[128V-PLU: Incorporates alterations certified on 20 October 2022 in matter R2022/86]

(replaces version certified on 29 October 2021 in matter R2021/128)

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 45 both inclusive contain a true and correct copy of the registered rules of the Plumbing Division of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia

GENERAL MANAGER

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

Rules of the CEPU Plumbing Division

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**RULES OF THE "CEPU"**

**Section "C" - Plumbing Division**

## 1 - NAME OR TITLE

The Division shall be the "Plumbing Division of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia", and known as "The Plumbing Division" or "The PGEU Division".

## 2 - DEFINITIONS

In this Section of the Rules, the following definitions shall apply:

2.1 "Branch", or "Divisional Branch" shall mean a Branch of the Plumbing Division of the CEPU established in accordance with these Rules.

2.2 "General Secretary" shall mean the General Secretary of the Plumbing Division of the CEPU, otherwise known as the Divisional Secretary as defined in Section A of the Rules.

2.3 "Assistant General Secretary" shall mean the Assistant General Secretary of the Plumbing Division of the CEPU.

2.4 "Divisional President" shall mean the President of the Plumbing Division of the CEPU.

2.5 "Divisional Deputy President" shall mean the Deputy President of the Plumbing Division of the CEPU.

2.6 "Division" shall mean the Plumbing Division of the CEPU.

2.7 "CEPU" shall be the short name of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia.

2.8 "Sub-Branch" shall mean a sub-branch of a Branch of the Plumbing Division of the CEPU.

2.9 Any reference to a Rule or Sub-rule shall be a reference to the corresponding Rule or Sub-rule in this Section of the Rules (being Section C - Rules of the Plumbing Division) unless otherwise specified.

2.10 Reference to "these rules" shall mean Section C - Rules of the Plumbing Division, unless otherwise specified.

2.11 "The Rules of the Union" shall mean the totality of the Rules, being Sections A, B, C and D read together.

2.12 "Biennial meeting" and other meetings of Divisional Council shall constitute Divisional Conferences and Council meetings as required by Section A of the Rules.

2.13 "Head Office" shall mean the Divisional office of the Plumbing Division of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia.

2.14 "Officer" shall mean a person holding an office in the Division in accordance with Rules 19.3, 28.1 and/or 48.2.

2.15 "Officer of the Divisional Council" shall mean those positions specified in Rule 28.1.

2.16 “Registrar” shall mean the Registrar of Fair Work Australia, or any successor body.

2.17 “Returning Officer” means a person nominated by the Australian Electoral Commission who is not the holder of any office in the Union and is not an employee of the Union or of a Division, Branch, or sub-Branch of the Union.

## 3 - CONSTITUTION

The Division shall consist of those persons as defined in Rule 2.4, excluding subrule 2.4.5 of Section “A” of the Rules excluding such persons in the State of South Australia.

## 4 - OFFICES AND MEETING PLACES

4.1 The Head Office of the Division shall be at 52 Victoria Street, Carlton South, Victoria, or at such other place as may be from time to time determined by a majority of the members of the Divisional Council. The Division may also establish a National Office in Canberra upon a motion of the Executive. Notice of any and every alteration shall be immediately forwarded to the Registrar.

4.2 A register of the names of the officers and members, arranged as to Branches according to the membership of such Branches, together with the address of each officer and member, as last advised to the Union, shall be kept at the head office of the Division. The register shall be open for inspection at all convenient times by the Registrar, or any person appointed by him/her.

4.3 The Meetings of Divisional Council or the Divisional Executive shall be convened at such time or times as may be necessary, and shall be held at the Head Office of the Division, or at such other place as may be from time to time determined by the Divisional Council or Divisional Executive.

4.4 The office and/or meeting place of each Branch shall be at such place within the State or Territory as may from time to time be determined by the Branch Committee of Management.

## 5 - AFFILIATION WITH LABOR ORGANISATIONS

5.1 Each Branch may affiliate with the Trades and Labour Council or other Association or organisation of Unions in the State or Territory in which it is located or any other bona fide Labor organisation in such State or Territory, the objects of which are not inconsistent with the objects of the Union.

5.2 Each sub-Branch may affiliate with the Trades and Labor Council or other Association or organisation of Unions in the district of the sub-Branch or any other bona fide Labor organisation within such district, the objects of which are not inconsistent with the objects of the Union.

## 6 - ADMISSION TO MEMBERSHIP

6.1 Every person making application to become a member of the Division shall be informed in writing of the financial obligations arising from membership; and the circumstances, and the manner, in which a member may resign from the Division by the Branch Secretary in the State or Territory where the applicant resides.

6.2 Application for membership shall be made on the form prescribed by the Division. Forms may be obtained at any office of the Division.

6.3 Each applicant shall sign his/her application, and fill in, or cause to be filled in, the information and particulars required.

6.4 Each application shall be lodged with the Secretary of the Branch in the State or Territory in which the applicant resides. Each application received shall be lodged with the General Secretary by the Secretary of the Branch.

6.5 An objection to an application for membership may be made within thirty (30) days of the date on which the application is lodged with the Secretary of the relevant Branch. If no objection is lodged, the applicant shall be deemed to be a member as from the date upon which the application was lodged with the Secretary of the relevant Branch.

6.6 A notice of objection shall be lodged in writing and shall be dealt with by the Branch Committee of Management or in the case of an application lodged with the General Secretary, by the Divisional Executive.

6.7 An application for membership by a person otherwise eligible for membership of the Division may be rejected if the person is of general bad character.

6.8 If an application for membership is rejected by the Committee of Management there shall be the right of appeal to the Branch. If rejected by the Branch there shall be the right of appeal to the Divisional Executive and should an application be rejected by the Executive, to the Divisional Council.

## 7 - MEMBERSHIP

7.1 Any person including an apprentice or junior who is admitted to membership shall be entitled to full rights, benefits and privileges of membership.

7.2 Any member over the age of eighteen years who receives the recognised adult rate of pay shall be classed as an adult and pay the adult contribution rate as defined in Rule 10 "Contributions".

7.3 Life Membership

 7.3.1 The Divisional Council shall have the power to confer Life Membership on any member who has rendered special and valuable service to the Division and a certificate of Life Membership shall be issued to such a member.

 7.3.2 Branches may submit for consideration by the Divisional Council the name of any member who has rendered special and valuable services together with reasons for such recommendation.

 7.3.3 Life Membership shall be the highest honor the Division can confer on a member for services rendered.

 7.3.4 A member upon whom Life Membership is conferred shall not be required to pay contributions and shall be entitled to all the benefits of membership.

 7.3.5 Life Membership shall not be taken away unless the member so honored has been proved to have done something to the detriment of the best interests of the members of the Division.

7.4 Members of a Sub-Branch are members of the Branch operating in the State where the Sub-Branch is located. Membership of the existing Geelong Branch shall be counted for all purposes of these Rules as membership of the Victorian Branch.

7.5 Agreements with State Unions

 The Divisional Executive is authorised by this rule to take all necessary steps for the negotiation and settlement of the terms of any agreements with State Unions permitted by Division 4 of Part 2 of the *Fair Work (Registered Organisations) Act 2009* (Cth) with any state union for submission and adoption by the National Executive under Section A, rule 17.2 "Agreements with State Unions".

 The Divisional Executive may subject to the *Fair Work (Registered Organisations) Act 2009* (Cth) enter into an agreement with a State registered union which is composed substantially of persons who are eligible to be members of the Union under Rule 3 "Constitution" to the effect that members of the State registered union concerned who are not so eligible shall be eligible to become members of the Union under the agreement.

## 8 - MEMBERS CHANGING ADDRESS

A member changing his/her place of residence shall immediately notify the Secretary of the Branch to which the member is attached of such change.

## 9 - ENROLMENT FEES

A person accepted to membership of the Union in accordance with Rule 6 "Admission to Membership", may be required to pay an enrolment fee. The requirement to pay an enrolment fee and the quantum of any such fee shall be at the sole discretion of the Branch Committee of Management.

## 10 - CONTRIBUTIONS

10.1 Contributions are payable half yearly, or annually in advance by each member of the Division. Contributions are exclusive of levies, fines or other charges, as adopted by each Branch.

10.2 Contribution rates shall be as follows:

 10.2.1 The annual contribution rate for adult members, the rates for apprentices and the rate for away-from-trade or provisional members shall be determined each year by the Divisional Council or, in the absence of a decision by the Council, by the Divisional Executive.

 10.2.2 In the absence of a determination by the Divisional Council or Divisional Executive, the previous year's rate shall apply;

 10.2.3 the half-yearly adult contribution shall be one half of the annual contribution referred to in 10.2.1; and

 10.2.4 the year for the purpose of this formula shall begin on the 1st April and end of the following 31st March.

