; manufacture and assembling of pyrotechnics; sealing, sanding, treating and/or otherwise processing floor coverings and floor surfaces excepting the sanding of floors in buildings under construction or in the course of structural alteration or structural repair; all employees (other than in Queensland) including qualified, trained, trainee or untrained in private pathology laboratories, including scientific or technical work therein, except:(i) in Victoria and Tasmania; and (ii) in South Australia, Western Australia, the Australian Capital Territory and the Northern Territory employees eligible to be members of the Australian Nursing Federation in accordance with the rules of the ANF as at 10 June 1993; and (iii) in New South Wales registered or enrolled nurses or persons entitled to be registered or enrolled by any nurse registration authority, employed as such; and (iv) in Western Australia employees in professional, administrative, clerical or technical classifications; security or watching (in

either case other than employees employed in a shop by the operator thereof); rangers (other than those employed by the Crown in the right of the Commonwealth or of a State or Territory), manufacture of records, rolls, tapes, video tapes or any such like article used for reproducing purposes; spruiking; manufacture of stramit, strawboards (in the State of Victoria) and similar boards; stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of terrazzo or similar compositions (excluding persons employed in a clerical capacity); sugar refineries (except in Queensland, South Australia and Victoria); manufacture of synthetic resins and/or moulding powders; tea attendants (other than in hospitals in New South Wales and in the Universities of Macquarie, Sydney and New England); teacher aide; making and assembling of toys (except in New South Wales, Victoria, South Australia and Western Australia) using substantially non-metallic materials; manufacture of typewriter ribbons; tourist guide and/or tourist leader (other than those directly employed by a travel agent); veterinarians, veterinary assistants and/or attendants (other than in the public sector); zoological and/or aquatic exhibition, garden or reserve (excepting ticket takers and ticket sellers in aquatic exhibition, garden or reserve); performance of work as attendants and/or assistants in industries otherwise covered by this present rule, including the industry of "The Public Service" as defined in Section 3 of the Public Service Arbitration Act, 1920-1973; provided that nothing herein shall be construed as applying to the rubber industry in the State of Queensland.

The generality of description of any of the foregoing industries or industrial pursuits is not to be limited by reference to any other industry or industrial pursuit.

Provided further that persons

- (a) principally engaged in the transportation of goods or persons by motor vehicle upon public roads and
- (b) who would be ineligible for membership if the rules of The Federated Miscellaneous Workers Union of Australia as at the first day of September, 1973, had remained in force

shall not be eligible for membership pursuant to the foregoing provisions.

Provided further that tradesman's assistants, riggers and metal workers employed in maintenance sections of any establishments in the foregoing industries and/or industrial pursuits shall not be eligible for membership pursuant to the foregoing provisions.

Provided further that persons principally engaged in selling, receiving, handling, demonstrating and/or delivery of goods in and for any shop or wholesaler's warehouse (other than photographic establishments and manufacturers' establishments) and employees principally engaged in the sale or demonstration of goods other than in or for any shop or wholesaler's warehouse (except such employees employed in or in connection with manufacturers establishments) shall not be eligible pursuant to the foregoing provisions.

PART 2:

The industry or industries in connection with which the Union is registered are also any of the following industries, callings, occupations or vocations:

- (a) manufacturing, preparing for sale, distributing, selling, intoxicating liquors;
- (b) manufacturing and preparing for sale non-intoxicating beer, aerated waters, soft drinks, post mix syrup, beverages, still water, cordials and fruit juices provided that registration pursuant to the words “fruit juices” shall be confined to establishments where the principal activity of such establishments is otherwise covered by this Rule;
- (c) bars, catering, clubs, restaurants, cafes, eating houses, boarding and lodging, accommodation and apartment houses, catering outlets or establishments, hotels, hotel reservation centres, motels, wine saloons, wine stores, wine bars, coffee palaces, coffee lounges, cruise ships or boats, nightclubs, tea rooms, soda fountains, milk bars, fruit juice and flavour bars, and on racecourses, football grounds, cricket, dog racing, coursing and other sports grounds and venues;
- (d) purchasing and cleaning of articles usually collected in marine stores or yards;
- (e) manufacturing crown seals, cutting of cork and manufacturing of cork boards;
- (f) sorting and washing bottles;
- (g) manufacturing yeast;
- (h) manufacturing vinegar;
- (i) cleaning and attending to hotels, clubs, coffee palaces, catering establishments, boarding, lodging and apartment establishments and eating houses;
- (j) manufacturing malt;
- (k) the preparation and service of food and drink by persons employed by professional or contract caterers for any commercial, social, industrial or other purpose or function and all persons employed in or in connection with canteens, mobile canteens, messes, kitchens or catering establishments;
- (l) cleaning and attending to the provision of board and lodging or any other form of accommodation in camps and staff or workers’ quarters;
- (m) the provision, conduct or supervision in clubs, hotels, motels, restaurants, tourist complexes, convention centres or casinos of games of chance or any other gambling activities or facilities;
- (n) exhibition halls and convention centres (except in the State of Queensland).

PROVIDED that nothing in paragraphs (k), (l) or (m) hereof shall include in the industry or industries in connection with which the Union is registered the industries, callings, occupations or vocations of employees employed in the Northern Territory unless employed in catering in or in connection with the airline industry; and

PROVIDED that the industries, callings, occupations, or vocations in or in connection with which the Union is registered do not include either or both catering and cleaning for or at premises provided for persons working in or in connection with the following industries or callings:

the search and/or drilling for hydrocarbons, the production, processing and transmission of hydrocarbons, and the construction of pipelines used in or in connection with the extraction and transmission of hydrocarbons, slurries and similar substances;

### PART 3:

Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of the industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits, namely:-

The tanning and leather dressing industry, handling bagging or grinding bark, the manufacture of bark and other tanning extracts, the classing or sorting of leather (finished or unfinished) where such is done on tannery premises, the manufacture of agar-agar, glues and gelatine and by-products, putty; adhesives, pastes, fertilizer constituents, dextrine, calciners or other like materials, the washing or other treatment of animal hair, with tanning, dressing, dyeing, or other treatment of fur or other skins, including woolled lambs or sheep-skins, canvas working; leather working; the manufacture alteration, repair and installation of articles made from leather, woolled lamb or sheep-skins, furred skins, such as spindle polishing mops, paint roller sleeves, dusters (other than establishments covered by The Federated Storemen and Packers' Union of Australia), playsuits, wool-skins and furskin toys, soft toys of all descriptions (excluding furred garments and toys made in clothing factories), clicking, cutting by hand or machine, or in the making or repairing saddles, saddle trees, harness, collars and rugs for horses and other animals, bridles, fly-veils and strapping, whips, whip-thongs, machine belting, respirators or gas masks of leather, canvas, fabric or other like materials, welders' masks, trunks, bags, portmanteaux, travelgoods, suit or attache cases, braces of all descriptions, belts, razor strops, watch straps, suspenders, sporting goods of canvas, leather or like material, travellers' sample case of all descriptions, slither cans, musical, gramophone, wireless, surgical and spectacle cases of all descriptions, cosmetic cases; ladies' evening bags, ladies' handbags, handbags of all descriptions, shopping bags; making and/or fitting zippers, wallets, purses, pouches, folio or folio covers of all descriptions, leather or fabric gloves and mitts of all descriptions, leggings, hat leathers, designing, leather coats, leather hats or caps, rifle and/or gun covers, rifle pouches and belts; play suits of leather or fabric, artificial limb and appliances including surgical belts and surgical supports of leather, canvas, webbing or other like material, sails (including the designing thereof), tents, tarpaulins, rigging, flags, nose bags, anti-fouling bags; water bags, waterbed mattresses; weather cloths, dodgers, canvas, duck or calico bags of all descriptions, blinds of all descriptions (including venetian blinds), inside or out, mast coats, awnings, sail covers, canvas, duck, fabric or calico covers of all descriptions, canopies; canvas or coir save-alls, slings of all descriptions, wind sails, hose of all descriptions, covers for wings of aeroplanes, or component parts of aeroplanes of canvas, fabric, or other like material, parachute, parachute harness, car safety harness of leather, canvas, webbing, or other like material, seat covers; aeroplane hangars, sheds (Belman or others), components of aeroplane hangars, sheds or houses of canvas, fabric or other like material, mail bags, fenders, cargo nets, ships' gear, boat covers marquees, skillions

binding and conveyor aprons, gaskets and washers of leather, canvas or other like material, industrial mops, camp beds, deck chairs, camp furniture, rope or wire splicing and all classes of goods other than boots, shoes and slippers, made from leather, pelts, fabric, canvas, fibre or vulcanized fibre, webbing, and/or all substitutes (including plastics and vinyl) for leather, pelts, fabric, canvas, fibre or vulcanized fibre, webbing, used in the industries also machining in all sections and on spraying.

#### PART 4:

Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of the industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits in the Northern Territory:-

Ambulance and first aid attendants; Pastoral, Agricultural, Horticultural, Viticultural, Dairying, productions and/or processing of game and poultry; Fruitgrowing, Sugar-growing, Cane-cutting, Cotton-growing, Rabbit-trapping, Timber-getting, Saw-milling, Building Industry, Butchering and Meat Industry, Brick-making Industry; manufacture of cement, concrete and/or concrete products; the manufacture of boards, panels and all types of building materials, joinery and glazing whether or not performed at a building site, carpet laying, cabinet making, furnishings and furniture making, assembling and finishing; Cotton Industry; industry of searching, boring for, extracting, storing, transmitting, processing of water, oil, hydro-carbons and/or any other mineral or element (excepting persons principally engaged in the transportation of goods or persons upon private roads by motor vehicle and who would be ineligible for membership if the rules of The Federated Miscellaneous Workers Union of Australia, as at the 1st day of July, 1977, had remained in force); oil industry, hydro-carbon industry (excepting persons principally engaged in the transportation of goods or persons upon private roads by motor vehicle and who would be ineligible for membership if the rules of The Federated Miscellaneous Workers Union of Australia, as at the 1st day of July, 1977, had remained in force); Mining Industry, Milling, Smelting and refining of Ores, quarrying, crushing and/or processing industry of quarry materials; construction and maintenance of Rivers and Harbours, Diving, Waterside-Workers, Construction and Maintenance of Roads, Aerodromes, Water and Sewerage Works including conservation and irrigation, Public Works and Services, prevention, suppression and extinguishment of fires, (excepting persons employed under the provisions of the Commonwealth Public Service Act), hospitals, Benevolent Homes, Dispensaries, Asylums, Mental Hospitals, Sanitariums, Rest Homes, Retirement Communities and Homes, Convalescent Homes, Medical Schools, Laboratories, Colleges, Industrial and Other Homes, Charitable Institutions, Ambulance Work, Welfare Organisations, Doctors and/or Dental Surgeries, Clinics and Practices, Provision of Medical, Paramedical and/or Nursery Care for aged persons in Day Care Centres and/or Homes, Provision of care and training to the intellectually and/or physically disabled and/or psychiatrically disabled and/or developmentally disabled and work ancillary thereto in Hostels, Day Care Centres and Homes (but excluding persons employed as social and/or welfare workers employed in social support services, other than persons employed by the Harry Giese Centre, Tangentyere Council, FORWARD, YWCA Youth Refuge (Darwin), Katherine Aboriginal Action Group, Alice Springs Drug and Alcohol Services Association and Institute for Aboriginal Development and excluding registered medical practitioners other than those employed in non-government aboriginal health services and excluding registered or enrolled nurses or persons entitled to be registered or enrolled by any nurse registration authority employed as such), Construction and Maintenance of Fuel Oil and Petrol Tanks,

and Pipelines, Municipal Works and Services, Construction and Maintenance and Operation of Railways, Surveying, the

industry of harvesting and/or processing of finfish (wet fish), crustacea, molluscs and/or plankton (whether for commercial or for game purposes) and whether on water or on land; Net-making, Clerical work, Brewing, Motor Driving, Shipping, Saddle-making, flour milling including all employees employed in handling, manufacturing, packing and distributing flour in flour mills and/or flour mill depots; Baking, including bread manufacturing, pastry cooking, biscuit making, industry; Cordial and aerated waters manufacturing, fruit juices and all alcoholic and non-alcoholic drinks, the industry of hairdressing and scalp treatment and/or beauty care and/or body care massage; all workers engaged in the conduct of Hotels, Clubs, Restaurants, motels, boarding establishments, guest houses, hostels and/or any other type of accommodation and/or catering, food preparation and/or processing industry; the provision, conduct, or supervision in clubs, hotels, motels, restaurants, tourist complexes, convention centres or casinos or games of chance or any other gambling activities or facilities Shops, Stores, Laundries, employees employed in or in connection with, including selling tickets by any means in connection therewith, in or about any kind of amusement, whether indoor or outdoor, including Picture Theatres, sporting and amusement establishments, persons employed to perform work in the service of any port authority whether or not the port authority is included within the definition of "the Public Service" in Section 3 of the Public Service Arbitration Act, 1920-1973 (except persons employed to perform work for Nabalco Pty. Limited or any subsidiary or successor thereof at Gove of any kind referred to in the definition of 'waterside worker' as defined in the Stevedoring Industry Act 1956 to 1973), and all kinds of general labour.

Without in any way limiting, or being limited by, the generality of the foregoing, the Union shall also consist in the Northern Territory of persons employed to perform work in or in connection with any one or more of the following industries and/or industrial pursuits:-

- (A) Civil and/or mechanical engineering;
- (B) The construction industry, including -
  - The building, construction, erection, maintenance, repair and/or demolition of:-
    - (a) Any building, plant, complex or structure; or
    - (b) Any civil or mechanical engineering project or work.
- (C) All work in joinery establishments or establishments concerned with the prefabrication of items (including structures) for use in or in connection with building or construction.
- (D) All work or works ancillary or incidental to any of those covered by the paragraphs (A), (B) or (C) above.

Provided that in the Northern Territory, unless eligible otherwise under these rules, apart from this Part 4, the following shall not be eligible for membership:-

- a. any boilermaker or any of the following persons engaged or employed in the engineering industry, viz.: Fitters, Turners, Machinists, Blacksmiths, Plumbers, Electrical Fitters, Pattern-makers and Engineers generally;
- b. any person or classes of persons who are eligible to become members of the Australasian Meat Employees Union;
- c. persons employed under the provisions of the Commonwealth Public Service Act and eligible for membership pursuant to the existing conditions of eligibility for membership in the Australian Public Service Association (Fourth Division Officers) as at 17 March 1953, the Electrical Trades Union, the Commonwealth Public Service Artisans Association, The Amalgamated Postal Workers' Union of Australia, The Federated Union of Locomotive Enginemen, the Commonwealth Public Service Clerical Association, the Storemen and Packers' Union;
- d. persons employed under the provisions of the Commonwealth Railways Act 1917-1950 in the Commonwealth Railways from Alice Springs to Quorn, eligible for membership pursuant to the existing conditions of eligibility for membership in the Australian Workers' Union;
- e. persons principally engaged in the transportation of goods or persons upon public roads by motor vehicle except in or in connection with the following industries:  
  
Pastoral; Construction and Maintenance and Operations of Railways; Municipal Works and Services; Mining (except employees of Groote Eylandt Mining Co. Pty. Ltd. at Groote Eylandt, and employees engaged in mining or treating bauxite at Gove); Milling, Smelting and Refining of Ores; Quarrying; Building and Construction Works; Public Works and Services; Construction and Maintenance of Roads, Aerodromes, Water and Sewerage.
- f. clerks (other than storeman-clerks, station book-keepers, and shipping clerks).