 10.2.5 Where a member moves from apprenticeship to full-time employment, he or she will be required to pay the annual contribution rate for adult members from the date he or she commences full-time employment. Any difference between the annual contribution rate for adult members from that date and the apprentice rate that he or she has already paid in advance is to be payable by the member with his or her next payment of contributions under rules 10.1 and 10.5.

10.3 Where a member has been unemployed for an extended period or has been intermittently employed the member shall have the right to have his/her account for contributions rebated for the time not worked by the Committee of Management. Such rebate to be at the rate of contributions paid by the member.

 The member shall apply in writing and shall supply all documentation and information required by the Committee of Management.

10.4 A financial member who has attained the age of sixty (60) years and who has had a continuous membership in the Union of not less than twenty (20) years, who has ceased to work at the trade or who receives an old age pension may by resolution of the Branch or Committee of Management of the Branch to which he/she is attached be wholly exempt from all Union dues.

10.5 Within its sole discretion, but subject to any determination of the Divisional Executive to the contrary, the Branch Committee of Management may determine that contributions required to be paid under rule 10.1 are to be paid in accordance with a flexible payment plan considered appropriate for that Branch, compliance with which will deem the member on such a plan to be in compliance with rule 10.1.

10.6 Contributions shall be paid by:

 10.6.1 authorised deductions from salary;

 10.6.2 direct debit from a bank, credit union or similar institution;

 10.6.3 direct payments to the Branch; or

 10.6.4 any other method determined to be appropriate by the Branch Committee of Management.

## 11 - LEVIES

11.1 The Divisional Council shall have power to impose a levy upon members of the Division for any of the objects of the Union. However, no levy in excess of twenty dollars ($20) per member can be imposed during any one year unless the proposal to impose such a levy has been submitted to the members by referendum and agreed to by a majority of those voting thereon.

11.2 Levies referred to in 11.1 shall be paid to the Branch or General Secretary within twenty-eight (28) days of taking effect, or within such extended period as may be decided upon by the Divisional Council or Divisional Executive.

11.3 Each Branch Secretary shall, upon receipt of such levies, forthwith remit same to the General Secretary.

11.4 A Branch or its Committee of Management, may impose a levy upon members of the Branch at any time and for any purpose A levy may be imposed on all or any section of the adult members of such Branch. However the Branch or Committee of Management must first submit the question to the members proposed to be subject to the levy either by referendum or at a meeting specially convened.

11.5 Any member entitled to exercise a vote on the question of a levy but being unable to attend such special meeting may record his/her vote on the question in writing (including by email. A vote delivered in this way must be in the hands of the President or Secretary of the Branch prior to the commencement of the meeting.

11.6 If such levy be affirmed by a majority of the members voting on the question it shall become obligatory on all or upon the designated section of adult members of such Branch and be payable in accordance with the resolution.

11.7 Any levy imposed upon members or any section of members shall be the first charge on any monies paid to the Division.

11.8 Any monies raised by a levy imposed under Rule 11.4 shall be subject to capitation in accordance with Rule 41.

## 12 - OFFENCES AND CHARGES

12.1 If the Branch Committee of Management is of the opinion that a member -

 12.1.1 has failed to comply with or has violated any Rule of the Union, Division or Branch and/or

 12.1.2 has persistently and/or wilfully acted in a manner prejudicial to the interests of the Union, Division or Branch or the Objects of these Rules; and/or

 12.1.3 refuses or fails to obey any motion duly resolved in the affirmative at:

 12.1.3.1 any annual or special meeting of such Branch or its Committee of Management or of the Divisional Council or Divisional Executive,

 12.1.3.2 sectional meetings of members employed on a job site or employed by an employer or employers in a section of the plumbing industry (provided that such a motion is not contrary to a decision of Branch or its Committee of Management or of the Divisional Council or Divisional Executive) and/or.

 12.1.4 allows his/her arrears of contributions to exceed more than one half year’s dues as specified in Rule 10 "Contributions"; and/or

 12.1.5 fails to attend, without reasonable excuse or apology, a meeting of the Branch or the Committee of Management, when summoned to do so by the Secretary; and/or

 12.1.6 has committed any fraudulent or unlawful act in relation to the funds or property of the Union, or in relation to any election held under these Rules;

 the Committee of Management may, by ordinary resolution, do any one or more of the following things -

 12.1.7 expel the member from the Union;

 12.1.8 suspend the member from the rights and privileges of membership of the union that the committee may decide for a specified period;

 12.1.9 fine the member an amount not exceeding the equivalent of two years’ dues.

 12.1.10 take no further action

12.2 A charge under sub-rule 12.1 may be brought by any financial member of the Division against another member, or by the Committee of Management on its own motion.

12.3 A charge brought by a member of the Division under sub-rule 12.2 must:

 12.3.1 be in writing;

 12.3.2 be signed by the member bringing the charge

 12.3.3 state the grounds for the charge and basis on which the charge is brought;

 12.3.4 be delivered to the Branch Secretary of the relevant Branch.

12.4 The Committee of Management cannot take action under sub-rule 12.1 unless Committee has, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under sub rule 12.5, provided the charged member with an opportunity to be heard.

12.5 If a charge is brought against a member the Branch Secretary must, as soon as practicable, serve a written notice on the member -

 12.5.1 setting out the charge and the grounds on which it is based; and

12.5.2 stating that the member may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice; and

 12.5.3 stating the date, place and time of the meeting; and

 12.5.4 informing the member that the member may do either or both of the following:

 12.5.4.1 attend and speak at that meeting;

 12.5.4.2 submit to the committee at or before the date of that meeting written representations relating to the resolution.

12.6 At the meeting of the committee mentioned in sub rule 12.4, the committee must -

 12.6.1 give to the member mentioned in sub-rule 12.1 an opportunity to make oral representations; and

 12.6.2 give due consideration to any written representations submitted to the committee by that member at or before the meeting; and

 12.6.3 by resolution decide whether to take action under sub rule 12.1.

12.7 The Branch Secretary must, within seven (7) days after the Committee meeting, by written notice inform the member of the Committee of Management’s decision and of the member’s right of appeal under sub-rule 12.9.

12.8 A resolution of the Committee of Management does not take effect:

12.8.1 until the end of the period within which the member is entitled to appeal against the resolution if the member does not exercise the right of appeal within that period; or

12.8.2 if within that period the member exercises the right of appeal - unless and until the union confirms the resolution in accordance with sub-rule 12.7.

Rights of Appeal

12.9 A member may appeal to the Branch within 14 days of being served with a notice under sub-rule 12.7.

12.10 An appeal must:

 12.10.1 be in writing;

 12.10.2 be signed by the person appealing;

 12.10.3 be lodged with the Branch Secretary.

12.11 On receipt of an appeal the Branch Secretary must, as soon as practicable, summon a special meeting of the Branch to hear and determine the appeal.

12.12 At the special meeting:

12.12.1 the Branch Committee, the member charged, and (if applicable) the member bringing the charge, must be given the opportunity to make representations in relation to the appeal orally or in writing or both; and

12.12.2 the members present must vote by show of hands on the question of whether the resolution of the Branch Committee should be confirmed or revoked.

12.13 The Branch Secretary must, within 7 days after the Special Branch meeting, by written notice inform the member of that confirmation or revocation and of the member’s right to appeal under sub rule 12.14.

12.14 If the Committee of Management, members charged or (if applicable) member bringing the charge remains dissatisfied, they shall have a final right of appeal to the Divisional Executive.

12.15 An appeal against a decision of the Branch must:

 12.15.1 be in writing;

 12.15.2 be signed by the person appealing;

 12.15.3 be lodged with the General Secretary of the Division;

 12.15.4 be lodged within 14 days of the date notice of the decision is served on the member.

12.16 On receipt of an appeal, the General Secretary must cause the appeal to be placed before a meeting of the Divisional Executive as soon as practicable.

12.17 At the meeting:

 12.17.1 the Branch Committee, the member charged, and (if applicable) the member bringing the charge, must be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and

 12.17.2 the members present must vote by show of hands on the question of whether the reolution of the Branch Committee should be confirmed or revoked.

12.18 The decision of the Divisional Executive shall be final and binding.

**Officers of the Union**

12.19 Notwithstanding anything in this Rule, a member elected to an office shall not be dismissed fom any office within the division other than in accordance with this rule or rule 36.

**Charge directly to General Secretary and/or Divisional President**

12.20 Notwithstanding anything in this Rule, a member shall have the right to lay a charge against any member or officer of the Union directly with the General Secretary and/or Divisional President. A charge laid under this sub-rule must be dealt with under rule 33.

## 13 - EXEMPTION OF PAYMENTS

13.1 A member shall not be entitled to any exemption until three (3) months after the date of the member's last admission to membership.

13.2 A member shall be exempt from all payments to the Union who is wholly unemployed for any period:

 13.2.1 through lack of work;

 13.2.2 through illness or other like causes; or

 13.2.3 members who have been on Workers' Compensation for more than twenty-six (26) weeks in any one year and/or who are only in receipt of the weekly compensation payments paid under a "Workers' Compensation Act" and are not on full pay;

 of which due notice has been lodged in writing with the Secretary of the Branch to which the member is attached, provided such member is not in receipt of an allowance from the Union.

13.3 All exemptions allowed shall be at the rate of contributions paid by such member.

## 14 - ARREARS

14.1 A member owing dues for fees, contributions, levies and fines shall be deemed unfinancialunless the default in payment arises through a banking, technical or other error or an unforeseen circumstance caused through no fault of the member or an unforeseen event such as an illness. A member who becomes unfinancial for any of these reasons will not be considered unfinancial for the time it takes to rectify the problem. In such a case, if requested, the member may be required to provide proof to the Branch Committee of Management of the circumstances leading to the default.

14.2 A member who has an exemption under Rule 13 shall not be deemed unfinancial due to, in whole or part, the period of time for which the exemption subsists.

14.3 To avoid doubt, any member who is paying contributions in accordance with a payment plan or method determined by the Branch Committee of Management pursuant to rule 10.5 shall not be deemed unfinacial so long as the member is up to date with his or her dues in accordance with that plan or method.

14.4 Any member who is deemed unfinancial under rule 14.1 (but subject to rule 14.3) is ineligible:

 14.4.1 to vote in any election; and/or

 14.4.2 to nominate for an office in any election.

## 15 - RECOVERY OF DUES

All claims for fees, contributions, levies, fines or liabilities of any kind due or payable to the Union by any member thereof may be sued for and recovered in the name of the Union by the Secretary of the Branch to which such member belongs, or by the General Secretary.

## 16 - CLEARANCE AND SUSPENSION

A member upon payment of all moneys then owing to the Union and upon making application in writing may be granted a clearance from the Union or his/her membership may be suspended for any period to be specified by resolution of the Branch or Committee of Management of the Branch to which such member is attached if the member:

16.1 ceases to be a resident of the Commonwealth of Australia or of any State or Territory where there is a Branch of the Division;

16.2 has bona fide ceased to be an employee engaged on any work specified in the Constitution of the Division;

16.3 is required to become a member of and contribute to an Industrial Union or organisation controlling the member's employment;

16.4 is in ill-health or unemployed.

## 17 - TRANSFERS

17.1 A member shall transfer from one Branch to another if the member proposes to leave the State or Territory in which the Branch of which he/she is a member is located by applying to the Secretary of that Branch for a transfer. The Branch Secretary shall issue a transfer and shall forward to the Secretary of the Branch to which the member seeks a transfer, a transfer certificate showing the member's name, address, particulars of membership and financial position.

17.2 On receipt by the Branch to which the member seeks to transfer, of the transfer certificate, the transfer shall be effected.

## 18 - RESIGNATION OF MEMBERS

18.1 A member of the Division may resign from membership by written notice addressed and delivered to the Secretary of the Branch to which such member belongs.

18.2 A notice of resignation from membership of the Division takes effect:

 18.2.1 where the member ceases to be eligible to become a member of the Division:

 18.2.1.1 on the day the notice is received by the Division; or

 18.2.1.2 on the day 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 the later; or

 18.2.2 in any other case:

 18.2.2.1 at the end of 2 weeks after the notice is received by the Division; or

 18.2.2.2 on the day specified in the notice;

 whichever is the later.

18.3 Any dues payable but not paid by a former member of the Division in relation to a period before the member's resignation from the Division took effect, may be sued for and recovered in the name of the Union, in a court of competent jurisdiction, as a debt due to the Union.

18.4 A notice delivered to the Branch Secretary shall be taken to have been received by the Division when it was delivered.

18.5 A notice of resignation that has been received by the Division is not invalid because it was not addressed and delivered in accordance with Sub-Rule 18.1.

18.6 A resignation from membership of the Division is valid even if it is not effected in accordance with this Rule if the member is informed in writing by or on behalf of the Division that the resignation had been accepted.

## 19 - GOVERNMENT

19.1 The supreme control of the Division is vested in the members of the Division.

19.2 The supreme control vested in the members shall be exercised on their behalf by the Divisional Council.

19.3 The Divisional Council shall consist of Federal Vice-Presidents and Federal Councillors elected as hereinafter provided by the members of the Division in each Branch as follows:

 19.3.1 The Queensland Branch shall elect one Federal Vice-President and one Federal Councillor;

 19.3.2 the Victorian Branch shall elect one Federal Vice-President and three Federal Councillors;

 19.3.3 the New South Wales Branch shall elect one Federal Vice-President and two Federal Councillors;

 19.3.4 The Western Australian Branch shall elect one Federal Vice President.

19.4 The Federal Vice-President and any other Federal Councillor or Councillors to which a Branch may be entitled shall be elected pursuant to Rule 49 - Branch Elections, and shall become members of the Divisional Council immediately upon being declared elected. Subject to these Rules, each Federal Vice-President and Federal Councillor shall continue as a member of the Divisional Council until his/her successor takes office. Each Branch Secretary shall, not later than seven (7) days after the declaration of the aforesaid election, inform the General Secretary of the name and address of each Federal Vice-President and Federal Councillor elected by his/her Branch.

19.5 The Divisional Council shall have the general control and conduct of the business of the Division and without limiting the foregoing the powers of the Divisional Council shall include the following:

 19.5.1 to direct the policy of the Division in all matters affecting the interests of the members;

 19.5.2 to endeavour to carry out the objects of the Union and to administer the Rules for the general benefit of members;

 19.5.3 to resolve all matters referred to it by Branches;

 19.5.4 subject to Rule 25 "Amendment to Rules", to adopt for approval by National Council, amendments to the divisional rules;

 19.5.5 to remove at any time any Divisional Officers (including the General Secretary) in accordance with these Rules;

 19.5.6 to establish any special fund to achieve any of the objects of the Division;

 19.5.7 to determine any matter referred to it by any Branch or to act on its own volition where it deems it necessary to do so in the best interests of the Division;

 19.5.8 to submit any matter to the membership of the Division or to the membership of any Branch for decision by referendum;

 19.5.9 to demand, or cause to be made an audit of the books and accounts of any Branch;

 19.5.10 to hear and determine appeals from any decision made within the Branch affecting the rights of any member;

 19.5.11 to employ Research Officers, Organisers and other staff necessary for general functioning of the Division;

 19.5.12 to call any meeting of any Branch, sub-Branch, or Branch Committee of Management, or of the members, or any section of members, for the purpose of submitting any matters which may concern such members;

 19.5.13 to generally advance the objects of the Union, for these purposes to vote and expend such money as may in its opinion be necessary;

 19.5.14 to have printed up-to-date copies of the Rules of the Division and such other material as deemed beneficial to the Branches and/or members for distribution to them;

 19.5.15 to forward to each Branch minutes of all Divisional Council Meetings;

 19.5.16 to take such steps as it considers necessary to ensure the furtherance of the objects by, and the proper functioning of the Division, Branches and Sub-Branches of the Division.

 19.5.17 to do all other such acts and things as are incidental to the carrying out of the objects and powers of the Union.

**19.6** **Election of National Councillors**

 Divisional delegates to National Council, in accordance with Section A of these Rules, shall be:

 19.6.1 State Secretaries of the New South Wales, Queensland, Western Australia and Victorian Branches;

 19.6.2 the Assistant Secretaries of the New South Wales, Queensland and Victorian Branches;

 19.6.3 the Divisional Secretary

 19.6.4 where the Divisional Secretary is also a Branch Secretary, one (1) delegate elected from that Branch in lieu of the Branch Secretary, such election to be held in conjunction with the Branch elections in accordance with Rule 49 "Branch Elections"; and

 19.6.5 where the female membership of the Division exceeds 5%, one (1) Affirmative Action delegate, elected by the total membership of the Division in conjunction with the Branch elections, and in accordance with Rule 49 "Branch Elections" mutatis mutandis. All female financial members of the Division shall be eligible to nominate. The Returning Officer in Victoria shall be the Head Returning Officer, and shall determine all questions relating to the election of the Affirmative Action Delegate.

## 20 - DIVISIONAL COUNCIL MEETINGS

20.1 The Divisional Council shall meet at least once in each two years and the Biennial Meeting shall be held at such time and place as the Divisional Council may decide or in default of decision by it as determined by the Divisional Executive.

20.2 The Divisional Council shall meet at other times and places as the Divisional Council or the Divisional Executive may determine.

20.3 Subject to the approval of a majority of Vice-Presidents and Federal Councillors representing financial Branches, Federal Vice-Presidents and Federal Councillors representing unfinancial Branches may take their seats on Divisional Council.