#### PART 5:

Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule the description of the industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits, namely:-

#### In the State of New South Wales

artists' model; billiard marker, manufacture of pyram aircraft and industrial components therefor; manufacture of window display models (otherwise than in a shop or wholesale warehouse) excepting such articles made of metal; trained, trainee and untrained make-up artist (excluding persons employed in a shop or in or in connection with the sale or demonstration of cosmetics perfumes and toilet preparations); persons employed in or in connection with the manufacture, processing, warehousing and dispatch of refined sugar, refined sugar products, carbon dioxide, alcohol and other distillery products and/or of building and associated materials in the establishments of the CSR Limited and CSR

Timber Products at Pymont or in establishments operated in lieu thereof, persons employed or usually employed in or in connection with experimental research and pilot plant work at the establishment of CSR Research Pty Ltd, but excluding in respect of each of the said establishments persons who are Staff employees employed at a yearly rate of pay and tradesmen's assistants and metal workers (but not riggers).

In the State of Queensland

- (A) manufacture of compressed fibre board and similar products; beauty treatment, hairdressing, scalp treatment, wigmaking including barber, beautician, hairdresser, hairworkers, manicurist, maxillo-facial technician, wigmaker; oil extracting and processing; manufacture of ship or boat fenders; modelling, compering, including mannequins and mannequins' comperes (excluding persons employed in a shop); pharmaceutical chemist or unregistered pharmaceutical chemist; industrial chemist; laboratory assistant; dental technologist; radiographer; attendant, assistant and/or receptionist in dentists' doctors' and optometrists' surgeries and/or consulting rooms; swimming baths and/or pools; libraries (except library attendant principally engaged in clerical duties); optical mechanics and technicians, assistants and attendants to opticians, spectacle makers; jeweller, watchmaker including mounter, setter, chainmaker, swivelmaker, bolt ringmaker, ringmaker, polisher, lapper, melter, refiner, bracelet and bangle maker, stamper, silversmith, spinner, goldsmith, gilder, chaser, engraver, watch, clock, clockwork, electric and spring dial clockmaker, repairer, attendant and winder, jeweller's tool maker and renovator of electroplated ware, metal badge maker, enameller, jewel case maker, engraving copper plates, seal dies or other dies stamps and all persons engaged wholly or partly in manufacturing or repairing jewellery, watches clocks teacher aide; used car yards; tow truck operating; sportsgrounds; laundrettes and/or laundromats; accommodation industry including all employees employed in domestic work in boarding houses, accommodation houses, motels (other than motels licensed to sell intoxicating liquor), flats, clubs, hostels residential colleges and similar types of establishments; biscuit manufacture including all employees employed in handling, manufacturing, packing and distributing biscuits in biscuit manufacturing establishments; bread baking including all employees employed in handling, manufacturing, packing and distributing bread and bread crumbs in bread bakeries and/or bread bakery depots; catering including all employees employed in establishments, businesses, clubs, canteens and institutions or sections thereof which cater for and/or prepare and serve food or food and drinks excluding persons employed in or in connection with airports; confectionery manufacture, including all employees employed in handling, manufacturing and distributing confectionery; flour milling including all employees employed in handling, manufacturing, packing and distributing flour in flour mills and/or flour mill depots; pastrycooking, including all employees employed in handling, manufacturing, packing and distributing cakes, pastrycooks goods, and cheesecakes and/or similar products in pastrycooking, cake making and/or any establishment wherein such goods are made and shop assistants employed in pastrycook's and cake shops; provided that, except where the context otherwise indicates, persons principally engaged in selling or distributing goods or in selling or demonstrating cosmetics, perfumes and toilet preparations shall not be eligible for membership pursuant to the foregoing provisions of this part of this paragraph.

- B. Notwithstanding the foregoing rules, all persons who are or may be employed in the Private Pathology Industry and who may be employed in any of the following capacities: pathology specimen collectors, couriers and clerical employees associated with the general administration of a practice, including any clerical functions associated with the activities of collectors or couriers, storeworkers, and all other employees not otherwise eligible for membership of the State Public Services Federation Queensland Union of Employees as at 1 May 1996 shall also be eligible for membership (excluding medical practitioners).
- C. Persons employed in the Ambulance Industry including all persons employed by the Queensland Ambulance Service or its successors, however named, with the exception of:-
- (a) persons eligible to become members of the Australian Federation of Air Pilots;
  - (b) employees whose conditions of employment are prescribed by an Award of the Queensland Industrial Relations Commission or other industrial instrument as at 25 March 1996 and such Award or industrial instrument directs preference of employment towards the following industrial organisations:-
    - (i) State Public Services Federation Queensland Union of Employees;
    - (ii) Australian Municipal, Administrative, Clerical and Services Union, Central and Southern Queensland Clerical and Administrative Branch, Union of Employees;
  - (c) employees of contractors and/or sub-contractors, employed to perform work for the Queensland Ambulance Service from time to time;
  - (d) employees of the Medical Division employed as Medical Director and Research Officer;
  - (e) employees of the Technical Service Division employed as Fleet Co-ordinators, Communications Engineer and Radio Technicians;
  - (f) employees appointed to the positions of Commissioner, Deputy Commissioner or Assistant Commissioner.
- (D) The membership of the Union shall also consist of blind persons who wish to band together to improve the working conditions of the blind, to assist in the obtaining of the objects of the Union as set out in this constitution, and to abide by this constitution and rules.

In the State of South Australia

- (A) cycle building, assembling and repairing; milk or cream depots; manufacture of products from milk or cream; motor tyre retreading or repairing, rubber worker; jeweller; watchmaker; optical mechanic; preparation for sale of poultry (poultry catchers at poultry raising establishments only); stonemason, including, without limiting the meaning of the foregoing term, persons employed in or in connection with the work of cutting or dressing or preparing or setting of all kinds of stone, marble, slate, terrazzo or similar compositions used for or in connection with building or monumental work; registered pharmaceutical chemist employed as a manager or a managing assistant of a hospital dispensary, the dispensary of a medical practitioner or public institution or as:-

assistant who is a qualified pharmaceutical chemist, or as:-

apprentice to a pharmaceutical chemist who is serving under Articles of Apprenticeship duly registered with the Pharmacy Board of South Australia or as:-

unregistered assistant who has not served an apprenticeship to a pharmaceutical chemist or as:-

unregistered assistants who have served a prescribed term of apprenticeship under any Pharmacy Act, with a pharmaceutical chemist, and who are proceeding to registration as a pharmaceutical chemist, and who are engaged in or in connection with dispensaries connected with friendly societies or hospitals or public institutions or conducted as part of the practice of duly qualified medical practitioners; in the compounding, dispensing, preparation, manufacture, distribution and sale of drugs, medicines, chemicals, medicinal substances and admixtures thereof; provided that persons employed in a shop principally engaged in selling shall not be eligible for membership pursuant to the foregoing provisions of this paragraph, provided further that any person -

- (i) principally engaged as a hardware shop assistant, or a salesman, or who is a registered pharmaceutical chemist employed as a manager or managing assistant of a retail pharmacy, and
- (ii) who was, as at 31st August 1973, a member of the (S.A. Registered) F.M.W.U. of Australia

shall be eligible for membership.

- (B) Workers employed in the State Government Service and Government (i.e. State Government) Subsidised Institutions, and all district and other hospitals.
- (C) An unlimited number of persons who are employed or usually employed to perform work in or in connection with any one or more of the following industries and/or industrial pursuits, namely:-

Hospitals, Benevolent Homes, Dispensaries, Asylums, Mental Hospitals, Sanitariums, Rest Homes, Retirement Communities and Homes, Convalescent Homes, Medical Schools, Laboratories, Colleges, Industrial and Other Homes, Charitable Institutions, Ambulance Work, Welfare Organisations, Doctors and/or Dental Surgeries, Clinics and Practices, Provision of Medical, Paramedical and/or Nursery Care for aged persons in Day Care Centres and/or Homes, Provision of care and training to the intellectually and/or physically disabled and/or psychiatrically disabled, and/or developmentally disabled and work ancillary thereto in Hostels, Day Care Centres and Homes (but excluding persons employed as social and/or welfare workers employed in social support services other than persons employed in the health industry and excluding medical practitioners and excluding registered or enrolled nurses or persons entitled to be registered or enrolled by any nurse registration authority employed as such).

(D) Persons employed in water and sewerage services by<sup>1</sup>:

- (a) the South Australia Water Corporation ["SAWC"] and United Water International Pty Limited ["United Water"] undertaking work previously performed by the Engineering and Water Supply Department ["EWS"] as at 31st December 1994, whose terms and conditions of employment are determined by the United Water Employees' Interim Award 1995 and the South Australia Water Corporation Terms and Conditions of Employment Award 1999, including any agreement made in connection with those Awards, and any successor award or agreement thereto applying to work within the scope of the above award/s and/or agreements as at 4th July, 2001.
- (b) employees of any successor to the corporations named in clause (a) or other employer who enters into a contract with the South Australia Water Corporation or successor authority, to provide water and sewerage services to the public of South Australia undertaking work which was previously performed by the EWS as at 31st December 1994.

5. *Note 1. A copy of the agreement between the union and the CEPU, a copy of which was tendered and marked Exhibit LHMWU 5 in proceedings in matter D No. 2003 of 2000, may be inspected in any Registry of the Industrial Registrar.*

In the State of Western Australia

- (A) manufacture, preparation or processing of butter, casein, cheese, milk or yoghurt; production and/or processing (by total environment methods) of game and poultry; manufacture and/or distribution of aerated waters, all types of soft drinks, fruit juices, cider, cordials and syrups; manufacture of records, rolls, tapes, or any such like article used for reproducing purposes; manufacture, preparation, processing or treatment of coated abrasives; candles; cotton; felt or felt products; glycerine; soap or soda; tobacco or tobacco products; teacher aide; ambulance and first aid attendant; rag picking; flock or cotton waste maker; rope and twine (excluding persons engaged principally in or in connection with the wholesale and/or retail industry); wool scouring (excluding

persons employed in sorting and classing) or fellmongery; mounter; setter, chainmaker, swivelmaker, belt ring maker, repairer, ring maker, polisher, lapper, melter, refiner, bracelet and bangle maker, stamper, silversmith, spinner, goldsmith, gilder, chaser or engraver, watch, clock, clockwork, electric and spring dial clock maker, repairer, attendant and winder, jewellers' tool maker and optical technician, lapidaries' spectacle maker, maker and renovator of electroplated ware, (when working for jewellers or watchmakers other than persons employed in a shop principally engaged in selling), metal badge maker, jewel case maker, and all persons engaged wholly or

partly in manufacturing or repairing jewellery, watches or clocks in any of the above branches (other than persons employed in a shop principally engaged in selling); drying and refining of salt; handling of scrap metals, or wrecking or dismantling of plant or machinery for scrap salvage other than in an establishment engaged principally in the production of iron and steel; reclamation of drums; and (excluding persons employed in a shop principally engaged in selling and persons engaged principally in or in connection with the making preparation handling putting up reception sale demonstration and/or delivery of drugs, pharmaceutical goods and medicinal chemicals and cosmetics and perfumes), artificial fertilisers, acids, bonemill, animal manure, phosphate, superphosphate, compost, bird manure, fish fertilizer, sea-weed, lime or other mineral processing, and/or other chemical industries including potash, arsenical-compound, sodium, sodium-sulphate, saltpetre, antimony-ore, woodmeal, borax, potassium-chloride, potash-muriate, potassium-nitrate, ammonium-nitrate, golden-sulphide-of-antimony, sulphate-of-iron, trisodium phosphate, didalcic-phosphate, formalin, phosphoric-acid, acetic-acid, muriatic- acid, sulphurous-acid, puritic-acid, lime-sulphur, hyposulphite-of-soda, limil, caustic-soda, sulphate-of-copper, carbon-tetra-chloride, black- hypo, derris-products, mineral wool, manganese sulphate, agrosan, copper- carbonate, copper-oxy-chloride, carbon-bi-sulphide, nicotine-sulphate, copper-sulphate, arsenate of lead, arsenate-of-calcium alunite, glauconite, silica-products, alkali chlorites, chlorine, soluble-alkali silicates, stannic-chloride, hydrochloric acid, sulphuric-acid, nitric acid, arsenic pentoxide, arsenic-acid, phenol-processing, beta naphthol, ammonium-chloride, ammonium-sulphate, ether-andethyl-chloride, calcium, aluminium and zinc sterrates, phthalicanhydride, sodium-bi-sulphate, sodium arsenate, lactic acid, sulphanilamide, phosphate-compounds, sulphur dioxide, carbon dioxide, carbolic-acid, formaldehyde, fungicides, insecticides, veterinary medicines, synthetic hormones, solvents, power alcohol, alkali, synthetic ammonia, bleaching powder or liquid, liquid cattle dips, stock licks, marking fluid, speddo, milk oil fluid, branding liquid, tricalos, stock food, itch fluid, foot rot paste, blow fly repellent, molasses manufacture or processing and also food processing works within the Kimberley Land division; provided that persons who are tradesmen's assistants riggers and metal workers employed in a maintenance section of an establishment in the foregoing industries shall not be eligible for membership pursuant to the foregoing provisions of this paragraph.

(B) Persons employed in water and sewerage services by<sup>1</sup>:

(a) the West Australian Water Corporation, Serco Water (WA) Pty Ltd, Dawson AOC Water Services Limited, Western Water Services Pty Ltd, undertaking work previously performed by the West Australia Water Authority [“WAWA”] as at 31st December 1994, whose terms and conditions of employment are determined by the Metropolitan Water Supply Sewerage and Drainage Employees

Western Australia Award 1988 including any agreement made in connection with that award, and any agreement covering the abovenamed organisation, and any successor award or agreement thereto that applies to work within the scope of the above award/s and/or agreement/s as at 4th July, 2001.

- (b) employees of any successor to the corporations named in clause (a) or other employer who enters into a contract with the West Australia Water corporation or successor authority to provide water and sewerage services to the public of Western Australia undertaking work which was previously performed by WAWA as at 31st December 1994.
- (C) Any person who is employed, or is usually employed, in any hospital in the State of Western Australia other than persons being trained as nurses in registered training schools or persons who are employed as nurses and who are registered or are entitled to be registered under the Nurses' Registration Act 1922, or the Health Act, 1911-1923; provided that this exclusion shall not be deemed to include enrolled nurses or pupils undergoing training as enrolled nurses.