20.4 The General Secretary shall notify each Branch no less than one (1) month prior to the date fixed for the Meeting in the year of the Biennial Meeting that matters for the agenda paper must be sent forward to reach the General Secretary not later than two (2) weeks prior to the said Meeting for inclusion in the agenda paper. The General Secretary shall forward to each Branch a copy of the agenda not less than one (1) week before the Biennial Meeting where practicable, otherwise he/she shall forward such copy to each Branch as soon as the agenda has been prepared.

20.5 Any member of the Divisional Council who desires the Divisional Council to consider a matter not on the agenda shall bring the matter to the attention of the Divisional Council and the matter may be added to the agenda and considered if a majority of the members of the Divisional Council then in attendance so decide. Where the Divisional Council by reason of its opinion of the urgency thereof deals with any matter not on the agenda no resolution decision or direction of the Divisional Council on the matter shall be invalidated by reason merely of the non-appearance of the matter on the agenda.

## 21 - SPECIAL MEETINGS OF DIVISIONAL COUNCIL AND DIVISIONAL EXECUTIVE

21.1 Upon a request of the members of two (2) or more Branches voting on the subject at special meetings of the Branches summoned for the purpose, the General Secretary shall call a Special

 Meeting of the Divisional Council or Divisional Executive to review any previous decision and/or to receive any recommendations in respect thereof.

21.2 Such request for a Special Meeting shall be in writing and shall specify fully the object of the meeting and contain a full report of the minutes of the Special Meetings of the Branches, including details of voting.

21.3 The Divisional Executive may at any time call a Special Meeting of Divisional Council to consider any such matters as it considers fit. As much notice as possible shall be given for such meetings.

21.4 Notwithstanding anything contained in these Rules, the Divisional Executive shall, when it deems it advisable to do so, have power to submit any matter to a referendum of the members of the Divisional Council in lieu of calling a Special Meeting.

## 22 - QUORUM - DIVISIONAL COUNCIL

At all meetings of the Divisional Council, a majority of the members of the Divisional Council shall constitute a quorum.

## 23 - VOTING

23.1 On all questions of a general character brought before the Divisional Council, the vote shall be taken on the voices or by show of hands, unless a ballot is demanded by any member of the Divisional Council.

23.2 Subject to Rule 20.3 each Branch shall be entitled to two (2) votes at all meetings of Divisional Council: Provided that:-

 23.2.1 In the event of the number of financial members of a Branch as at the 30th June in each year as hereinafter determined exceeds 500 such Branch shall be entitled to exercise one (1) additional vote for each 500 members in excess thereof at all meetings of Divisional Council between the 1st July and the 30th June in the ensuing year;

 23.2.2 In the event of there being only one member of Divisional Council present representing any Branch such member may exercise all of the votes to which the Branch is entitled.

 23.2.3 In the event of there being more than one member of the Divisional Council present representing a Branch and the total number of votes to which such Branch is entitled is equally divisible between such members present they may each exercise that equal number of votes. Where the total number of votes is not equally divisible between such members present they may each exercise the highest number of votes which can be equally allocated to each of them and the remaining vote or votes may be exercised by such member as is determined by the Committee of Management of such Branch or in the absence of such determination by the Federal Vice-President representing such Branch or in the event that such Federal Vice-President is not present as is decided by lot.

23.3 For the purpose of Sub-rule 23.2 the number of financial members of a Branch shall be determined by dividing the total amount received by the Branch for contributions as shown in the audited statement for the financial period ending on the 31st March in each year by the amount of the annual contribution as specified in Sub-rules 10.1.1, 10.1.2 and 10.1.3.

23.4 The Divisional President or Chairperson for the time being shall exercise a deliberative vote only. In the event of the voting upon any question before the Council or Divisional Executive being equal, it shall pass in the negative.

## 24 - DECISIONS OF DIVISIONAL COUNCIL

24.1 All decisions of the Divisional Council and/or Divisional Executive shall be binding on the members and Branches of the Division.

24.2 All decisions of Divisional Council shall remain in full force unless or until annulled by the Divisional Council, or in accordance with Section A of the Rules. All decisions of Divisional Executive shall remain in full force unless and until annulled by the Divisional Council or Divisional Executive, or in accordance with Section A of the Rules.

24.3 A decision of the Divisional Council or Divisional Executive shall be submitted to a referendum of financial members of the Division where special general meetings of at least two Branches specially summoned for the purpose, request it. The referendum shall so far as practicable be conducted in the same manner as Branch Elections under Rule 49. The decision of the members of the Division at such referendum shall supersede the decision of the Divisional Council and/or Divisional Executive.

## 25 - AMENDMENT TO RULES

25.1 The Rules of the Division shall not be amended except on a resolution carried by a majority of the Divisional Council, and endorsed by the National Council in accordance with Section A Rule 21 "New Rules & Alteration of Rules" of the Rules.

25.2 Any member of the Division desiring to submit to Divisional Council any proposal to amend this Section of the Rules must forward such proposal to the General Secretary to reach him/her not later than two (2) months prior to the Biennial Meeting of the Divisional Council.

25.3 The General Secretary shall include such proposals in the Agenda Paper for the Biennial Meeting.

25.4 Notwithstanding the provisions of Sub-rules 25.2 and 25.3, the Divisional Council may at any time of its own motion make amend or rescind any of the Rules of the Division, subject to the endorsement of National Council in accordance with Section A Rule 21 "New Rules & Alterations of Rules" of these rules.

## 26 - REPRESENTATIVES' EXPENSES

All reasonable expenses of the members of the Divisional Council shall be defrayed out of the funds of the Division, when attending General or Special Meetings of the Divisional Council or when engaged upon Division business at the request of the Divisional Council or the Divisional Executive.

## 27 - RESIGNATION AND INCAPACITY

27.1 In the event of a Federal Vice-President or Federal Councillor being unable to attend a meeting or part of a meeting of the Divisional Council he/she may appoint a member of the Division from the Branch he/she represents who is eligible to nominate for such office in accordance with the Rules to act as his/her proxy during his/her absence from the meeting. The person so appointed shall be entitled to speak and vote on any matter provided that he/she shall not participate in any step in an election for an office conducted amongst members of Divisional Council.

27.2 The provisions of Rule 52.1 with respect to the filling of a casual vacancy in the Branch Offices named therein shall apply mutatis mutandis to the filling of a casual vacancy in the office of Federal Vice President or Federal Councillor of a Branch.

27.3 Casual Vacancies - Divisional Officers

 27.3.1 Where a casual vacancy occurs in the office of the Divisional President, Divisional Deputy President, General Secretary or Assistant General Secretary such vacancy may be filled by appointment by Divisional Council. The person appointed shall be a member of the Divisional Council eligible to nominate for and hold the office pursuant to Rules 28 "Officers of the Council and how Elected", 48 "Management of Branches" and 49 "Branch Elections". The member so appointed shall hold office in accordance with these Rules for so much of the unexpired part of the term of office as does not exceed three quarters of the term of the office.

 27.3.2 Where the unexpired part of the term of the office exceeds that specified in Sub-rule 27.3.1 the vacancy may be filled by ordinary election as far as practicable in accordance with Rule 28 "Officers of the Council and How Elected" for the unexpired part of the term of the office.

 27.3.3 In this Sub-rule:

 'ordinary election' means an election in accordance with Rule 28 "Officers of the Council and How Elected";

 'term' in relation to the office means the total period for which the last person elected to the office by an ordinary election (other than an ordinary election to fill a casual vacancy in the office) was entitled by virtue of that election to hold the office in accordance with these Rules without being re-elected.

## 28 - OFFICERS OF THE COUNCIL AND HOW ELECTED

28.1 The officers of the Divisional Council shall be Divisional President, Divisional Deputy President, General Secretary and Assistant General Secretary, each of whom shall be elected by and from the members of the Divisional Council as hereinafter provided.

28.2 The Officers of the Divisional Council shall be elected by and from members of the Divisional Council at its Biennial Meeting in 1995 and every four (4) years (unless as otherwise provided by these rules).

28.3 In the event of the Divisional President, Divisional Deputy President, General Secretary or the Assistant General Secretary ceasing to hold the office of Federal Vice-President or Federal Councillor such person shall thereupon cease to hold office as Divisional President, Divisional Deputy President, General Secretary or Assistant General Secretary respectively.

28.4 The conduct of every such election (including the acceptance and rejection of nominations) shall be by a Returning Officer.

28.5 The Returning Officer shall call for nominations at the first session of the Divisional Council.

28.6 Any member of Divisional Council may nominate for office. Nominations shall be in writing and signed by the candidate. Any member of Divisional Council if absent from the Meeting shall be eligible to nominate for election provided he/she has forwarded his/her nomination in writing and signed it.

28.7 If the Returning Officer finds a nomination to be defective he/she shall before rejecting the nomination notify the person concerned of the defect and where it is practicable to do so give the nominee the opportunity of remedying the defect within twenty-four (24) hours.

28.8 In the event of an election being necessary to fill any position the Returning Officer shall conduct such election by secret ballot.

28.9 Each member of Divisional Council shall be handed by the Returning Officer a ballot paper initialled by the Returning Officer on which he/she shall record his/her vote and shall return the ballot paper to the Returning Officer.

28.10 A member of the Divisional Council who is not present at the Council Meeting shall be entitled to nominate as a proxy, another member of the Council to vote in the election in his place. All elections shall take place at the last session of the Divisional Council Meeting when all ballot papers shall be counted by the Returning Officer and his/her assistants. Only ballot papers returned to the Returning Officer prior to the commencement of the counting shall be included in the ballot. In the case of equality of votes for any two or more candidates, the Returning Officer shall determine which of the candidates is elected by lot. Immediately at the conclusion of the counting of the ballot, the Returning Officer shall declare the result of the elections and all persons elected shall occupy their positions forthwith. The said officers shall hold office until the date of the next ensuing declaration of election of officers unless he/she dies resigns or is removed from office in accordance with these Rules. Any candidate in any ballot may nominate in writing to the Returning Officer at the time of his/her nomination one scrutineer to represent him/her. A scrutineer shall not be eligible to act for two or more candidates who are standing for the same position in any ballot. The scrutineer shall be entitled to represent the candidate at all stages of the ballot but such scrutineer shall not in any way obstruct the Returning Officer in the performance of his/her duties, nor shall the scrutineer in any way interfere with the conduct of the ballot. The duties of the scrutineer shall be to represent the interest of the candidate who nominated him/her,

 to attend at any stage of the ballot as requested by the candidate and to report to the Returning Officer any irregularity in or in connection with the conduct of the ballot which has come to the scrutineers notice. The Returning Officer shall give every facility to each scrutineer to examine the count and to attend and represent at every stage of the ballot the interest of the candidate who nominated him/her.

## 30 - DUTIES OF THE OFFICERS OF THE COUNCIL

30.1 Divisional President

 The Divisional President, so far as possible, shall:

 30.1.1 preside at all meetings of the Divisional Council and preserve order, so that business may be conducted in due form and with propriety;

 30.1.2 upon confirmation of the minutes, sign the same in the presence of the meeting;

 30.1.3 in the absence of the General Secretary, sign all orders on the Trustees for payment of accounts or otherwise;

 30.1.4 generally watch over the interests of the Division and its members.

30.2 Divisional Deputy President

 30.2.1 The Divisional Deputy President shall preside with full powers in the absence of the Divisional President. In the event of an extraordinary vacancy occuring in the office of Divisional President, the Divisional Deputy President shall fill such office until the next meeting of the Divisional Council.

 30.2.2 In the absence of the Divisional President and Divisional Deputy President, the Federal Vice President next in order of seniority, who is present, shall preside and have all the powers usually exercised by the Divisional President.

30.3 General Secretary

 The General Secretary shall:

 30.3.1 keep and provide to the National Secretary of the Union, the Divisional records required to be kept by the *Fair Work (Registered Organisations) Act 2009* (Cth) as amended or replaced from time to time and any Regulations made thereunder;

 30.3.2 as far as possible attend all meetings of the Divisional Council and Divisional Executive;

 30.3.3 keep a debit and credit account between each Branch and Divisional Council;

 30.3.4 produce, answer and file all correspondence or copies thereof;

 30.3.5 keep minutes of all resolutions passed or other business transacted by the Divisional Council and/or the Divisional Executive;

 30.3.6 summon members to all meetings, and give intimation of same to all Branches;

 30.3.7 draw up a report and balance sheet, to be submitted to the Divisional Council, as directed, and submit his/her books and accounts annually to the Auditor or Auditors;

 30.3.8 forward to each Branch copies of the Report and Balance Sheet within three months after the completion of such Annual Audit;

 30.3.9 keep a register of the members of the Division, and of the Divisional Council and Branch officers thereof;

 30.3.10 submit to the Divisional President any information or copies of important correspondence he/she may officially receive;

 30.3.11 receive all moneys and pay the same into some bank to be from time to time decided upon by the Divisional Council to the credit of the Division, within forty-eight (48) hours, or as soon as possible after the receipt of same, and produce the pay-in slips for the inspection of the Trustees or the Divisional Executive at all reasonable times;

 30.3.12 keep the bank book and produce it and the cash book at all meetings of the Divisional Council, or when called upon to do so by the Divisional President, Trustees or the Divisional Executive;

 30.3.13 as soon as possible after the Divisional Council Meeting lodge with the National Secretary proposed amendments to these Rules for consideration by the National Council;

 30.3.14 visit each Branch in rotation at least once every twelve (12) months;

 30.3.15 forward decisions of Divisional Council within three (3) months of the conclusion of the Divisional Council Meeting to Councillors, Branches and sub-Branches;

 30.3.16 notwithstanding anything contained in these Rules, after consultation with the Divisional President, have power to submit any matter in writing to a referendum of the members of the Divisional Executive in lieu of calling a special meeting;

 30.3.17 forward to all Divisional Councillors and Branch Secretaries copies of the minutes and decisions of all Divisional Executive meetings within twenty-one (21) days of the conclusion of the Divisional Executive.

 The General Secretary shall be paid such salary as the Divisional Council may from time to time determine, and, if required, shall provide a guarantee bond for such amount as the Divisional Council may from time to time decide. The premiums in respect of which shall be paid out of the funds of the Division.

30.4 Assistant General Secretary

 The Assistant General Secretary shall:

 30.4.1 assist in conducting the business of the Division under the direction of the General Secretary;

 30.4.2 carry out the duties of the General Secretary during his/her temporary absences.

30.5 The Officers of the Divisional Council (as described in clause 28 above and including the General Secretary) may be paid a salary or allowance as determined by the Divisional Council from time to time. The quantum of the salary or allowance, if any:

 30.5.1 shall be at the discretion of the Divisional Council;

30.5.2 may be paid by equal fortnightly instalments or by way of one or more lump sum payments;

 30.5.3 must be ratified by the Divisional Executive.

## 31 - DIVISIONAL TRUSTEES

31.1 Three Divisional Trustees shall be elected at the Biennial Meeting of Divisional Council in 1995 and every four (4) years thereafter by and from the members of the Divisional Council in accordance with the provisions of Rule 28 "Officers of the Council and How Elected" with the necessary changes.

31.2 If a Divisional Trustee dies, resigns or is removed from office in accordance with these Rules the vacancy shall be filled pursuant to the provisions of Rule 27 "Resignation and Incapacity” with the necessary changes.

31.3 Such Trustees shall be responsible for the safe keeping of the property and funds in the custody, control and management of the Division, and shall sign all cheques drawn by the Division.

## 32 - DIVISIONAL AUDITOR

The Divisional Council or the Divisional Executive shall appoint annually as an auditor a competent person resident in the city in which the Head Office is located, who shall at least once a year as soon after the 30th June as possible and at such other times as the Divisional President or Divisional Executive shall direct, audit the books and accounts of the Division and make a report of the audit to the Divisional Council. The auditor shall, in his/her report, draw the attention of the Divisional Council to any deficiencies or other matters which he/she may think proper. The auditor shall have full and complete access to all the books and documents, papers and vouchers, of the Division. For the purpose of this Rule a competent person shall have the same meaning as in the *Fair Work (Registered Organisations) Act 2009* (Cth) and any Regulations made thereunder.

## 33 - DIVISIONAL EXECUTIVE

33.1 The Divisional Executive shall consist of:

 33.1.1 the Federal Vice-Presidents; and

 33.1.2 each Officer of the Divisional Council if not already a member of the Divisional Executive by virtue of being a Federal Vice-President provided that each such officer shall not be entitled to vote.

33.2 In the event that a Federal Vice-President is unable to attend a meeting or part of a meeting of the Divisional Executive, he/she may appoint a member of the Division from the Branch he/she represents who is eligible to nominate for such office in accordance with these Rules to act as his/her proxy during the Federal Vice-Presidents absence from the meeting.

33.3 Subject to the approval of a majority of Federal Vice-Presidents representing financial Branches, Federal Vice-Presidents representing unfinancial Branches may take their seats on Divisional Executive.

33.4 The Divisional Executive shall transact all business between meetings of the Council, which shall include the handling of all industrial matters concerning all members or any section thereof, that is subject of any negotiations, conferences, applications, hearings or disputes that come within the jurisdiction of Fair Work Australia or any successor body, and control inter-State and/or Territory industrial disputes (i.e. disputes involving two States/Territories or more) of members of this Division.

33.5 The General Secretary and/or Divisional President shall be empowered to convene a meeting of the Divisional Executive at any time by notification to all Executive members.

33.6 The Divisional Executive may at any time call a Special Meeting to consider matters of urgency.

33.7 Upon receipt of a resolution clearly setting out all reasons and signed by the Secretary and President of a Branch and provided always that such resolution shall have been carried by a majority of the members of the Branch present at a meeting called for that purpose, the General Secretary shall refer the resolution to the Divisional Executive who shall determine if a Special Divisional Executive meeting is to be called.