Persons, employed in or in connection with the training or care of elderly or mentally, intellectually or physically handicapped people other than in hospitals or by the State Government. This sub-rule shall not extend to nurses registered on any register of the Nurses' Board of Western Australia, other than enrolled nurses.

For the purposes of this rule, the term "hospital" shall include:-

- (a) Establishments operated other than for profit or by Government:-
  - (i) Providing accommodation and personal care services for frail, aged or handicapped persons and at which staff are available to help frail residents with bathing and dressing, cleaning rooms, personal laundry and oversight of medication and at all times, to assist in case of emergency: or
  - (ii) Operated as after-care mental hostels.
- (b) Establishments known as Princess Margaret Hospital for Children, Sir James Mitchell Spastic Centre, N'Gal-a Mothercraft Training Centre, The Braille Hospital, Hawkevale, Nadezda, Homes of Peace, or other establishments of the same or like nature as the foregoing and any establishment providing health care or medical services including, without limiting the generality thereof, any service for disabled, handicapped or aged persons.

The provisions of this paragraph (C) shall not apply to:

- (a) persons who work in professional administrative and clerical capacities;
- (b) persons employed in any classification which at the 1st day of July 1982 was covered by an award or a deemed consent award to which the

Hospital Salaried Officers Association of Western Australia (Union of Workers) was a party.

- (D) (a) Cleaner, caretaker, lift attendant, window cleaner, watchman, charwoman, usher, door keeper, gatekeeper, porter, janitor, day or night patrolman, security officer, attendant in ladies' retiring rooms, and attendant in libraries, art galleries, museums, and car parks; the following classifications of persons employed on the Governor's establishment, or by a public authority or post-secondary education institution; gardener, gardener's labourer, maintenance man (other than tradespersons), maintenance labourer, groundsman, power mower operator, tractor mower operator, leading hand and home economics assistant (other than persons directly employed by Local Government authorities or Cemetery Boards), the following classifications of persons employed in National Parks, marine and nature reserves, parks, recreation camps and Zoological Gardens (other than persons directly employed in parks wholly operated by Local Government authorities or Cemetery Boards); keeper, gardener, gardener's labourer, maintenance man, maintenance labourer, groundsman, warden, aquarist and ranger. (Provided that the term gardener shall include horticulturist).
- (b) A person employed, in any of the callings mentioned in paragraph (a) hereof, by a contractor engaged in the industry or industries in connection with which this union is registered shall, notwithstanding any possible implication to the contrary from the foregoing, be eligible for membership of this union.
- (E) (a) Any graduate of a University or College of Advanced Education or Child Care Certificate Course or equivalent who -
- (i) holds a certificate, diploma or degree specialising in early childhood care and/or education; and
- (ii) is or usually is actively engaged in teaching and/or caring for children under the age of six years.
- (b) Any teacher with qualifications equivalent to that outlined in paragraph (a) hereof, approved by the Australian Early Childhood Association and who is or usually is actively engaged in teaching children under the age of six years.
- (c) Any teacher who holds a certificate of a Teachers' Training College approved by the Australian Early Childhood Association and who is or usually is actively engaged in teaching children under the age of six years.
- (d) Any other graduate of a course in early childhood education at a University or College of Advanced Education who is employed or usually employed in or in connection with pre-school teaching and/or child care and whether or not in a teaching capacity.
- (e) Any person who holds a recognised qualification in early child care and who is or usually is actively engaged in the care of children under normal primary school age.

- (f) Any graduate with early childhood education qualifications as specified in paragraphs (a) - (e) hereof who is or is usually engaged in administration or supervision of services for education or care of children under the age of six years.
  - (g) Any graduate with early childhood education qualifications as specified in paragraphs (a) - (e) hereof who is or is usually engaged in tutoring or lecturing to students of childcare or early childhood education.
  - (h) Persons employed as enrolled nurses or pupils undergoing training as enrolled nurses in child minding centres, health or physical culture studios.
- (F) Any persons employed as enrolled nurses or pupils undergoing training as enrolled nurses.
- (G) Persons employed in community health work by non-Government Aboriginal Agencies other than persons who work in a professional, administrative or clerical capacity, and other than registered nurses, but not excluding enrolled nurses.
- (H) Persons employed in or in connection with the following callings or industries:
- The callings of Bakers (hand or machine), Pastrycooks, Confectioners, Apprentices and all others engaged in the manufacture, preparation, handling or processing of bread, pastry and confectionery.
- (I) Persons employed in or in connection with the industries of laundries, drycleaning and/or linen repair including but not limited to tradesperson drycleaners, receivers and despatchers, cleaners, repairers, spotters, pressers, hand ironers, wet cleaners, steam air-finishers, examiners of garments, assemblers of garments, sorters of garments, washing machine operators and laundry hands.

*Note 1. A copy of the agreement between the union and the CEPU, a copy of which was tendered and marked Exhibit LHMWU 5 in proceedings in matter D No. 2003 of 2000, may be inspected in any Registry of the Industrial Registrar.*

#### In the State of Tasmania

attendant, assistant or receptionist in dentists', doctors' and optometrists' surgeries or consulting rooms; domestic staff, groundsman or yardman in schools and colleges; industrial chemist; industrial chemists' assistant; hairdresser; manicurist; manufacture of products from milk or cream; radiographer; traffic warden; x-ray technician.

Prisons or correctional facilities, however described, but excluding:

- (i) persons employed as General Manager, Operations Manager, and Accommodation Manager, Risdon Prison Complex, Manager Hayes Prison Farm, Manager Launceston remand Centre, and Manager, Hobart remand Centre;

- (ii) persons employed in offender services in the Tasmanian prison services such as programs, industries and prison support provided that this exclusion does not extend to correctional officers or industry supervisors; and
- (iii) persons employed in Departmental positions in or in connection with prisons in Tasmania provided that this exclusion does not extend to correctional officers or industry supervisors.

Provided that persons

- (a) principally engaged in the transportation of goods or persons by motor vehicles upon public roads (excepting in the State of New South Wales, persons employed by CSR Limited, CSR Timber Products or CSR Research Pty Ltd; in the State of Queensland, persons employed in the ambulance industry including all persons employed by the Queensland Ambulance service or its successors; in the State of Western Australia, persons employed in ambulance services) and
- (b) who would be ineligible for membership if the rules of The Federated Miscellaneous Workers Union of Australia as at the first day of September, 1973, had remained in force

shall not be eligible for membership pursuant to the foregoing provisions of this Part 5.

#### PART 6:

Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall also consist of persons who are employed or usually employed in the supported employment business services industry, excluding employees of any service concerning placement services for people with disabilities into open employment other than those services which operate exclusively for persons employed by the supported employment business service and excluding employees of supported employment business services who carry out work associated with the provision of residential services.

#### PART 7:

Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits, namely employment in the following business enterprises:

1. Access Industries
2. Fodi Industries

excluding employees of any service undertaken by Access Industries or Fodi Industries concerning placement services for people with disabilities into open industries other than those services which operate exclusively for persons employed by Access Industries or Fodi Industries and excluding employees of Access Industries or Fodi Industries who carry out work associated with the provision of residential services.

PART 8:

Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the union is registered shall also include the following industries and/or industrial pursuits, namely;

persons, other than academic staff, wholly or substantially employed in the higher education industry.

In the State of Western Australia

employed by Murdoch University, Edith Cowan University, The University of Western Australia and Curtin University of Technology other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the State of New South Wales

employed by the University of New England, University of New South Wales (other than employees employed in the Medical School), University of Newcastle (other than employees employed in the Medical School), Charles Sturt University, University of Wollongong and the Southern Cross University, other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the State of Victoria

employed by the University of Melbourne, LaTrobe University, Victorian College of Agriculture and Horticulture Limited, Ballarat University College, Deakin University, Swinburne University of Technology, LaTrobe University College of Northern Victoria, Victoria University of Technology, Royal Melbourne Institute of Technology, Victorian College of Pharmacy, Hawthorn Institute of Education Limited, Victorian College of the Arts and Monash University other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations and other than Attendant Building, Parking Attendant, Engineering Services Officer and Plant Technician employed by Monash University.

In the State of Tasmania

employed by the University of Tasmania other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the Northern Territory

employed by the Northern Territory University.

In the State of South Australia

employed by the University of Adelaide, Flinders University of South Australia and the University of South Australia other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the State of Queensland

employed by the University of Queensland, Griffith University, James Cook University of North Queensland, Queensland University of Technology, The University of Central Queensland and the University of Southern Queensland other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the Australian Capital Territory

employed by the Australian National University and the University of Canberra.

PART 9:

Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits, namely Baking and Flour and Sugar Goods.

PART 10:

- (A) Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the industry of the employment of Ambulance Employees in the State of Victoria. For the purposes of this sub-rule an Ambulance Employee means a person engaged in or about or in connection with ambulance work in the State of Victoria.
- (B) (1) Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include all employees who work in or in connection with the provision of ambulance services in Victoria.
- (2) Without limiting the generality of sub-rule (ix) (B) (1), "ambulance services" include the following work: emergency patient care of the kind customarily provided by ambulance employees, patient transport, ambulance communications, clerical and administrative work in connection with the provision of ambulance services including the collection and processing of ambulance subscriptions and patient accounts, the maintenance of ambulance infrastructure, equipment and vehicles and the provision of supervision and training services for the foregoing employees.

PART 11:

Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits, namely all persons employed or to be employed by Aboriginal Hostels Limited in hostels or similar accommodation.

PART 12:

Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall consist of all persons employed or to be employed by:

- Taubmans Ltd, or by
- Watty Ltd in New South Wales, Victoria, Australian Capital Territory and Northern Territory;

in or in connection with retail paint outlets (including retail stores) operated by or on behalf of paint manufacturers, or their franchisees.

PART 13:

Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the Industry of Bread (including hamburger buns, bread rolls and crumbs), Yeast Goods, Crumpets, Cakes, Pastry, Pastry Goods and Allied Products Manufacture and Distribution from the manufacturer to the manufacturer's customer. Provided that the industry shall not include any persons who are or would have been eligible for membership of the Transport Workers' Union of Australia in accordance with its registered rules as at 19 October 1978 except:

- (i) persons in the States of Victoria, New South Wales and Queensland who are wholly or partly engaged in the industry of bread carting including bread carters, spare drivers, foremen carters, bread-packers, inspectors, and collectors; or
- (ii) persons in the States of South Australia and Tasmania engaged in the selling, carting or delivery by carting of bread, cakes, pastry, biscuits, and allied products (but not including crumpets in the State of South Australia).

PART 14:

All persons employed or to be employed in the Territory of the Cocos (Keeling) Islands in or in connection with or incidental to, the industries or industrial pursuits of:

construction, building and building maintenance including all electrical, mechanical, plumbing, painting, furnishing and labouring work; laundry and dry cleaning; child care and child minding; manufacturing including the manufacturer of clothing, footwear and tourist artefacts; transport including maritime transport; waterfront; cemetery and undertaking; warehousing and all stores; water and sewerage works; animal welfare; animal, marine and wildlife establishments; Statutory Authorities, Boards or Commissions; public works and services; mining; gardening and greenkeeping; agricultural and horticulture; the manufacture and preparation of all food stuffs and aerated waters;

retail; community services; health, dental but excluding medical services and registered nurses; emergency and safety services; education excluding teachers; tourism; security and watching; theatre, performing, sporting, amusement and recreational establishments and activities; accommodation, catering, hospitality, gaming, hotels, motels, resorts, restaurants, clubs; private sector administration and clerical work; and work carried out by employees of Cocos (Keeling) Islands Shire Council or a successor body or bodies thereto, throughout the Territory of the Cocos (Keeling) Islands, where such persons are employed for the performance of work wholly or mainly in the Territory

Provided that the following persons shall not be eligible under this sub rule:

- (i) persons who are from and employed from mainland Australia to work on specific projects where such projects are for a finite period;
- (ii) performers and associated technical personnel engaged elsewhere in Australia for a limited season or for location filming in the Territory of the Cocos (Keeling) Islands
- (iii) persons eligible to be members of the Australian Maritime Officers Union and Maritime Union of Australia employed as Marine Officers, Coxswains, Deckhands or such other positions requiring marine qualifications;
- (iv) persons eligible to be members the Australian Institute of Marine and Power Engineers;
- (v) Persons employed or appointed under the provisions of the Australian Federal Police Act at the Cocos (Keeling) Islands;
- (vi) Government officers seconded or transferred to the Cocos (Keeling) Islands who are eligible to be members of the Community and Public Sector Union provided that this shall not apply to persons employed as Library Assistants and School Secretarial Staff employed by the Cocos Island Cooperative or persons employed by the Administrator and/or the Administration of the Cocos (Keeling) Islands who are residents of the Cocos (Keeling) Islands.
- (vii) members of the Association of Professional Engineers, Scientists and Managers Australia employed by the Cocos (Keeling) Island Shire Council or any successor body thereto.
- (viii) Persons eligible to be members of the Australian Services Union employed by the Cocos (Keeling) Island Shire Council or any successor body thereto.

#### PART 15:

Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits, namely all persons employed or to be employed in the cultivation, production and harvesting of pearls and cultured pearls, in the Northern Territory, employed as part of the operations of a pearl farm and who are wholly or usually employed on site at the pearl farm.

#### PART 16:

Deleted.

#### PART 17:

Without in any way limiting or without in any way being limited by the descriptions of industries and/or industrial pursuits elsewhere in this rule the description of industries and/or industrial pursuits in or in connection with which the union is registered shall also include the industry of the employment of, and/or industrial pursuits of:

- (a) All persons employed in all work in or in connection with the preparation and sale of meals, snacks and/or beverages which are sold to the public to be eaten on the premises or taken away provided that notwithstanding anything in these rules to the contrary persons not otherwise eligible for membership shall not in consequence of the foregoing be eligible to join the union who are employed in all work in or in connection with the preparation and sale of meals, snacks and/or beverages which are sold to the public primarily to take away:
- (i) where such work is carried out in shops or stores where this work is incidental to the primary role of the sale of consumer goods; and/or
- (ii) in food service establishments which primarily provide a take away service where no alcohol is sold.
- (b) All persons employed in all work in or in connection with the preparation and sale of food and/or beverages where such persons are employed by race courses, sporting venues, clubs, entertainment venues, exhibition centres, convention centres and like establishments.
- (c) All persons engaged in privately run retail stores which are located on the following higher education campuses, namely:

In Western Australia:

Murdoch University,  
Edith Cowan University,  
University of Western Australia,  
Curtin University of Technology.

In New South Wales:

University of New England,  
University of New South Wales,  
University of Newcastle,  
Charles Sturt University,  
University of Wollongong,  
Southern Cross University.

In Victoria:

University of Melbourne,  
La Trobe University,  
Victorian College of Agriculture and Horticulture Limited,  
Ballarat University College,  
Deakin University,

Swinburne University of Technology,  
La Trobe University College of Northern Victoria,  
Victoria University of Technology,  
Royal Melbourne Institute of Technology,  
Victorian College of Pharmacy,  
Hawthorn Institute of Education Limited,  
Victorian College of the Arts,  
Monash University.