33.8 Notwithstanding anything contained in these Rules the Divisional Executive shall, when it deems it advisable so to do, have power to submit any matter to a referendum of the members of the Divisional Council in lieu of calling a Special Meeting.

33.9 Four (4) members of the Divisional Executive shall form a quorum.

33.10 Voting at Divisional Executive meetings shall be by show of hands. The Chairperson of any meeting of the Divisional Executive shall have one vote, namely a deliberative vote.

33.11 The Divisional Executive shall have the power:

 33.11.1 to hear and determine an appeal by any member or officer lodged pursuant to sub-rules 12.14, 12.16 or 12.20;

 33.11.2 to hear and determine charges made against any member direct to the General Secretary pursuant to Rule 12 "Offences and Charges";

 33.11.3 to appoint any officer or employee of the Division or other person to investigate any complaint about the conduct of any member of the Division, record the evidence and statements and submit the same with his/her report thereon to the Divisional Executive. The Divisional Executive shall read and hear such record and report and may thereon determine whether any charge should be laid against any member pursuant to Rule 12 "Offences and Charges" provided that the investigating officer shall not vote in any such determination.

 33.11.4 for the purposes of this Sub-rule, the Divisional Executive shall have power to:

 33.11.4.1 pending the investigation of the charges or complaints to suspend any officer from performing all or any of his/her duties for a period not exceeding three months;

 33.11.4.2 to impose a fine not exceeding $250;

 33.11.4.3 suspend or dismiss from office any officer found guilty of misappropriation of the funds of the Union or gross misbehaviour or gross neglect of duty or who has ceased according to these Rules to be eligible to hold the Office;

 33.11.4.4 to expel any member.

 33.11.5 an appeal shall lie to the Divisional Council at the instance of the member or officer charged from any decision of the Divisional Executive under this Rule. Notice of Appeal shall be given to the General Secretary in writing within fourteen (14) days of the decision being communicated to him/her and shall set forth in full all the matters that the Appellant desires to be considered. The Appeal may be dealt with by Divisional Council in meeting or by postal vote.

33.12 The Divisional Executive shall have all powers of Divisional Council between meetings of the Divisional Council. All acts of the Divisional Executive done in pursuance of the powers granted by these Rules shall have full force and effect and be of full validity until such acts shall be confirmed or otherwise dealt with by the next ensuing meeting of the Divisional Council.

33.13 To demand and collect all subscriptions, fines, fees and levies payable by members to the Division.

33.14 To demand or cause to be made an audit of the books and accounts of the Division or any of the Branches thereof.

33.15 The Divisional Executive shall have the power to employ temporary organisers to organise in any area considered necessary by the Divisional Executive.

33.16 All disbursements shall be authorised and/or endorsed by Divisional Executive.

33.17 Meetings of the Divisional Executive shall be summoned by the General Secretary or Divisional Federal President by notice in writing.

## 34 - GOVERNANCE - POLICIES AND PROCEDURES

34.1 Policies and procedures

 (a) The Division shall develop and implement internal control policies and procedures relating to their expenditure and to ensure they are conducted in accordance with the principles of good governance and to ensure accountability to members.

 (b) Such policies and procedures shall be adopted by the Divisional Council and once adopted shall be binding on all officers and members of the Division and Branches. Such policies and procedures must be identified in the resolutions of the Divisional Council as Rule 34.1 policies and procedures.

 (c) Rule 34.1 policies and procedures must be published on the website of the Division within fourteen (14) days of their adoption.

 (d) Rule 34.1 policies and procedures once adopted may only be altered, amended, or revoked by a resolution duly passed by a simple majority of those members of the Divisional Council present at a Divisional Council meeting (including a proxy carried for an absent Councillor) or participating in a decision by corresepondence conducted under rule 35.

## 35 - DECISIONS BY CORRESPONDENCE

35.1 When Divisional Council is not in session and/or it is impracticable to convene a meeting of the Divisional Executive on any matter, the General Secretary after consultation with the Divisional President may obtain by correspondence the decision of the Divisional Council or Divisional Executive as the case may be.

35.2 Any matter submitted to Divisional Council or Divisional Executive under this Sub-rule shall be clearly stated and be in the form of a ballot paper upon which shall be shown a vote for or against the proposal.

35.3 The closing time for members' votes to be forwarded to the General Secretary shall be determined by him/her in consultation with the Divisional President having regard to the nature of the matter. All members shall be informed of the closing time.

35.4 All decisions under this Sub-rule shall be reported to the next meeting of the Divisional Council or of the Divisional Executive following the taking thereof and shall be recorded in the minutes in detail. Decisions under this Sub-rule shall become effective, unless otherwise stated herein, immediately the counting of the ballot has been completed by the General Secretary. The General Secretary shall notify the members of the Divisional Council of the decisions within seven (7) days.

35.5 Notwithstanding the provisions of Sub-rule 35.1 a vote of the Divisional Executive for any purpose may be taken by the General Secretary by telephone, facsimile, video conference, telex, post, e-mail or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the Divisional Executive.

## 36 - SUSPENSION OR REMOVAL OF OFFICERS

**36.1 Suspension from Office**

 36.1.1 The relevant body as described in sub rule 36.3 may, pending the investigation of any charge or complaint against any officer or member under this Rule, suspend such person from performing all or any of his/her duties.

 36.1.2 A suspension under sub rule 36.1.1 must be on full pay and must not exceed a period of three (3) months.

 36.1.3 The relevant body is:

 36.1.3.1 in the case of any officer or member of the Divisional Executive or of the Divisional Council or of any Divisional Branch or Divisional Sub-Branch - the Divisional President or Divisional Executive; or

 36.1.3.2 in the case of a Branch Officer or member of the Branch Committee of Management - the Branch Committee of Management.

 36.1.4 The relevant body may appoint another officer of the union to perform the duties of the suspended officer(s) or member(s) during the period of suspension.

**36.2 Removal from Office**

 36.2.1 If the relevant body is of the opinion that an officer or member of the Union has -

 36.2.1.1 misappropriated the funds of the Union; and/or

 36.2.1.2 committed a substantial breach of the Rules of the Union; and/or

 36.2.1.3 engaged in gross misbehaviour or gross neglect of duty; and/or

 36.2.1.4 has ceased, according to these Rules, to be eligible to hold the office;

 the relevant body may remove that officer or member from office.

 36.2.2 The relevant body is:

 36.2.2.1 in the case of a Branch Officer or member of the Branch Committee - the Branch Committee.

 36.2.2.2 in the case of a Divisional officer or member of the Divisional Council or of the Divisional Executive, Divisional Branch or Divisional Sub-Branch - the Divisional Council;

 36.2.3 The relevant body cannot take action under sub-rule 36.2.1 unless the body has, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under sub-rule 36.2.4, provided the officer or member with an opportunity to be heard.

 36.2.4 By direction of the relevant body under sub-rule 36.2.2, the Branch Secretary, or the General Secretary as the case may be, must serve the officer or member with a notice:

 36.2.4.1 setting out the concerns of the relevant body and the grounds on which they are based;

 36.2.4.2 stating that the member may address the relevant body at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice; and

 36.2.4.3 stating the date, place and time of that meeting; and

 36.2.4.4 informing the member that the member may do either or both of the following:

 (i) attend and speak at that meeting;

 (ii) submit to the relevant body at or before the date of that meeting written submissions relating to the resolution.

 36.2.5 At the meeting of the relevant body mentioned in sub rule 36.2.1, the relevant body must -

 36.2.5.1 give to the member mentioned in sub rule 36.2.1 an opportunity to make oral presentations; and

 36.2.5.2 give due consideration to any written presentations submitted to the committee by that member at or before the meeting; and

 36.2.5.3 by resolution decide whether to take action under sub-rule 36.1 or 36.2.

 36.2.6 The Branch Secretary or General Secretary, as the case may be, must within 7 days after the meeting, by written notice inform the officer or member of the decision of the Committee or Executive, and, in the case of a Branch Officer or member, of the officer’s or member’s right of appeal.

 36.2.7 A resolution of the Committee of Management does not take effect:

 36.2.7.1 until the end of the period within which the member is entitled to appeal against the resolution if the member does not exercise the right of appeal within that period; or

 36.2.7.2 if within that period the member exercises the right of appeal - unless and until the union confirms the resolution in accordance with sub-rule 36.2.6.

**36.3 Appeal of decision to remove Officer**

 36.3.1 A Branch Officer or Member of a Branch Committee of Management removed from office under this Rule shall have a right of appeal to the Divisional Council.

 36.3.2 A notice of appeal must be lodged with the General Secretary within fourteen (14) days of receipt of the notice described in sub-rule 36.2.6 and shall set forth in full all the matters that the member or officer wishes the Divisional Council to consider.