In Tasmania:

University of Tasmania.

In Northern Territory:

Northern Territory University.

In South Australia:

University of Adelaide,  
Flinders University of South Australia,  
University of South Australia.

In Queensland:

University of Queensland,  
Griffith University,  
James Cook University of North Queensland,  
Queensland University of Technology,  
University of Central Queensland,  
University of Southern Queensland.

In Australian Capital Territory:

Australian National University,  
University of Canberra.

- (d) All persons employed in stand alone photo processing establishments known as photographic mini-labs.
- (e) All persons employed in shopping centres where such persons are employed by centre managements to carry out catering, cleaning, security, parking, lift attending, gardening, greeting and other like work.
- (f) All persons employed by contract companies where found in the retail industry in the areas of catering, cleaning and security.
- (g) All persons employed by contract catering companies who work in or in connection with the preparation and sale of meals, snacks and/or beverages which are primarily sold to the public to be eaten on the premises or taken away.

Provided that notwithstanding anything in these rules to the contrary persons not otherwise eligible for membership shall not in consequence of the foregoing be eligible to join the Union who are:

- (i) All persons employed and/or to be employed in food services establishments trading as "Pizza Hut".
- (ii) All directly employed persons engaged in retail stores in cleaning, store greeting, security, lift attending store cafeterias and food services involving the preparation and sale of meals, snacks, and/or beverages which are sold to the public primarily to take away and employees engaged in the photoprocessing sections of such stores.
- (iii) All persons employed in photographic and camera stores.
- (iv) All persons employed in the preparation and/or sale of take away food and/or beverages in food courts in shopping centres.

Provided further that nothing in this Part 17 of this Rule shall make eligible for membership employees employed in the State of Queensland outside the South Eastern Division of Queensland [being the area within the following boundaries in the State of Queensland: commencing at Point Danger and bounded thence by the southern boundary of the state westerly to 151 degrees of east longitude; thence by that meridian of longitude bearing true north to 24 degrees 30 minutes of south latitude thence by that parallel of latitude bearing true east to the sea coast; and thence by the sea coast southerly to the point of commencement; and all islands comprised in any state or federal electorate in the South-Eastern Division of Queensland] and

#### PART 18:

Provided that persons (not otherwise eligible for membership) employed by Village Sea World Operations Pty Ltd and Warner Sea World Operations Pty Ltd (collectively trading as Sea World Enterprises) at the Sea World Theme Park, Gold Coast, and its associated facilities, shall not be eligible for membership.

#### PART 19:

Provided that all persons employed or to be employed by Kirby Banner Pty Ltd and Warner World Pty Ltd (collectively trading as Movie World Enterprises) at the Movie World Theme Park, Movie Studios (except where such employees are directly engaged in the production of film and television programmes) and Wet'N'Wild Water Slide Complex at Oxenford in the State of Queensland shall not be eligible for membership.

Provided that persons employed or to be employed by Janola Dale Pty Ltd, its successors, assignees or transmittes at Dreamworld Theme Park, Coomera, Queensland shall not be eligible for membership.

#### PART 20

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

## PART 21

Notwithstanding any provision of this rule to the contrary and for the purpose of giving effect to orders made on 18 July 1996 and recorded in Print N3460, the union shall not have the eligibility to cover persons who are eligible to be members of The Australian Workers' Union in the following areas:

1. persons employed by Spotless in Commercial Support Program of the Australian Department of Defence contract work who are employed substantially in the following activities: grounds maintenance, tarmac maintenance, mechanical and electrical maintenance, building repair and/or maintenance, technical or supervisory and generally other persons whose work activities may generally be characterised as 'outdoor work'.
2. persons employed in contract cleaning and associated work undertaken by Event Services (excluding catering or food services work), in the following activities/locations Homebush Bay Showground and services directly provided in association with events at the showground, the Eastern Creek Equestrian Centre, the Royal Hall of Industries, the Hordern Pavilion and associated facilities in regard to exhibitions at Paddington, and the AGVIEW event conducted at Camden (previously administered by the Royal Agricultural Society of New South Wales).
3. persons employed by Cleanevent Pty Ltd primarily employed in cleaning work in the following activities/locations: race courses, motor racing, golf tournaments, agricultural and horticultural events, outdoor entertainment venues (other than at sports stadiums), and employees performing horticultural work in sports stadiums/venues.

## PART 22

Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits, namely all persons employed or engaged, or to be employed or engaged in any private correctional facility and prisoner transport, including the provision of security escort services to and from correctional facilities, court and/or hospitals in New South Wales.

This rule shall not apply in the State of Queensland and the Northern Territory.

## PART B

(E) The industries in or in connection with which the Union is registered are: -

(A) There is no Sub-Rule (A).

- (B) (i) Storing and packing goods and merchandise (but not so as to limit the generality of the expression 'Storing and Packing'), the reception, handling, storing, preparing, bottling, packing and delivery of goods and merchandise so far as such reception and/or handling and/or preparing and/or delivery of such goods and merchandise is in any way incidental or ancillary to their storing and packing as above described including the pulping, testing and/or processing of eggs;
- (ii) Preparing horsehair, cowhair or pighair for trade or for sale;
- (iii) Broom making, brush making, mops and/or feather duster making, flock, mungo and/or felt and wadding making;
- (iv) Wool cleaning (by any process except washing, carbonising or scouring);
- (v) Refining, extracting and/or treatment of oil, tar bitumen, tar pitch and road surfacing preparations and/or the making of by-products therefrom;
- (vi) The manufacture of toilet preparations, food preservatives and/or vermin, insect and fungi destroyers;
- (vii) Wholesale and/or manufacturing chemists;
- (viii) 1. Sorting in wool brokers stores, classing of wool, sampling, storing, baling, bagging, packing and despatching of wools, except in shearing sheds, furs, hair, bristles, hides, pelts and skins of animals, provided that in the State of Queensland the industry of wool classing and wool sorting shall be excluded, and further that in the State of Queensland the activities associated with furs, hair, bristles, hides, pelts and skins of animals shall be confined to that portion of the said State as is defined as the South Eastern Division of the State of Queensland.
2. Sorting, classing, grading, sampling, baling, bagging, packing, storing and despatching tobacco leaf in wool brokers establishments, grains, and the seed products of flowers and vegetables for resale.
3. Where carried out by wool or skin brokers or dealers or by hide, pelt, skin, hair, bristles or fur merchants or by brokers or agents of any kind the sorting classing, sampling, baling, bagging, packing, storing and despatching of skins, hides, pelts, wools, furs, or hair of any animal provided that in the State of Queensland the industry of wool classing and wool sorting when so carried out shall be excluded and further that in the State of Queensland the activities associated with furs, hair, bristles, hides, pelts and skins of animals shall be confined to that portion of the said State as is defined as the South Eastern Division of

the State of Queensland Storing or Packing in the Commonwealth service.

- (ix) In the State of Queensland reception, storage, and/or packing and/or handling and/or wholesale selling and/or assembling and/or delivering of goods (such as merchandise, soft goods, hardware, spare parts, glassware and crockery, wool, hides, skins, oils and grease, fruit, vegetables, tyres and batteries, paints, boots and shoes, etc.) but not so as to limit the generality of variety of goods to be received, stored, packed, handled, sold, assembled or delivered, in wholesale warehouses, stores yards and factories, wool, hide, skin and wool dumping stores, wharf stores, bond and bulk stores, agricultural produce and egg stores, fruit sections and stores, machinery warehouses and stores, employees other than Engineering Tradesmen and their Assistants in factories where wire fencing, barbed wire, wire weaving and tubular iron gates are sold and manufactured, factories where agricultural and pastoral machinery is assembled, and factories where employees are engaged in repairing, working at, manufacturing, processing, refining, dehydrating, handling, blending, bottling, labelling or packing into tins, jars, cartons or other containers, any such articles as drugs, medicines, chemicals or chemical compounds (such as dyes, rust proofing compounds, etc.), polishing materials (such as boot polish, floor polish, etc.), tar and bitumen, gaskets (other than metal gaskets), dry ice, fruit juice and fruit pulp, smoke coils, starch, rice, self-raising flour, maize meal, oatmeal, breakfast meal, dehydrated potato chips or flakes, macaroni, spaghetti, vermicilli and allied products, farinaceous foods, edible nuts, chicory, tea, coffee, condiments, vinegar, sauce, pickles, disinfectants, turpentine, ammonia, methylated spirits, acids, oil, grease, benzine, kerosene, petrol, honey, lemon squash, lemon juice, fruit cordials, jelly crystals, custard powders, dried fruits, vegetables, lard, pate, veal and tongue, camp pie or other articles or produce butter, cheese or other dairy products, grain sorghum, ham of a like nature and employees engaged in the manufacture or preparation of confectionery, soap, soap powder, washing soda crystals, candles, jams, jellies, preserved fruit, ginger, candied peel and civilian employees engaged in Army, Naval and Air Force establishments and employees engaged in storing and/or packing in spare parts section of motor body and coach making establishments, government and semi-government departments, such as Department of Works and Housing, Civil Aviation, Stores and Transport, Supply and Development, Brisbane City Council Depots and Main Roads Depots.

Provided however, that sub-paragraphs (v) and (vi) shall not operate so as to render eligible for membership in the States of New South Wales and Queensland persons eligible for membership of the Australian Workers' Union; and

- (C) the Rubber Industry; and

(D) the industry of Sales Representatives and/or Commercial Travellers' i.e. persons employed by a person, firm, company, wholesale warehouseman or partly wholesale warehouseman or by a manufacturer, manufacturer's agent or indent agent, printer, publisher, radio or television station, or advertiser of whatsoever kind, soliciting orders for articles, goods, wares, services, merchandise, materials, or advertising of any kind or promoting sales

or orders for articles, goods, wares, services, merchandise, materials and advertising of any kind; and

- (E) The Industry of the calling of foremen within the Commonwealth Public Service, within the Northern Territory Public Service and within Commonwealth Government undertakings; and
- (F) The industry of freezing, refrigerating, ice and ice-cream making, butter-making, cheese-making, oleomargarine making, milk (fresh, dried and/or condensed) bacon and meat preserving and fish, game and poultry industries; and
- (G) Candle, Grain Milling, Soap, Soda and Starch Industries.
- (H) In the State of New South Wales the pastrycooking and biscuitmaking industry, or the manufacture of any goods of which flour or sugar forms a part.

### **SCHEDULE 3: MEETING PROCEDURE RULES**

The rules of debate are as follows:

1. Motion

- (a) No discussion will be allowed except on a motion or amendment, duly proposed and seconded.
- (b) A call for a seconder will only be put twice at which time if the motion or amendment has not been seconded it will lapse.
- (c) A member desiring to propose a motion or amendment or to discuss a matter under consideration must address the chair.

2. Speaker

- (a) No member will address the meeting unless, and until, called by the chair.
- (b) When the chair speaks during a meeting the member then speaking, or offering to speak, will cease so that the chair may be heard without interruption.
- (c) The chair will call to order a speaker who departs from the question or who violates the courtesies or rules of debate.
- (d) If the chair determines to participate in a debate at a meeting then the chair will vacate the chair whilst participating, which will be taken by the person who acts, under these rules, in the absence of the chair.
- (e) The chair will immediately resume the chair when finished speaking.

3. Determining a Motion

- (a) Motions will be determined in the following manner:
  - (i) the mover of the motion will have five (5) minutes at the time of moving the motion to present argument in support of the motion and three (3) minutes to reply, where the reply is limited to the answering of arguments advanced against the motion;
  - (ii) the seconder of a motion and other speakers will be limited to three (3) minutes;
  - (iii) the meeting, on motion without debate, may extend the time of a speaker but an extension of time must not exceed three (3) minutes and the meeting may agree to further extensions on the same basis;

- (iv) the chair will call attention to the time of all speakers one (1) minute before their time expires and motions for extensions may be made when the chair calls, but not later; and
  - (v) after the motion has been moved and seconded, no more than two (2) members will speak in succession on one side, either for or against a question before the meeting and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment will at once be put to the meeting.
- (b) Votes at meetings will be subject to the following:
- (i) the chair will read the motion and determine the question on the voices, provided that the chair may call for a show of hands;
  - (ii) every question submitted to a meeting will be decided by a show of hands, unless a poll is demanded by at least five (5) members; and
  - (iii) the chair will then declare the motion carried or lost.
- (c) Where a proxy is in attendance at a meeting of a Governing Body the Chair of the meeting must determine the question in a manner that ensures the vote of the proxy, as a proxy, is counted.
- (d) In the event of an equality of votes, the proposal before the meeting will lapse except in the case of a motion of dissent from the chair in which case the chairs' ruling will be upheld.

#### 4. Amending a Motion

- (a) At any time during debate on a motion it will be competent for a member who has not spoken to the motion to move an amendment, which will be subject to the following:
- (i) amendments must be seconded;
  - (ii) motions may be amended by adding words, by deleting words, or by deleting words and inserting others in their place;
  - (iii) the effect of a proposed amendment cannot be to establish a direct negative to the question contained in the motion;
  - (iv) only one (1) amendment will be received at a time and that amendment must be disposed of before a further amendment may be considered or moved;
  - (v) amendments are to be put before the original motion;
  - (vi) the mover of an amendment will not have a right of reply;
  - (vii) should an amendment be carried it becomes the substantive motion and thereon a further amendment may be proposed, however, if no further

amendment is proposed, the amendment which has become the substantive motion, will be put without further debate subject to Schedule 3 rule 3.

- (b) Where a motion is considered by a meeting without amendments being proposed no member except for the mover of the motion will speak more than once on the motion, unless by way of personal explanation or with the consent of the meeting.
- (c) Where an amendment is proposed a member may speak for or against the proposed amendment.

## 5. Procedure

- (a) A member who considers they have been misrepresented by a speaker may, with the indulgence of the chair, interrupt the speaker to correct the misrepresentation, but the member interrupting must not enter into argument.
- (b) It will be competent during a debate for a member who has not spoken to a motion under consideration to rise and move 'That the question be now put', but no discussion will be allowed and if this motion is seconded and carried, the chair will immediately call upon the member (if any) who may have the right of reply, and then, immediately following the reply, the chair will put the motion which will include the amendments (if any) that have been moved and accepted.
- (c) No motion or another subject will be submitted until the one before the chair is disposed of under this rule.
- (d) Should a question have occupied the attention of the meeting for 20 minutes, the discussion on that question will be closed and the chair will then call on the mover to reply, unless the meeting determines to continue the discussion of the matter in question.
- (e) A motion may be dealt with by:
  - (i) adoption as moved;
  - (ii) rejection as moved; and
  - (iii) adoption after amendment of the subject matter.
- (f) Any of the following motions, will be in order despite a motion (or motion with amendments) being before the meeting:
  - (i) 'The Order of the Day', i.e., that the next business in order be now taken;
  - (ii) postponement of the question, either to a definite time or a time to be fixed;
  - (iii) reference to a committee; and
  - (iv) adjournment:
    - A of the debate;

B of the meeting.

- (g) A motion for adjournment:
  - (i) may be moved and seconded at any time during the meeting;
  - (ii) may be debated, provided that not more than four (4) speakers be allowed both for and against the motion, inclusive of the mover and seconder;
  - (iii) provides no right of reply for the mover of the motion;
  - (iv) will be successful if carried by a majority of members present.
- (h) A second motion for adjournment will not be moved until the subject under discussion at the time of the first motion for adjournment has been disposed of.
- (i) Questions of order will be determined by the chair, whose ruling will be final unless challenged by a formal motion submitted to the meeting.

## 6. Point of Order

- (a) A member may rise to a point of order when the member considers the rules of debate to have been violated provided that the member must submit the 'point of order' to the chair, and the meeting will determine the question as prescribed in this rule.
- (b) Upon the point of order being raised, the member addressing the meeting at the time will take their seat and will remain seated until the point of order has been decided.
- (c) A ruling given by the chair on a question may be subject to a motion of dissent calling the meeting to disagree with the ruling.
- (d) On the motion of dissent being seconded, the chair will vacate the chair which will be taken by the person who acts, under these rules, in the absence of the chair.
- (e) No motion of dissent from the chair's ruling will be permitted unless it is made before other business has been proceeded to.
- (f) The procedure to determine a motion of dissent is as follows:
  - (i) the member moving the motion of dissent will be given five (5) minutes to support the motion;
  - (ii) the chair will be given five (5) minutes to defend their ruling; and
  - (iii) the acting chair will then put the question and on the question being determined the chair will resume the chair.

- (g) A report of a Sub-Committee officially presented will be received without motion, but the adoption of that report either absolutely, or by clauses, will be moved and seconded.
- (h) It will be competent for a member to move the reconsideration of a resolution that has been passed by a meeting, provided that the member will have given notice at a previous meeting.
- (i) It will be competent for a member to propose that a subject will be considered in a committee of the whole meeting.
- (j) The vote on such proposition when seconded will then be taken without discussion.

## 7. Fine and Removal

- (a) The chair has power to fine a member who persist in disorderly conduct up to, and not exceeding, the sum of \$50.00.
- (b) A member fined under sub-rule (a) may appeal the determination to the next meeting of the National Executive
- (c) The chair will have the power to order the removal from the meeting room of a member who persists in disorderly conduct.

**SCHEDULE 4: ELECTION PROCEDURE RULES**

1. DEFINITIONS

(a) For the purpose of this Schedule the words in column A have the meaning assigned opposite in column B:

<b>A</b>	<b>B</b>
Ballot Box	a ballot box kept under Schedule 4 rule 16
Candidate	a person: who has nominated as a candidate for the office the election is about; whose nomination has been accepted under Schedule 4 rule 6; and whose nomination has not been withdrawn.
Eligible Member	a person who is eligible under the Union’s Rules to nominate as a candidate for a respective Office
Returning Officer	the manager of an election being the person appointed under this Schedule to manage and conduct an election required by the Union’s Rules.
Return Envelope	is the return envelope under Schedule 4 rule 15
Roll	the roll of Voters prepared for the election under Schedule 4 rule 11
Scrutineer	a person appointed as a scrutineer for a Candidate under Schedule 4 rule 22
Team Name	a name of a team under Schedule 4 sub-rule 7 (b)
Team Nomination	a nomination by a team under Schedule 4 sub-rule 7(a)
Union’s Rules	the rules of ‘United Workers’ Union’. numbered 1 to 87 and inclusive of the Schedules to those rules
Voter	a person: who is a Financial Industrial Member; and whose name is on the Roll
Voting Material	is the material under Schedule 4 sub-rule 15 (a)

(b) This Schedule is to be read with, and construed under, the Union’s Rules.

2. RETURNING OFFICER OF ELECTION

(a) The Returning Officer of an election:

- (i) subject to the Act, will be the Australian Electoral Commission or other person that the National Executive determines;
- (ii) must not be:

- A the holder of an Office; or
  - B an Employee.
- (iii) must not influence, or attempt to influence, the outcome of the election;
  - (iv) must conduct the election under this Schedule;
  - (v) may take the action, and give the directions, the Returning Officer considers reasonably necessary to ensure that the processes under which the election is conducted are transparent; and
  - (vi) must, subject to the Union's Rules, ensure suitable arrangements are made with Australia Post for the return of ballot papers to a box or locked bag at a post office.
- (b) The Returning Officer may take the action, and give the directions, the Returning Officer considers reasonably necessary:
    - (i) to ensure no irregularities happen in the election; or
    - (ii) to remedy a procedural defect that appears to the Returning Officer to exist about the election.
  - (c) To ensure the integrity of an election, the address for the return of ballot papers must not be the Union's usual postal address.
  - (d) The Returning Officer, if requested by the National Secretary or a Candidate, must supply a list of all nominations within 48 hours of the closing of nominations, provided that if the list of nominations is amended they must supply the amended list within nine (9) days after the closing of nominations.

### 3. CLOSING DAY AND TIME FOR NOMINATIONS

- (a) The opening day for nominations for the offices in the election for Convention Delegates is the first business day in March of the year of the Quadrennial Election.
- (b) The closing is 21 days after notice is given under sub-rule (a).
- (c) Nominations open at midday (E.S.T) on the opening day and close at midday (E.S.T) on the closing day.

### 4. STARTING AND FINISH DAYS OF BALLOT

- (a) If a ballot becomes necessary under Schedule 4 rule 9, the Returning Officer must fix the starting and finishing days for the ballot to decide the result of the election.

- (b) The starting day must not be before the closing day for nominations for the Offices to be filled at the election.

## 5. CALLING FOR NOMINATIONS

- (a) The Returning Officer must call for nominations for the Offices to be filled by notice given to Financial Industrial Members in at least one (1) of the following ways:
  - (i) if the Union publishes a journal or newsletter that it gives to its Financial Industrial Members free of charge, by advertisement in that journal or newsletter;
  - (ii) in a daily newspaper circulating in the area where the Financial Industrial Members live or work;
  - (iii) by e-mail; or
  - (iv) by advertisement on the Union Website.
- (b) The notice must state:
  - (i) the opening day for nominations;
  - (ii) the closing day for nominations;
  - (iii) that nominations for office:
    - A open at midday on the opening day; and
    - B close at midday on the closing day;
  - (iv) who may nominate as a candidate in the election;
  - (v) that nominations for an Office must be in writing, signed by the candidate and endorsed by at least two (2) Financial Industrial Members and given to the Returning Officer before nominations close;
  - (vi) the starting and finishing days for a ballot to decide the result of the election if a ballot becomes necessary under Schedule 4 rule 9;
  - (vii) that only a person who was a Financial Industrial Member at the opening time for nominations may vote in the election; and
  - (viii) that the ballot will be decided by a first-past-the-post system of voting.

## 6. NOMINATION PROCEDURE

- (a) A nomination must be in writing, signed by the candidate and endorsed by at least two (2) Financial Industrial Members and given to the Returning Officer before nominations close.
- (b) A person may not nominate for more than one (1) Office in an election.
- (c) The Returning Officer must accept a nomination if:
  - (i) it complies with sub-rule (a); and
  - (ii) the nominee is an Eligible Member.
- (d) A nomination may be provided by:
  - (i) mail to the Returning Officer at the Returning Officer's mail address; or
  - (ii) e-mail to the Returning Officer at the Returning Officer's email address.
- (e) A Candidate may withdraw the Candidate's nomination by written notice, given to the Returning Officer, at any time prior to the ballots commencing.

## 7. TEAM NOMINATIONS

- (a) An Eligible Member nominating in an election for the office of:
  - (i) National Convention Delegate;
  - (ii) Member Councilor; or
  - (iii) National Officer,may, subject to the Union's rules, nominate together with a group of other Eligible Members as part of a team.
- (b) A Team Nomination must have a name.
- (c) The Team Name must not be the same as, or similar to, the name of another team or otherwise be deceptive.
- (d) The Returning Officer may determine whether to accept a Team Name or require an amendment to a Team Name.
- (e) A Team Nomination must nominate the required number of people to contest each Office in each election in which the Team is nominating.
- (f) A Team Nomination must be in writing and signed by each Candidate in each respective election.

- (g) Each Team Nomination must specify its contact person for communicating with the Returning Officer over matters associated with the ticket nomination, including the rectification of a defective nomination.
- (h) If there is a Team Nomination in an election, the ballot paper for that election must have an upper and lower part divided by a horizontal line.
- (i) A ballot paper required under sub-rule (h) must contain a clear instruction, in a prominent position, to the effect that a member voting in the election may vote either by completing the:
  - (i) top part of the ballot paper by voting for each member of a Team Nomination by marking a Team Name box with a cross ('X') (in which case only one ticket box should be marked); or
  - (ii) lower part of the ballot paper by voting for individual Candidates (including members of a Team Nomination) by marking the box next to the name of the Candidate who the member voting wishes to vote for in the election with a cross ('X'), in respect of each of the Offices for which an election is being conducted.
- (j) A vote for a Team Nomination counts as a vote for each member of the Team Nomination remaining in the ballot.
- (k) The withdrawal from the ballot of a member of a Team Nomination after the close of nominations does not invalidate that Team Nomination.
- (l) In the event of a withdrawal under sub-rule (k), the person who has withdrawn can be replaced by another Eligible Member who is a Candidate for any Office, who is not a member of another team, and who consents to becoming a member of the team.

## 8. DEFECTIVE NOMINATION

- (a) If a nomination for an Office is defective, the Returning Officer must, before rejecting the nomination, notify the person concerned of the defect and, where practicable, give the person the opportunity of remedying the defect within a period of seven (7) days after the person has been notified or from the close of nominations, whichever occurs first.
- (b) If the person, notified under sub-rule (a), is able to, and does, remedy the defect in the nomination, the Returning Officer must accept such nomination.

## 9. WHEN A BALLOT MUST BE HELD

- (a) If, after seven (7) days from the closing of nominations, there are more Candidates for election to an office than the number to be elected, the Returning Officer must conduct a secret postal ballot under this Schedule.

10. ELECTION WITHOUT BALLOT

- (a) The Returning Officer must declare a Candidate elected to an Office if:
  - (i) nominations have closed; and
  - (ii) the number of Candidates for the Office is not more than the number of Offices of the same type to be elected at the same time.

11. ROLL PREPARATION

- (a) A roll for a ballot must be prepared in accordance with sub-rules (b) and (c) and certified by the National Secretary at the direction of the Returning Officer.
- (b) The roll of voters for a ballot is to be closed 30 days prior to the opening of nominations for the election open.
- (c) The Returning Officer must ensure the roll:
  - (i) states:
    - A the name of each person who is a Financial Industrial Member in alphabetical order; and
    - B each Financial Industrial Member's address, opposite their name;
    - C each Financial Industrial Member's Electorate, opposite their name; and
  - (ii) is completed when nominations for the election close.
- (d) The Union must give the Returning Officer:
  - (i) the roll prepared under Schedule 4 sub-rule 11(a); and
  - (ii) if requested by the Returning Officer, access to the Union's records reasonably necessary for the Returning Officer to ensure the roll is accurate.
- (e) If it comes to the attention of the National Secretary that a Financial Industrial Member, who should have been included on the roll, has not been included on the roll, they may compile and certify a supplementary roll.

12. ROLL INSPECTION

- (a) The Returning Officer of the election must make the Roll for the election available for inspection:
  - (i) in the period that:

- A starts on the day after the Roll must be completed under Schedule 4 rule 10;  
and
- B ends 30 days after the result of the election is declared; and
- (ii) at the Returning Officer's office when it is open for business.
- (b) A Candidate, Industrial Member or a person authorised by the Returning Officer may inspect the Roll, free of charge.
- (c) If, during the period stated in this rule, a Candidate or Industrial Member asks for a copy of the Roll or a stated part of the Roll, the Returning Officer must give the person the respective copy, free of charge.

### 13. WHEN SOMEONE CAN CLAIM A RIGHT TO VOTE

- (a) Despite Schedule 4 sub-rule 11 (c), if a Financial Industrial Member's name does not appear on the Roll, the member may apply to the Returning Officer to have the member's name included on the Roll.
- (b) If the Returning Officer is satisfied the applicant is a Financial Industrial Member, the Returning Officer must include the applicant's name on the Roll and inform the respective National Secretary.

### 14. BALLOT PAPERS

- (a) A ballot paper for the election must:
  - (i) have a watermark or other distinctive pattern that prevents it from being reproduced other than by the Returning Officer or a person authorised by the Returning Officer;
  - (ii) be of paper that will hide a vote marked on it from view when it is folded once;
  - (iii) be a different colour from the colour used for ballot papers at the two (2) previous elections held for the Union;
  - (iv) list the names of each Candidate once only for each office the election is for, with the surname first, followed by the Candidate's other names;
  - (v) state how the Voter may vote;
  - (vi) state that the Voter must fill in and sign the voting declaration or the vote will not be counted; and
  - (vii) state that the Voter must return the ballot paper to the Returning Officer so it is received on or before the finish day of the ballot.

- (b) The order of names on the ballot paper must be decided by lot, or if a Team Nomination as set out on the nomination.
- (c) If two (2) or more candidates have the same surname and first names, the Candidates must be distinguished in an appropriate way.

#### 15. DISTRIBUTING VOTING MATERIAL

- (a) The Returning Officer must post the following things (**'Voting Material'**) to each Voter:
  - (i) a ballot paper initialled, including by the addition of a facsimile of the Returning Officer's signature, by the Returning Officer;
  - (ii) an unsealed reply-paid envelope (**'Return Envelope'**) addressed to the Returning Officer;
  - (iii) a declaration envelope in accordance with regulation 5 of the *Fair Work (Registered Organisations) Regulations 2009* (Cth); and
  - (iv) other material the Returning Officer considers appropriate for the ballot including, for example, directions or notes to help the Voter to comply with this Schedule and cast a valid vote.
- (b) Voting Material must be posted to each Voter:
  - (i) in a sealed envelope to the Voter's address on the Roll; and
  - (ii) as soon as practicable, but no later than two (2) days before the starting day of the ballot.
- (c) The voting declaration must state 'I certify that I am the person whose name appears on this envelope, I have voted on the ballot paper enclosed and I have not voted in this ballot previously'.
- (d) If a Voter gives the Returning Officer a notice that the Voter will be at an address other than the address stated on the Roll when Voting Material is to be given, the Returning Officer must post the material to the other address.
- (e) Before posting Voting Material to a Voter, the Returning Officer must mark a ballot number for each Voter on the:
  - (i) Roll against the Voter's name; and
  - (ii) declaration form.
- (f) The Returning Officer must give each Voter a different ballot number.
- (g) The ballot numbers must start with a number chosen by the Returning Officer.
- (h) A ballot paper or ballot envelope must not be marked in a way that could identify the voter.