 36.3.3 The appeal may be dealt with in meeting or by postal vote.

 36.3.4 The decision of the Divisional Council is final.

## 37 - FINANCIAL PERIOD

37.1 The Divisional Council shall close its financial period on the 30th of June in each year.

37.2 Each Divisional Branch shall close its financial period on the 31st of March in each year.

## 38 - FUNDS - HOW RAISED

The funds of the Division shall consist of enrolment fees, contributions, levies and fines paid by members, together with any other moneys received.

## 39 - FUNDS - HOW COLLECTED

All enrolment fees, contributions, levies and fines payable by members, shall be paid to the Branch Secretary or other authorised representative in each State, Territory or district. Where there is no Branch or representative, the same shall be paid to the General Secretary.

## 40 - FUNDS - HOW APPLIED

The funds of the Division may be applied to the following purposes:

40.1 Defraying the cost of management of the Division, the Branches and sub-Branches;

40.2 Subscribing to any organisations with which the Division may become affiliated;

40.3 Defraying any expense incurred in any appeal to a Federal, State or Territory Board, Industrial Relations Tribunal (including Fair Work Australia or any successor body) or Court out of the Head Office General Fund;

40.4 Making payments in connection with any matter that furthers the Objects of these Rules, including, without limitation, training and community programs;

40.5 Making payments in connection with any matters provided for by these Rules or affecting the general interest of the members;

40.6 Making capitation and/or sustentation payments to the National Council as determined by them.

## 41 - BRANCH FUNDS

41.1 All moneys shall be banked at least once during each week in the name of the Division, in a bank determined by the Committee of Management.

41.2 All disbursements shall be made by cheque, direct debit, bank transfer, credit card or other convenient method of payment provided that:

* + 1. It has been duly authorised by the Secretary; and
		2. The type of expenditure has been authorised in an annual budget by a branch meeting or a committee of management meeting; or
		3. The expenditure is within an authorised amount for a particular purpose by a branch meeting or a committee of management meeting; or
		4. The particular transaction has been authorised or endorsed by a branch meeting or a committee of management meeting.

41.3 The funds of each Branch shall consist of:

 41.3.1 the General Fund, which shall include all enrolment fees, contributions, levies and fines, except as hereinafter prescribed;

 41.3.2 any other Fund held by the Branch in accordance with Rule 41.4 below;

 41.3.3 funds raised for special purposes;

 41.3.4 interest which may accrue to the credit of each Fund, shall be allotted to such Fund;

 41.3.5 any real or personal property of which the Branch has or is entitled to have the right of custody control or management;

 41.3.6 any superannuation or long-service leave or retiring allowance fund operated or controlled by the Branch for the benefit of its officials or office staff;

 41.3.7 any property acquired wholly or mainly by expenditure of the moneys of the Branch Fund or derived from other assets of the Branch Fund;

 41.3.8 the proceed of any disposal of parts of the Branch Fund.

41.4 Each Branch may operate such funds as are determined by the Committee of Management from time to time, provided that such funds otherwise meet the requirements of these Rules;

41.5 At the close of each financial period a sum not exceeding ten (10) per cent as decided by Divisional Council of the total receipts from Branch contributions and any levies imposed under Rule 11 shall be paid into Head Office prescribed funds. All remaining funds shall be allocated to the Branch General Fund.

41.6 Notwithstanding anything contained in these Rules, payments to Head Office shall be the first charge on all Branch funds other than those specially raised for specific purposes.

41.7 Each Branch Secretary shall within eight (8) weeks of the close of each financial period forward Head Office a duly audited and signed statement from such financial period; together with the amount prescribed in Sub-rule 41.5. Such statement shall show:

 41.7.1 a total of receipts and disbursements under the respective headings;

 41.7.2 the total credit or debit balance of each Fund;

 41.7.3 the total membership of each Branch;

 41.7.4 such other data as may be required by the Divisional Executive.

41.8 Each Branch Trustee shall within eight (8) weeks of the close of each financial period sign cheques for the amounts prescribed in Sub-rule 41.5.

41.9 Deleted

41.10 The General Secretary or any Divisional Officer specially credentialled by the Divisional Council or the Divisional Executive, and the Auditor of the Head Office shall have the right on demand to inspect full and free access to all or any documents and books of any Branch or sub-Branch.

41.11 Despite anything else in this rule:

 41.11.1 Upon the declaration of the poll in the Western Australian Branch elections conducted under sub-rules 72.5 and 72.6 the Divisional Branch Executive shall be responsible for the administration of the Western Australian Branch Fund on behalf of the Western Australian Branch until such time as the Western Australian Branch Council and the Divisional Executive agree by Resolution of each that the Branch has the resources and capacity to independently administer the Fund;

 41.11.2 For so long as the Divisional Executive is responsible for the adminstiration of the Branch Fund under sub-rule 41.11.1 all disbursements must be duly authorised by the Branch Secretary and one of the Divisional President or General Secretary and any authority required of the Branch committee of management under this rule shall be jointly exercised by the Branch committee of management and the Divisional Executive. In the event of a divergence of view between the Branch committee of management and the Divisional Executive as to any such authority, the matter shall be determined by the Divisional Executive.

## 42 - FEDERAL FUND

42.1 The Federal Fund shall consist of:

 42.1.1 the moneys paid into Head Office prescribed funds pursuant to Sub-rule 41.5;

 42.1.2 any real or personal property of which the Divisional Council has or is entitled to have the right of custody control or management;

 42.1.3 any interest, rents, dividends or other income derived from the investment or use of the Federal Fund;

 42.1.4 any fund operated and controlled by the Divisional Council for the payment of Superannuation, Retirement Allowance or Long Service Leave to paid officials or office staff in accordance with rule 51;

 42.1.5 any property acquired wholly or mainly by expenditure of the moneys of the Federal Fund or derived from other assets of the Federal Fund;

 42.1.6 the proceeds of any disposal of parts of the Federal Fund.

42.2 Any member of the Division shall be entitled on reasonable notice to the General Secretary of the Division to inspect the books of the Division held by him/her.

## 43 - PROPERTY OF THE DIVISION

All shares, debentures or other property held by Branches shall be the property of the Division.

## 44 - LOANS, GRANTS AND DONATIONS

A loan, grant or donation of an amount exceeding $l,000 shall not be made by the Division, or by any Branch of the Division, unless the Divisional Council, or the Branch Committee of Management as the case may be, has approved the making of the loan, grant or donation, having satisfied itself:

44.1 that the making of the loan, grant or donation would be in accordance with these Rules; and

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

## 45 - INDUSTRIAL AGREEMENTS

45.1 Copies of all proposed Industrial Agreements must be forwarded to the Head Office, and where made by a sub-Branch to the Branch Office.

45.2 Where members in two or more States and/or Territories are affected,

 45.2.1 the proposed Industrial Agreement or Agreements may be submitted by the Head Office to all Branches;

 45.2.2 each Branch shall submit the proposed Industrial Agreement or Agreement to those of its members who will be affected, at a meeting specially summoned for the purpose;

 45.2.3 the decision of the members at such meeting, and the particulars of the voting thereon, shall be forwarded to Head Office within fourteen (14) days after such vote is taken;

 45.2.4 no agreement shall be signed until it has been adopted by a majority of the members voting thereon at such meetings.

45.3 Subject to sub-rule 45.2, industrial agreements affecting the members in two or more States and/or Territories, or other instrument in writing, may be executed by the General Secretary, and such other officers as s/he may nominate.

45.4 Subject to rule 47, Industrial Agreements of a local character may be executed by the Chairperson and President of the Branch or sub-Branch concerned, provided that such agreement shall have first been presented to the members covered thereby and approved by the Committee of Management or at a General meeting of the Branch or sub-Branch as the case may be.

## 46 - COMMON SEAL

The Common Seal of the Division, which shall be in the same form as the Common Seal of the Union with the addition of the name of the Division, shall be kept at the Head Office of the Division and shall be affixed by the General Secretary to any instrument requiring same that could in any way affect more than one Branch of the Division.

Each Branch may have a Common Seal which shall be in the same form as the Common Seal of the Union with the addition of the name of the Branch. Such Common Seal may be affixed by the Secretary of the Branch to any instrument which affects that Branch only.

## 47 - SUBMISSION OF INDUSTRIAL DISPUTES TO THE FAIR WORK COMMISSION

47.1 Notwithstanding any provision to the contrary in these Rules the notification of any industrial matter to the Fair Work Commission or any industrial or like tribunal shall be done upon a resolution of Divisional Council or Divisional Executive or by the General Secretary or person authorised by him/her to do so.

47.2 The General Secretary, or person authorised by him/her under sub Rule 47.1, shall inform the Divisional Executive of action he/she has taken pursuant to sub-rule 47.1.