16. RETURNING OFFICER MUST KEEP A BALLOT BOX

- (a) The Returning Officer must get a ballot box and:
  - (i) keep the box in a safe place; and
  - (ii) seal the box in a way that:
    - A allows Voting Material to be put in it until the ballot finishes; and
    - B prevents Voting Material from being taken from it until votes for the ballot are to be counted.

17. DUPLICATE VOTING MATERIAL

- (a) This rule applies if Voting Material posted to a Voter:
  - (i) has not been received by the Voter;
  - (ii) has been lost or destroyed; or
  - (iii) if the document is a ballot paper, it has been spoilt.
- (b) The Voter may apply to the Returning Officer for a duplicate of the document.
- (c) The application must:
  - (i) be received by the Returning Officer on or before the finish day of the ballot;
  - (ii) state the grounds on which it is made;
  - (iii) if practicable, be substantiated by evidence verifying or tending to verify the grounds;
  - (iv) state that the Voter has not voted at the ballot; and
  - (v) if the document is a spoilt ballot paper, be accompanied by the ballot paper.
- (d) If the application complies with sub-rule (c), the Returning Officer must:
  - (i) if the document is a spoilt ballot paper:
    - A mark 'spoilt' on the paper;
    - B initial the paper beside that marking and keep the paper; and
    - C give a fresh ballot paper to the Voter; or

- (ii) if otherwise, give a duplicate of the document to the Voter.

18. HOW LONG BALLOT IS OPEN

- (a) Subject to the Union's rules a ballot must remain open for 28 days.

19. HOW TO VOTE

- (a) A Voter may vote only by completing the following steps:

- (i) completing a ballot paper by:

- A writing a tick or cross in the square opposite the name or names of the number of candidates the Voter may vote for under Schedule 4 rule 20; and

- B complying with the instructions on the paper about how to vote;

- (ii) putting the ballot paper in a declaration envelope;

- (iii) sealing the declaration envelope;

- (iv) filling and signing the declaration on the declaration envelope;

- (v) putting the declaration envelope in the Return Envelope;

- (vi) sealing the Return Envelope;

- (vii) complying with any direction given under Schedule 4 paragraph 15(a)(iv); and

- (viii) returning the Return Envelope to the Returning Officer so that the envelope is received on or before the finish day for the ballot.

20. HOW MANY VOTES MAY BE CAST

- (a) A Voter may vote for only the number of Candidates that is not more than the number of offices of the same type to be elected at the same time.

21. HOW THE RETURNING OFFICER MUST DEAL WITH VOTING MATERIAL

- (a) The Returning Officer must maintain in a secure way all Voting Material returned to the Returning Officer until voting has ended, provided that the Returning Officer may, prior to the close of the ballot:

- (i) open the Return Envelope; and

- (ii) mark the Voter on the roll as having voted,

but must then keep the ballot paper in the unopened declaration envelope secure in the Ballot Box until the ballot is closed.

- (b) If, after the finishing day for the election, the Returning Officer receives a Return Envelope apparently containing a ballot paper for the election, the Returning Officer must:
  - (i) keep the envelope sealed;
  - (ii) mark the envelope '*Received by the Returning Officer after the finishing day for the ballot*'; and
  - (iii) keep the envelope in safe custody, but separately from Return Envelopes received before or on the finishing day.

## 22. APPOINTMENT OF SCRUTINEERS

- (a) A Candidate may appoint another person ('**Appointee**') as a scrutineer for the Candidate.
- (b) An appointment must be in writing and signed by the Candidate.
- (c) A Candidate must notify the Returning Officer of the name of the Candidate's Appointee as soon as possible after the Appointee is appointed.
- (d) The Returning Officer may refuse to allow an appointee to act as a scrutineer if:
  - (i) the Returning Officer asks to inspect the Appointment as a scrutineer; and
  - (ii) the Appointee does not produce it.
- (e) A scrutineer may only act for one (1) Candidate for the same position, or where a team has nominated, for all the Candidates of that team.

## 23. SCRUTINEERS' RIGHTS

- (a) Subject to Schedule 4, rule 24 a Scrutineer may be present when:
  - (i) ballot papers or other Voting Material for a ballot are prepared and given to voters;
  - (ii) Voting Material is received and put in safe custody under Schedule 4, rule 20; and
  - (iii) votes are counted.

24. SCRUTINEERS – NUMBERS ATTENDING

- (a) Subject to Schedule 4 sub-rule 22(e), each Candidate may have only one (1) Scrutineer exercising a right under Schedule 4 rule 23 for each official present where the ballot is being conducted.
- (b) In sub-rule (a) ‘official’ means:
  - (i) if the ballot is being conducted by the Australian Electoral Commission—the Returning Officer; or
  - (ii) if the ballot is not being conducted by the Australian Electoral Commission—
    - A the Returning Officer; or
    - B any other person appointed by the Returning Officer to exercise the Returning Officer's powers for the election.

25. INITIAL SCRUTINY OF VOTING MATERIAL

- (a) As soon as possible after the ballot finishes, the Returning Officer must:
  - (i) seal the Ballot Box in a way that prevents Voting Material from being put in it; and
  - (ii) take the Ballot Box to the place where votes are to be counted.
- (b) The Returning Officer must then:
  - (i) unseal the Ballot Box;
  - (ii) take out the Return Envelopes;
  - (iii) open each Return Envelope and take out the declaration envelope;
  - (iv) examine the declaration and mark off the Voter's name on the Roll;
  - (v) check the ballot number on the declaration against the ballot number marked against the Voter's name on the Roll; and
  - (vi) ensure the declaration is signed.
- (c) After complying with sub-rule (b), the Returning Officer must put the declaration envelopes in a container if satisfied:
  - (i) each declaration is signed; and
  - (ii) the ballot number on each declaration corresponds with the ballot number marked beside the Voter's name on the Roll.

- (d) However, the Returning Officer must not put a declaration envelope in the container mentioned in sub-rule (c) if:
  - (i) the Returning Officer reasonably suspects the Voter to whom it was sent did not sign the declaration; or
  - (ii) the person named on the declaration is not the person to whom it was sent.
- (e) Sub-rule (d) does not apply if the Returning Officer is satisfied the person who filled in and signed the declaration:
  - (i) is a Voter;
  - (ii) has not previously voted in the ballot; and
  - (iii) has a reasonable explanation for using someone else's ballot material.
- (f) The Returning Officer must keep declaration envelopes excluded under sub-rule (d) separate from other declaration envelopes.
- (g) A declaration is valid only if:
  - (i) it complies with paragraph (c)(i) and (ii); and
  - (ii) sub-rule (d) does not apply.
- (h) A valid declaration must be accepted as valid, and an invalid declaration must be rejected, by the Returning Officer.
- (i) If a declaration is accepted as valid by the Returning Officer, the Returning Officer must:
  - (i) note the acceptance of validity on the declaration; and
  - (ii) record that acceptance on the Roll against the name of the Voter who signed the declaration.
- (j) After accepting the declaration, the Returning Officer must, in the following order:
  - (i) open the declaration envelopes not excluded under sub-rule (d) and take out the ballot papers;
  - (ii) if a declaration envelope contains more than one (1) ballot paper for each Office the election is for, mark each of the ballot papers from the envelope 'informal under Schedule 4 paragraph 25(b)(v)' and exclude those ballot papers from the count and place them in a container reserved for 'informal ballots'; and
  - (iii) put all ballot papers other than those excluded under paragraph (ii) in a separate container to be counted.

## 26. COUNTING VOTES

- (a) To count votes the Returning Officer must:
  - (i) admit the formal votes and reject the informal votes;
  - (ii) count the formal votes, and record the number for each Candidate; and
  - (iii) count the informal votes.
- (b) A vote is informal only if:
  - (i) the ballot paper is not initialled by the Returning Officer and the Returning Officer is not satisfied the paper is authentic;
  - (ii) the ballot paper is marked in a way that allows the Voter to be identified;
  - (iii) the ballot paper is not marked in a way that makes it clear how the Voter is meant to vote;
  - (iv) the ballot paper does not comply with a direction given under Schedule 4 paragraph 15 (a)(iv); or
  - (v) the ballot paper was taken from a ballot envelope that contained another ballot paper for the office the election is for.
- (c) All ballot papers, determined to be informal, under this rule will be placed in the container referred to in Schedule 4 paragraph 25(j)(iii).

## 27. SCRUTINEERS' OBJECTIONS

- (a) Before votes are counted, a Scrutineer may advise the Returning Officer that the Scrutineer considers an error has been made in conducting the ballot.
- (b) When votes are counted, a Scrutineer may:
  - (i) object to a ballot paper being admitted as formal or rejected as informal by the Returning Officer; or
  - (ii) advise the Returning Officer that the Scrutineer considers an error has been made in conducting the ballot or counting votes.
- (c) If a Scrutineer advises the Returning Officer under sub-rule (a) or paragraph (b)(ii), the Returning Officer must:
  - (i) decide whether the error has been made; and
  - (ii) if appropriate, direct action to correct or mitigate the error.
- (d) If a Scrutineer objects under paragraph (b)(i), the Returning Officer must:
  - (i) decide whether the ballot paper is to be admitted or rejected; and

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

28. DIRECTION BY THE RETURNING OFFICER TO LEAVE COUNT

- (a) The Returning Officer may direct a person to leave the place where votes are being counted if the person:
  - (i) does not have the right to be present at the count; or
  - (ii) interrupts the count, other than to exercise a Scrutineer's right.

29. HOW RESULT IS DECIDED

- (a) The method of deciding the result of a ballot is by a first-past-the post system.
- (b) That the number of Candidates, corresponding with the number of Offices to be filled, who have the most formal votes are elected.
- (c) This rule is subject to Schedule 4 rule 30.

30. WHAT HAPPENS IF VOTES FOR TWO OR MORE CANDIDATES ARE EQUAL

- (a) If the Returning Officer cannot decide which Candidate is elected to an Office because the votes cast for two (2) or more Candidates are equal, the Returning Officer must decide which Candidate is elected by drawing lots.
- (b) A decision under sub-rule (a) must be made in the presence of any Scrutineer who wishes to attend.

31. DECLARATION

- (a) The Returning Officer will as soon as practicable declare the candidates elected to Office and promptly advise the National Secretary.

## SCHEDULE 5: TRANSITIONAL RULES

1. In this Schedule the words in column A have the meaning assigned opposite in column B:

A	B
Amalgamated Union	the union comprised of the Amalgamating Organisations on, and from, the Amalgamation Day
Amalgamating Organisations	National Union of Workers  United Voice
Amalgamation Day	the date fixed by the Fair Work Commission as the day on which the proposed amalgamation of United Voice and the National Union of Workers takes effect
Assets	has the meaning provided under section 35 of the Act
Inaugural Convention	the body set out in Schedule 5 rule 20
Inaugural Member Council	the body set out in Schedule 5 rule 21
Inaugural National Executive	the body set out in Schedule 5 rule 25
Inaugural National Executive Committee	the body set out in Schedule 5 rule 26
Inaugural National President	the officer set out in Schedule 5 rule 22
Inaugural National Secretary	the officer set out in Schedule 5 rule 24
Inaugural National Vice President	the officer set out in Schedule 5 rule 23
Inaugural Office	an office of:

	<p>Inaugural Convention Delegate;</p> <p>Inaugural Member Councillor;</p> <p>Inaugural National President;</p> <p>Inaugural National Vice-President;</p> <p>Inaugural National Secretary; and</p> <p>Inaugural National Executive Member</p>
Inaugural Quadrennial Elections	the elections conducted under Schedule 5 rule 65
Inaugural Term	the period between the Amalgamation Day and the declaration of elections for the Offices at the Inaugural Quadrennial Elections
NUW	National Union of Workers
Returning Officer	as provided for under Schedule 5 rule 53
UV	United Voice

2. The purpose of this Schedule is to provide for the:
  - (a) amalgamation of UV and the NUW to constitute the Amalgamated Union; and
  - (b) Inaugural Quadrennial Elections.
3. The rules set out in this Schedule apply notwithstanding any other rule of the Amalgamated Union's rules.
4. The rules set out in this Schedule, and the rules set out as rule 1 to rule 87 will commence to operate on, and from, the Amalgamation Day.

5. The Amalgamated Union and its Members will comply with the rule changes effected on Amalgamation Day as provided for in this Schedule.
6. A member of UV on the day immediately preceding the Amalgamation Day in a category set out in column A will, on the Amalgamation Day, be a member of the Amalgamated Union in the category set out opposite in Column B, without the payment of a further fee and will, under this Schedule, have the rights and obligations of a member in the respective category:

A	B
Members	Industrial Member
Life Members	Honorary Life Member
Associate Members	Community Member
Retired Members	Retired Member

7. A member of the NUW on the day immediately preceding the Amalgamation Day in a category set out in column A will, on the Amalgamation Day, be a member of the Amalgamated Union in the category set out opposite in Column B, without the payment of a further fee and will, under this Schedule, have the rights and obligations of a member in the respective category:

A	B
Member	Industrial Member
Honorary Life Member	Honorary Life Member
Associate Community Member	Community Member

8. A person who is entitled to be an Industrial Member of the Amalgamated Union under Schedule 5 rules 6 or 7, will:
  - (a) without the payment of a further Membership Contribution be a Financial Industrial Member of the Amalgamated Union for the same period as they would, but for the amalgamation, have been a financial member of respectively UV or the NUW, as the case may be;
  - (b) following the period referred to in sub-rule (a), be obliged to make payment of Membership Contributions, under the rules of the Amalgamated Union; and
  - (c) for the purposes of continuity of membership of the amalgamated Union, be entitled to treat the period of continuous membership, preceding the Amalgamation Day, of respectively UV or the NUW as a period of continues membership of the Amalgamated Union.
9. A person who is entitled to be Community Member or a Retired Member of the Amalgamated Union under Schedule 5 rules 6 or 7, will:
  - (a) without the payment of a further fee be a financial Member of the Amalgamated Union for the same period as they would, but for the amalgamation, have been a financial member of respectively UV or the NUW, as the case may be; and
  - (b) following the period referred to in sub-rule (a), be obliged to make payment of fees, under the rules of the Amalgamated Union.
10. The Membership Contributions and fees to be paid by Members of the Amalgamated Union subsequent to the Amalgamation Day will, on the Amalgamation Day, be:

- (a) for a Member who was a member of UV on the day immediately preceding the Amalgamation Day, at the level of Membership Contributions and fees paid by that member on the day immediately preceding the Amalgamation Day; and
  - (b) for a Member who was a member of the NUW on the day immediately preceding the Amalgamation Day at the level of Membership Contributions and fees paid by that member on the day immediately preceding Amalgamation Day.
11. Schedule 5 rule 10 does not prevent the National Executive from determining the level of Membership Contributions or fees to be paid by Members under the rules of the Amalgamated Union.
  12. An Industrial Member of the Amalgamated Union who becomes a Member on or following the Amalgamation Day, other than under Schedule 5 rule 8, is liable to pay their Membership Contribution under the rules of the Amalgamated Union.
  13. A Community Member, a Retired Member or a Political Member of the Amalgamated Union, who becomes a Member, on or following the Amalgamation Day, other than under Schedule 5 rule 9, is liable to pay their fees under the rules of the Amalgamated Union.
  14. A member of UV who, on the day immediately preceding the Amalgamation Day, was liable to pay a levy to UV, is on the Amalgamation Day liable to pay that levy to the Amalgamated Union under the rules of the Amalgamated Union.
  15. A member of the NUW who, on the day immediately preceding the Amalgamation Day, was liable to pay a levy to the NUW, is on the Amalgamation Day liable to pay that levy to the Amalgamated Union under the rules of the Amalgamated Union.
  16. A member of UV who, on the day immediately preceding the Amalgamation Day, was liable to pay a fine to UV, is on the Amalgamation Day liable to pay that fine to the Amalgamated Union under the rules of the Amalgamated Union.
  17. A member of the NUW who, on the day immediately preceding the Amalgamation Day, was liable to pay a fine to the NUW, is on the Amalgamation Day liable to pay that fine to the Amalgamated Union under the rules of the Amalgamated Union.
  18. An Industrial Member of the Amalgamated Union who becomes a Member on or following the Amalgamation Day, is liable to pay Levies and Fines under the rules of the Amalgamated Union.
  19. A Member of the Amalgamated Union who was, on the day immediately preceding the Amalgamation Day, an un-financial member of UV or the NUW will continue to be un-financial until they become financial under the rules of the Amalgamated Union.
  20. On the Amalgamation Day the Inaugural Convention is:

Evelyn Acevedo (UV)
Miroslav Adamovic (UV)
Christine Aicken (UV)
Susan Julia Allison (NUW)
Judith Allison (UV)
Jannette Armstrong (UV)
Jane Arnett (UV)
David Arthur (UV)
Gamaleld Babiker (UV)

Judith Barber (UV)
Victor Barrientos (UV)
Greg Bartels (UV)
Steven Bateman (UV)
Jillian Mary Batt (NUW)
Angela Beatson (UV)
Amy Bell (UV)
Zaytoon Benjamin (UV)
Imogen Alexandra Beynon (NUW)
Laura Elizabeth Bienak (NUW)
Jed Biolcati-Brennan (UV)
Wendy Blackman (UV)
Juanita Booth (UV)
Emma Bowers (UV)
Marissa Bratovich (UV)
Julia Brough (UV)
Dale Buckmaster (UV)
Gary Bullock (UV)
Sharron Caddie (UV)
Emma Cain (UV)
Helen Caldwell (UV)
Martin Cartwright (NUW)
Tanya Champs (UV)
Michelle Chang (UV)
Cecile Chavrez (UV)
Deborah Christie (UV)
Caterina Cinanni (NUW)
Judeth Clarke (UV)
David Geoffrey Clements (NUW)
Evalyn Clow (NUW)
Mark James Cochrane (NUW)
Wes Cockburn (UV)
Wendy Comerford (UV)
George Coorey (UV)
Brett John Cotterill (NUW)
Robert Crawford (UV)
Garry Mark Cripps (NUW)
Catherine Daniels (UV)
Kerrie Devir (UV)
David DiTroia (UV)
Tania Ditton (UV)
Ian Michael Dixon (NUW)
Craig Edward Dodgson (UV)
Joel Dowden (UV)
Donna Duke (UV)
Christopher Stephen Dundon (NUW)
Erina Early (UV)
Alycia Economidis (NUW)
Sharon Eurlings (UV)
Cynthia Farr (UV)
Michael Folks (UV)
Ying Wai (Benny) Fong (UV)
Michael Formica (UV)

Ian Gair (UV)
Agnes Galiza-Pua (NUW)
Melanie Gatfield(UV)
Mira Ghamrawi (UV)
Quan Gia Chuc (NUW)
Helen Gibbons (UV)
Andrew Peter Giles (NUW)
Brian Godfrey (UV)
Phyllis De Gois (UV)
Nicholas Keith Gordon (NUW)
John Gow (NUW)
Ruben Grageda (UV)
David Gray (UV)
Lucinda Greed (UV)
Kylie Grey (UV)
Lillian Grogan (UV)
Jane Grundy (UV)
Tim Bruce Gunstone (NUW)
Shona Haddon (UV)
Shuang Hagrebet (NUW)
Maria Halwood (UV)
Stephanie Hanrahan (UV)
Desmond Hardman (UV)
Zelda Harmer (UV)
Lorna Harper (UV)
John Hawker (UV)
Rebecca Hayes (UV)
Antony Hayman (UV)
Melissa Henderson (UV)
Kelly Ann Henry (NUW)
Jeff Higgins (UV)
Adrian Hinds (UV)
Sarah Hipworth (UV)
David Holder (UV)
Grant Hollington (UV)
Steven Ross Howie (NUW)
Sheila Hunter (UV)
Rahge Ibrahim (NUW)
Wesley Inglis (UV)
Marilyn Issanchon (NUW)
Heather Jackson (UV)
Belinda Louise Jacobi (NUW)
Peter Jelly (UV)
Josef Jindra (UV)
Daniel Johnston (UV)
Abel Joseph (UV)
Gulsen Julie Kamber (NUW)
Timothy John Kennedy (NUW)
Paul Kershaw (UV)
Bryan Kidman (UV)
Lorinda Knox (UV)
Julie Korlevska (UV)
Dianne Koubek (UV)

Heath Anthony Lamaro (NUW)
Justin Lane (UV)
Shannon Lavery (UV)
Lemmuell Leech (NUW)
Narorn Leung (NUW)
Clare Josephine Lewis (NUW)
Tracey Ann Lidsay (NUW)
Trevor Liu (UV)
Adam Richard Lord (NUW)
Karma Lord (UV)
Colin Ludgater (UV)
Jennifer Lush (UV)
Patrick John Luxford (NUW)
Ian William Madgwick (NUW)
Leah Malzard (UV)
Siontuwu Mangawea (UV)
Anna Martin (UV)
Kenneth Martindale (UV)
Corrin Maree Martyn (NUW)
Maria McCabe (UV)
Carol McCormack (UV)
Stefania McGrath (UV)
Vanessa (Vanity) McGrath (UV)
Terry William McQuillan (NUW)
Dominic Vincent Melling (NUW)
Duarte Bruno Mendonca (NUW)
Deirdre Meneaud (UV)
Waru Noema Mastro Mete (NUW)
Adam Micheal Auld (NUW)
Tegan Jill Milliken (NUW)
Colin Minns (NUW)
Godfrey Edward Moase (NUW)
Anwer Mohamed (UV)
Sarah Lee Monaghan (UV)
Karen Moran (UV)
Charlie Morgan (NUW)
Sharon Lorna Morris (NUW)
Maria Morrison (UV)
Dario Mujkic (NUW)
Margarita Murray-Stark (UV)
John William Newton (NUW)
Ghazi Hashem Noshi (NUW)
Ange Oborn (UV)
Patrick O'Donnell (UV)
Anthony Oldfield (NUW)
Ian Pandilovski (UV)
Delma Panhuyen (UV)
Taryn Pardey (UV)
Kim Parker (UV)
Paul Payne (NUW)
Geoffrey Pearson (NUW)
Jason Perry (NUW)
Perry Yarso Pewee (NUW)

Helen Piggott (UV)
Demi Pnevmatikos (UV)
Barbara Possingham (UV)
Kim Prescott-Brown (UV)
Adam Quill (UV)
Stephen John Radford (UV)
Karthika Raghwan (NUW)
Iris Raye (UV)
Ben Redford (UV)
Benjamin James Frances Reichstein (NUW)
Cheyne Rich (UV)
Paul Richardson (NUW)
Andrew Lawrence Riley (NUW)
Sam Franklin Roberts (NUW)
Sherelle Estelle Roberts (NUW)
Lindsay Roberts (UV)
Jessica Robinson (UV)
Malcolm Rose (UV)
John Dibbs Rowbotham (NUW)
Tim Rowbottom (UV)
Lyndal Ryan (UV)
Suzanne Sarojin Gounder (UV)
Mark Robert Schmidt (NUW)
Jo-anne Schofield (UV)
Sharon Seddon (UV)
Mark Sedgman (UV)
Monique Segan (NUW)
Rhonda Seychell (NUW)
Craig Anthony Shannon (NUW)
Jeanette Shepherd (UV)
Hayden Smallwood (UV)
Neil Allan Smith (NUW)
Carolyn Smith (UV)
Ruth Sorbello (UV)
Laura Stevens (UV)
Antoinette Stewart (UV)
Heather Stroud (UV)
Joanne Patricia Sutton (UV)
Rebecca Swainson (UV)
Daniel Symes (UV)
Susan Szalay (UV)
Andrew T. Jones (UV)
Bree Taylor (NUW)
Margaret Joyce Te-Awa (NUW)
Philip Tilbrook (UV)
Mathew Charles Toner (NUW)
Arthur Tsimopoulos (UV)
Jan Tuiach (UV)
Martine Tulloch (UV)
Barbara Turomsza (UV)
Christine Wagland (UV)
Linda Watson (UV)
Robyn Weate (UV)

Janice Carol Wells (NUW)
Mark Andrew Whenan (NUW)
Monique Wickham (UV)
Christopher John Wilkinson (NUW)
Janet Williams (UV)
Kathryn Williams (UV)
Sue-Anne Wills (UV)
Bernd Winkler (UV)
Kenton James Winsley (UV)
Andreas Wittmann (NUW)
Samantha Wright (NUW)
Vicki Wright (UV)
Guven Yagci (NUW)
the persons elected to office in United Voice from the election being conducted by the Australian Electoral Commission in E2019/40 who are not provided for in this sub-rule.

21. On the Amalgamation Day the Inaugural Member Council is:

Gamal Babiker (UV)
Judith Barber (UV)
Amy Bell (UV)
Jude Clarke (UV)
David Geoffrey Clements (NUW)
Evalyn Clow (NUW)
Cathy Daniels (UV)
Phyllis De-Gois (UV)
Kerrie Devir (UV)
Joel Dowden (UV)
Christopher Stephen Dundon (NUW)
Sharon Eurlings (UV)
Michael Formica (UV)
Agnes Galiza-Pua (NUW)
Mira Ghamrawi (UV)
Nicholas Keith Gordon (NUW)
Suzanne Gounder (UV)
John Gow (NUW)
Kylie Grey (UV)
Lillian Grogan (UV)
Shona Lee Hadden (UV)
Maria Halwood (UV)
Anthony Hayman (UV)
Wes Inglis (UV)
Heather Jackson (UV)
Justin Lane (UV)
Tracey Ann Lidsay (NUW)
Leah Malzard (UV)
Carol McCormack (UV)
Deidre Meneaud (UV)
Colin Minns (NUW)

Karen Moran (UV)
John William Newton (NUW)
Delma Panhuyzen (UV)
Paul Payne (NUW)
Kim Prescott-Brown (UV)
Steve Radford (UV)
Sherelle Estelle Roberts (NUW)
Rhonda Seychell (NUW)
Hayden Smallwood (UV)
Margarita Murray - Stark (UV)
Sue Szalay (UV)
Arthur Tsimopoulos (UV)
Barb Turomsza (UV)
Robyn Weate (UV)
Janet Williams (UV)
Kathryn Williams (UV)
Kenton Winsley (UV)
Andreas Wittman (NUW)
Samantha Wright (NUW)

22. On the Amalgamation Day the Inaugural National President is Jo-Anne Schofield.

23. On the Amalgamation Day the Inaugural National Vice Presidents are:

Inaugural National Vice-President	Susan Julia Allison
Inaugural National Vice-President	Gary Bullock
Inaugural National Vice-President	Samuel Franklin Roberts
Inaugural National Vice-President	Carolyn Smith

24. On the Amalgamation Day the Inaugural National Secretary is Timothy John Kennedy.

25. On the Amalgamation Day the Inaugural National Executive is:

Inaugural National President	see Schedule 5 rule 22
Inaugural National Vice-President	see Schedule 5 rule 23
Inaugural National Vice-President	see Schedule 5 rule 23
Inaugural National Vice-President	see Schedule 5 rule 23

Inaugural National Vice-President	see Schedule 5 rule 23
Inaugural National Secretary	see Schedule 5 rule 24
Inaugural National Executive Member	Jannette Armstrong
Inaugural National Executive Member	Sharron Caddie
Inaugural National Executive Member	Martin Cartwright
Inaugural National Executive Member	Caterina Cinanni
Inaugural National Executive Member	Mel Gatfield
Inaugural National Executive Member	Helen Gibbons
Inaugural National Executive Member	Karma Lord
Inaugural National Executive Member	Godfrey Edward Moase
Inaugural National Executive Member	Dario Mujkic
Inaugural National Executive Member	Demi Pnevmatikas
Inaugural National Executive Member	Ben Redford
Inaugural National Executive Member	Paul Richardson
Inaugural National Executive Member	Lyndal Ryan

26. On the Amalgamation Day the Inaugural National Executive Committee is:

Inaugural National President	see Schedule 5 rule 22
Inaugural National Vice-President	see Schedule 5 rule 23

Inaugural National Vice-President	see Schedule 5 rule 23
Inaugural National Vice-President	see Schedule 5 rule 23
Inaugural National Vice-President	see Schedule 5 rule 23
Inaugural National Secretary	see Schedule 5 rule 24

27. If on Amalgamation Day there is a person who, under this Schedule, holds an office in column A but who is not available to take up that office or has declined to take up that office, then the Inaugural National Executive may fill the vacancy, subject to the Act, by appointment of a person who was an officer of the Amalgamating Organisations on the day preceding the Amalgamation Day and is otherwise qualified, by the rules of the Amalgamated Union, to hold the office immediately opposite in column B:

A	B
Inaugural Convention Delegate	Convention Delegate
Inaugural Member Councillor	Member Councillor
Inaugural National President	National President
Inaugural National Vice-President	National Vice-President
Inaugural National Secretary	National Secretary
Inaugural National Executive Member	National Executive Member

28. The officers of the:
- (a) Inaugural Convention;
  - (b) Inaugural Member Council;
  - (c) Inaugural National Executive; and
  - (d) Inaugural National Executive Committee,
- will hold office until they resign, are removed from office under the rules of the Amalgamated Union, they die or their successors are declared elected under the rules of the Amalgamated Union.
29. A casual vacancy occurs in an Inaugural Office, where the holder of the Inaugural Office:

- (a) dies;
  - (b) resigns from Inaugural Office; or
  - (c) is removed from Inaugural Office under these the rules of the Amalgamated Union,  
during the Inaugural Term.
30. Where a casual vacancy occurs in an office of:
- (a) Inaugural Member Councillor the vacancy is to be filled, subject to this Schedule, by appointment by the Inaugural Member Council from the Inaugural Convention Delegates with a person who has been a Financial Industrial Member continuously for the 12 months immediately prior to the appointment; or
  - (b) Inaugural National Executive the vacancy is to be filled, subject to this Schedule, by appointment by the Inaugural Member Council from the Inaugural Convention Delegates with a person who:
    - (i) has been a Financial Industrial Member continuously for the 12 months immediately prior to the appointment; and
    - (ii) during the 12 months immediately prior to the appointment has been:
      - A regularly employed in an Occupation;
      - B a member of the Inaugural National Executive; or
      - C an Official.
31. The Inaugural Member Council in making an appointment under Schedule 5 rule 30 must respectively ensure that:
- (a) at least 50% of the Inaugural Convention Delegates are women; and
  - (b) at least 50% of the Inaugural National Executive are women.
32. A casual vacancy in the office of Inaugural Convention Delegate:
- (a) is not required to be filled until the number of Inaugural Convention Delegates holding office is less than 50% of the number of persons holding office as Inaugural Convention Delegates on the Amalgamation Day; and
  - (b) is to be filled by election from the Financial Industrial Members.
33. Despite Schedule 5 sub-rule 32(a), the Inaugural Member Council may determine at any time to fill a casual vacancy in the Inaugural Convention.
34. Subject to this Schedule, casual vacancies are to be filled as soon as practicable.
35. A person elected or appointed under this Schedule holds office under this Schedule for the balance of the Inaugural Term.
36. The officer or group of officers set out in column A will, during the period commencing on the Amalgamation Day and ending under Schedule 5 rule 28, act with the powers and have the

obligations under the rules of the Amalgamated Union of the respective officer or group of officers set out opposite in column B:

A	B
Inaugural Convention	Convention
Inaugural Member Council	Member Council
Inaugural National Executive	National Executive
Inaugural National Executive Committee	National Executive Committee
Inaugural National President	National President
Inaugural National Vice-President	National Vice-President
Inaugural National Secretary	National Secretary

37. The rules of the Amalgamated Union, that apply to the governance body or officer set out in column a will during the period commencing on the Amalgamation Day and ending when elections for that respective governance body are declared at the Inaugural Quadrennial Elections, apply to the governance body or officer set out opposite in column B:

A	B
Convention	Inaugural Convention
Member Council	Inaugural Member Council
National Executive	Inaugural National Executive
National Executive Committee	Inaugural National Executive Committee
National President	Inaugural National President
National Vice-President	Inaugural National Vice-President

National Secretary	Inaugural National Secretary
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38. The Inaugural Convention will meet no later than 30 June 2020.
39. The position holders on the following bodies, who were position holders on the day immediately preceding the Amalgamation Day, may attend a meeting of and participate in the business of the Inaugural Convention, but do not count towards quorum and are not entitled to vote:
- (a) United Voice Branch Councils; and
  - (b) the AEAV Council.
40. The Electorates on the Amalgamation Day are:

Electoral Divisions	Electoral Divisions (as determined by the Australian Electoral Commission on the day preceding Amalgamation Day)
Brisbane Central	Bonner Brisbane Griffith Lilley Moreton Ryan
Brisbane West	Groom Oxley Wright
Central Adelaide	Adelaide Hindmarsh

	Sturt
Central Australia	<p>Grey</p> <p>Lingiari</p> <p>Maranoa</p> <p>Parkes</p> <p>Solomon</p> <p>O'Connor</p> <p>Durack</p>
Eastern Victoria	<p>Casey</p> <p>Dunkley</p> <p>Flinders</p> <p>La Trobe</p> <p>McEwen</p> <p>Monash</p>
Logan and Bayside	<p>Bowman</p> <p>Forde</p> <p>Rankin</p>
Melbourne East	Aston

	<p>Chisholm</p> <p>Deakin</p> <p>Goldstein</p> <p>Higgins</p> <p>Jagajaga</p> <p>Kooyong</p> <p>Macnamara</p> <p>Menzies</p> <p>Scullin</p>
Melbourne North West	<p>Calwell</p> <p>Fraser</p> <p>Gorton</p>
Melbourne South East	<p>Bruce</p> <p>Holt</p> <p>Hotham</p> <p>Isaacs</p>
Melbourne South West	<p>Gellibrand</p> <p>Lalor</p>

Melbourne Central	Cooper Maribynong Melbourne Wills
Moreton Bay	Dickson Longman Petrie
North Queensland	Capricornia Dawson Flynn Herbert Kennedy Leichardt
Northern New South Wales and Gold Coast	Cowper Fadden Lyne McPherson Moncrieff

	<p>New England</p> <p>Page</p> <p>Richmond</p>
North Adelaide	<p>Makin</p> <p>Spence</p>
South Adelaide and the Hills	<p>Boothby</p> <p>Kingston</p> <p>Mayo</p>
Southern New South Wales	<p>Bean</p> <p>Canberra</p> <p>Cunningham</p> <p>Eden-Monaro</p> <p>Fenner</p> <p>Gilmore</p> <p>Gippsland</p> <p>Hume</p> <p>Indi</p> <p>Whitlam</p>

<p>Sunshine Coast and Central Queensland</p>	<p>Blair</p> <p>Fairfax</p> <p>Fisher</p> <p>Hinkler</p> <p>Wide Bay</p>
<p>Sydney – North and Central Coast</p>	<p>Bennelong</p> <p>Berowra</p> <p>Bradfield</p> <p>Dobell</p> <p>Hunter</p> <p>Mackellar</p> <p>Macquarie</p> <p>Newcastle</p> <p>North Sydney</p> <p>Paterson</p> <p>Robertson</p> <p>Shortland</p> <p>Warringah</p>

Sydney – North West	<p>Chifley</p> <p>Greenway</p> <p>Lindsay</p> <p>Mitchell</p> <p>Parramatta</p>
Sydney – South East	<p>Banks</p> <p>Barton</p> <p>Blaxland</p> <p>Cook</p> <p>Grayndler</p> <p>Hughes</p> <p>Kingsford Smith</p> <p>Reid</p> <p>Sydney</p> <p>Watson</p> <p>Wentworth</p>
Sydney – South West	<p>Fowler</p> <p>Macarthur</p>

	McMahon Werriwa
Tasmania	Bass Braddon Clark Franklin Lyons
Western Australia 1	Cowan Curtin Moore Perth Stirling Hasluck
Western Australia 2	Burt Swan Tangney Fremantle
Western Australia 3	Brand

	<p>Canning</p> <p>Pearce</p> <p>Forrest</p>
Western New South Wales	<p>Barker</p> <p>Calare</p> <p>Farrer</p> <p>Mallee</p> <p>Nicholls</p> <p>Riverina</p>
Western Victoria	<p>Ballarat</p> <p>Bendigo</p> <p>Corangamite</p> <p>Corio</p> <p>Wannon</p>

, provided that this sub-rule does not prevent the Inaugural Member Council from making a determination under the rules of the Amalgamated Union to alter the Electorates.

41. As soon as is practicable following the Amalgamation Day the National Secretary will call a meeting of the:

Member Council
National Executive

National Executive Committee
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42. Member delegates of UV will on the Amalgamation Day be workplace representatives of the Amalgamated Union.
43. The real property and personal property of UV on the day immediately preceding the Amalgamation Day will on, and from, the Amalgamation Day be held in the National Fund under the rules of the Amalgamated Union.
44. The real property and personal property of the NUW on the day immediately preceding the Amalgamation Day will on, and from, the Amalgamation Day be held in the National Fund under the rules of the Amalgamated Union.
45. The liabilities of UV on the day immediately preceding the Amalgamation Day will become the liabilities of the Amalgamated Union on the Amalgamation Day.
46. The liabilities of the NUW on the day immediately preceding the Amalgamation Day will become the liabilities of the Amalgamated Union on the Amalgamation Day.
47. An affiliation on the day immediately preceding the Amalgamation Day to a state or national organisation by UV or the NUW will be continued from the Amalgamation Day by the Amalgamated Union under the rules of the Amalgamated Union, with the Amalgamated Union's representation determined by the Inaugural National Executive.
48. A proceeding commenced prior to the Amalgamation Day, in the name of UV or the NUW, will on the Amalgamation Day be continued in the name of the Amalgamated Union.
49. A proceeding commenced under UV's rules prior to the Amalgamation Day, against a member of UV will on the Amalgamation Day be continued under the rules of the Amalgamated Union.
50. A proceeding commenced under the NUW's rules prior to the Amalgamation Day, against a member of the NUW will on the Amalgamation Day be continued under the rules of the Amalgamated Union.
51. Where prior to the Amalgamation Day a member of UV has been suspended from membership for a period, that member will on the Amalgamation Day continue to be suspended from membership of the Amalgamated Union until the total period of suspension, given by way of penalty under the rules of UV, has elapsed.
52. Where prior to the Amalgamation Day a member of the NUW has been suspended from membership for a period, that member will on the Amalgamation Day continue to be suspended from membership of the Amalgamated Union until the total period of suspension, given by way of penalty under the rules of the NUW, has elapsed.
53. The Inaugural National Executive will, promptly after the Amalgamation Day, appoint the Returning Officer.
54. The Auditor of the Amalgamated Union on Amalgamation Day will be Mr Graeme Kent c/o MGI Level 1 200 Mary Street, Brisbane QLD 4000.
55. Schedule 5 rule 54 does not prevent the National Executive from determining to replace the Auditor under the rules of the Amalgamated Union.

56. The Financial Records, documents, computer records and registers of UV as they existed on the day immediately preceding the Amalgamation Day become, on the Amalgamation Day, the property of the Amalgamated Union.
57. The Financial Records, documents, computer records and registers of the NUW as they existed on the day immediately preceding the Amalgamation Day become, on the Amalgamation Day, the property of the Amalgamated Union.
58. Trustees in respect of any of Assets in which the UV has a beneficial interest will, as soon as is practicable following the Amalgamation Day, transfer all Assets held on trust by them to and to be held in the National Fund under the rules of the Amalgamated Union, and the trustees will retire with effect from the date that the transfers of the Assets into the National Fund are completed by registration or otherwise.
59. Trustees in respect of any of Assets in which the NUW has a beneficial interest will, as soon as is practicable following the Amalgamation Day, transfer all Assets held on trust by them to and to be held in the National Fund under the rules of the Amalgamated Union, and the trustees will retire with effect from the date that the transfers of the Assets into the National Fund are completed by registration or otherwise.
60. A trustee to whom Schedule 5 rule 58 or 59 applies will, as soon as is practicable following the Amalgamation Day, respectively:
  - (a) give the National Secretary Assets capable of transfer by delivery;
  - (b) give the National Secretary books, documents, and records in their possession or under their control relating to their respective trust;
  - (c) execute the documents necessary or desirable to evidence or give effect to the transition contemplated by this sub-rule and Schedule 5 rules 58 and 59; and
  - (d) deliver to the National Secretary a notice of retirement as trustee effective from the date that the transfers of the Assets into the National Fund are completed by registration or otherwise.
61. On Amalgamation Day an Administrative Regulation, providing for the following matters, will apply:
  - (b) there will be a Union Sub-Committee for Victorian Ambulance Officer members to be called the AEA V Council;
  - (c) the AEA V Council will be comprised of:
    - (i) the convenor of the AEA V Council, who will be known as the ‘AEA V Secretary’;
    - (ii) an Assistant Secretary of the AEA V Council;
    - (iii) representatives elected from four zones, as follows:
      - A Zone 1 – Metropolitan – 18 Representatives;
      - B Zone 2 – Regional – 15 Representatives;

- C Zone 3 – Private Non-Emergency Patient Transport – 3 Representatives; and
  - D Zone 4 – Emergency Services Telecommunications Authority – 3 Representatives;
- (iv) that zone representatives will:
- A represent the interests of members in each zone;
  - B undertake on behalf of the zone duties and functions determined by the AEAV Council; and
  - C make recommendations to the AEAV Council in relation to matters affecting the interests of members of that zone; and
- (v) that meetings of a zone will be held at the times and places the zone representatives consider appropriate, provided that a copy of the minutes of each meeting must be submitted to the AEAV Council.
- (d) The National Executive will have responsibility, in relation to the AEAV Council, to safeguard the financial and organisational integrity of the Amalgamated Union.
- (e) The National Executive will determine the most efficient means of servicing the Victorian Ambulance Officer members.
- (f) Subject to annual operational plans determined by the National Executive the AEAV Council will have the control and management of the industrial, recruitment, publicity and organisational operations for the Victorian Ambulance Officer members.
- (g) The AEAV Council is to:
- (i) co-ordinate industrial, and industry, activities for Victorian Ambulance Officer members;
  - (ii) develop relevant policy for Victorian Ambulance Officer members;
  - (iii) co-ordinate information flow across Victoria and nationally; and
  - (iv) develop representations to the Victorian government regarding the specific needs of Victorian Ambulance Officer members.
- (h) The AEAV Council must submit a proposed annual operation plan for consideration by the National Executive.
- (i) The National Executive is to determine an annual operational plan for the AEAV Council.
- (j) The AEAV Council may request that the National Executive make a determination for specific expenditure, that is not included in the annual operation plan.

- (k) The National Executive will ensure that the industrial, professional and community status and interests of Victorian Ambulance Officer members are advanced and catered for.
  - (l) The National Executive commits that the level of resources allocated to the Victorian Ambulance Officer members, on the day preceding Amalgamation Day, will be maintained by the Amalgamated Union, provided that there is no significant change in membership of the Victorian Ambulance Officer members.
  - (m) In the event of a significant change in membership of the Victorian Ambulance Officer members:
    - (i) discussions will occur between the National Executive to determine the means of best servicing the needs of the Victorian Ambulance Officer members; and
    - (ii) the National Executive commits to adjusting the level of resources to reflect the significant change in the membership of the Victorian Ambulance Officer members.
62. The Inaugural National Executive will, as soon as practicable following Amalgamation Day, determine the persons who are to be admitted as Political Members, which is to include any member of either the NUW or UV who is no longer working in an Occupation but who is entitled to be admitted to membership under the rules of the Amalgamated Union as a Political Member.
63. The Inaugural National Secretary will promptly, following the Amalgamation Day, ensure that the things required to be done under sections:
- (a) 82 of the Act – in relation to land and interests in relation to land;
  - (b) 83 of the Act – in relation to charges;
  - (c) 84 of the Act – in relation to shares;
  - (d) 85 of the Act – in relation to other assets,  
to protect the interests of the Amalgamated Union, are done.
64. The Inaugural National Secretary will as soon as practicable as required under:
- (a) this Schedule;
  - (b) the rules of the Amalgamated Union; and
  - (c) section 81 of the Act,  
take the steps necessary to ensure the amalgamation of the Amalgamating Organisations is fully effective.
65. The Amalgamated Union will conduct Quadrennial Elections in 2022.
66. Except as otherwise provided for in this Schedule, this Schedule may be altered by resolution of the Inaugural Member Council provided that of the votes cast three-quarters ( $\frac{3}{4}$ ) of the total vote are cast in favour of any alteration.

\*End of Rules\*