47.3 The General Secretary or person authorised by him/her under sub Rule 47.1 shall represent the Division and shall:

 47.3.1 sign any plaint or other document or process necessary for submitting the dispute to the Commission;

 47.3.2 represent the Division before the Commission;

 47.3.3 file or lodge in the manner prescribed by law any process or document required to be filed or lodged by or on behalf of the Division;

 47.3.4 generally do all acts necessary for the proper conduct of the proceedings both before, during and after the said submission to the said Commission;

 47.3.5 no Branch officer or member shall submit any matter to the Fair Work Commission, or any successor body, that can affect the wages and/or working conditions of employment of other members without gaining approval to do so from the Divisional Council and/or Divisional Executive.

 47.3.6 subject to ratification by the Divisional Executive, serve logs and letters of demand upon employers and potential employers of persons eligible to be members of the Division.

## 48 - MANAGEMENT OF BRANCHES

48.1 Establishment of Branches and Sub-Branches

 48.1.1 There shall be a Branch of the Division in each State, other than South Australia and Tasmania. All members shall be attached to the Branch in the State in which they are resident provided that members in the Australian Capital Territory shall be attached to the New South Wales Branch.

 48.1.2 Divisional Council shall be empowered to establish a Branch in any Territory of the Commonwealth.

 48.1.3 Each Branch may appoint district, job and/or site stewards, and shall control and be responsible for the effective organisation of all sub-Branches within its own State or Territory as the Branch from time to time considers necessary or desirable.

 48.1.4 Subject to the processes set out in sub-rule 48.1.5, there shall be:

 48.1.4.1 a Geelong sub-Branch of the Victorian Branch comprising all of the members of that Branch resident within a radius of forty (40) kilometres from the Geelong Post Office.

 48.1.5 The Geelong sub-Branch shall not be abolished or amalgamated with any other Branch or have its territory altered in any way unless:

 48.1.5.1 the abolition, amalgamation or alteration is approved by a majority vote of the members of the Geelong sub-branch Committee of Management.

 48.1.5.2 A plebiscite of the members of the Geelong sub-branch must be held when a majority of the sub-branch Committee of Management vote in favour of holding a plebiscite. When a plebiscite is held, a majority of the members of such sub-Branch voting in a plebiscite, must consent to such abolition, amalgamation or alteration.

 48.1.6 If a Sub-Branch is abolished or amalgamated, any office that is elected exclusively by and from the members of that sub-Branch will continue to exist for the remainder of the term of the office unless the office holder resigns, is removed in accordance with these rules or agrees in writing to the office being abolished at an earlier date.

48.2 Committee of Management

 48.2.1 The business of each Branch and sub-Branch shall subject always to the review and control of a Special or General Meeting of the Branch, be conducted by a Committee of Management which for and from the 2019 quadrennial elections will consist of the following:

 (a) Branch President;

 (b) Branch Vice-President;

 (c) Branch Secretary;

 (d) Branch Assistant Secretaries (if any);

 (e) Two Branch Trustees; and

 (f) not more than nine (9) other Committee members, the number of whom shall be determined by the Branch at Annual Meeting or Special Meeting of the members,

 (i) one of whom, in the case of the Victorian Branch shall be elected exclusively by and from the members of that Branch attached to the Geelong sub-Branch provided that the Geelong sub-Branch has not been abolished or amalgamated or altered pursuant to sub-rule 48.1.5.

 48.2.2 With the exception of the Branch Secretary and Assistant Branch Secretary full time officers of the Branch shall not exercise a vote at any meeting of the Committee.

 48.2.3 Despite sub-rule 48.2.1, for and from the 2019 quadrennial elections, the Committee of Management of the Western Australian Branch shall consist of the following:

 (a) Branch President;

 (b) Branch Vice President (if any);

 (c) Branch Secretary;

 (d) Branch Assistant Secretary (if any);

 (e) Up to two Branch Trustees; and

 (f) not more than nine (9) other Committee members, the number of whom shall be determined by the Branch at Annual meeting or Special Meeting of the members;

 and the question of whether an election is conducted for the office of Branch Vice President, Branch Assistant Secretary and Branch Trustee or Trustees at any election shall be determined by the Committee of Management prior to the election concerned.

48.3 A majority of the members of the Committee shall form a quorum.

48.4 The Committee of Management shall:

 48.4.1 be entrusted with the management of the business of all meetings, and with the direction and recording of all proceedings in connection therewith;

 48.4.2 transact any business of the Branch requiring immediate attention, and shall report to the next meeting of such Branch;

 48.4.3 not allocate any moneys from the General Fund held by the Branch, except in accordance with these Rules;

 48.4.4 have power to call a Special Meeting for any time or at any place in cases of important or urgent business requiring the immediate attention of the Branch;

 48.4.5 have the power to employ Organisers, including temporary organisers and other staff as necessary for the operation of the Branch. Organisers employed under this Rule must be eligible for election to the office of Organiser in accordance with these Rules.

48.5 The Committee of Management shall meet as often as may be necessary, and except where such meetings are held at regular periods, such meetings shall be convened on at least 24 hours’ notice by posted notice, e-mail, telephone or other convenient method.

48.6 Each member of the Committee of Management may be allowed an amount of not more than what is decided by the Divisional Executive from time to time, per night of attendance as a meal allowance or to cover incidental expenses.

## 49 - BRANCH ELECTIONS

49.1 Elections shall be held in 2019 and every four (4) years thereafter for the following Branch Officers and representatives:

 49.1.1 Branch President;

 49.1.2 Branch Vice-President;

 49.1.3 two Branch Trustees;

 49.1.4 the number of Branch Committee Members not exceeding nine (9) as determined by the Branch pursuant to Rule 48 "Management of Branches";

 49.1.5 the Federal Vice-President to which the Branch is entitled pursuant to Rule 19.3;

 49.1.6 the Federal Councillor or Councillors (if any) to which the Branch is entitled pursuant to Rule 19.3;

 49.1.7 Branch Secretary;

 49.1.8 Branch Assistant Secretaries (if any); and

 49.1.9 Branch Organisers (if any).

 49.1.10 Branch Delegate to National Council (if any required under Sub-rule 19.6)

49.2 The number of Branch Organisers (if any) to be elected at an election shall be determined by the relevant Branch Committee of Management prior to the election concerned.

49.3 The Returning Officer shall call for nominations for election to each of the offices in Sub-rule 49.1. Each nomination shall be in writing and shall be signed by the candidate. If the Returning Officer in the conduct of an election finds a nomination to be defective he/she shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the candidate the opportunity of remedying the defect, where practicable, within seven (7) days after being so notified.

49.4 Every member of the Branch shall be eligible to nominate provided that:

 49.4.1 for the office of Federal Vice-President, Federal Councillor, Branch Secretary or Assistant Branch Secretary, a nominee must have been a fully financial member of the Branchfor at least twenty four (24) months immediately prior to the time of nomination for election, be financial at the time of nominaton and must have been a member of the Branchfor the three years preceding the time of nomination; and

 49.4.2 for all other offices a nominee must have been a fully financial member of the Branchfor a total period of not less than twelve (12) months immediately prior to the time of nomination and be financial at the time of nomination.

 49.4.3 for the purpose of this rule, “fully financial’ means nominee who is up to date with the half-yearly contributions as an adult or an apprentice member (see rules 10 and 14) rather than concessional rates (available for away-from trade members).

49.5 A nominee may only contest one ballot at any one time for the offices of Branch Secretary, Assistant Branch Secretary, Organiser or Branch Committee of Management member.

49.6 Where in any election (or in concurrent elections) a person nominates for more than one office referred to in rule 49.5, the person shall, before the closing time for the receipt of nominations, withdraw all necessary nominations so that only one such nomination remains with the Returning Officer.

49.7 If a person has not withdrawn sufficient nominations so as to comply with rules 49.5 and 49.6, the Returning Officer shall consider only the nomination that was received first in time.

49.8 Where nominations have been received simultaneously, or where the Returning Officer is unable to determine which nomination was received first in time, the Returning Officer shall invite the person to withdraw all necessary nominations so that only one nomination remains with the Returing Officer so as to comply with rules 49.5 and 49.6 above, and the person may do so notwithstanding any other deadline for withdrawing nominations in these rules (other than rule 49.9 below).

49.9 If seven (7) days after the person is invited to withdraw all necessary nominations in accordance with rule 49.8 above, a person has not withdrawn sufficient nominations so as to comply with rules 49.5 and 49.6, the Returning Officer shall reject all nominations for that person.

49.10 Nominations shall be called by a notice posted on the relevant branch or the divisional office website or by some other method agreed to by the Branch or the Division with the Returning Officer. The notice shall set out the name of the Division or Branch, the title of the office, the method of lodging nominations, the times and dates for the opening and closing of nominations, and invite members eligible for election, to stand for election to the office. Nominations must open no later than the last Monday in March in each election year. The closing date for nominations shall be the last Monday in April, 1995 and in each fourth year thereafter. Provided that any nomination may be withdrawn upon written notice of the nominee delivered to the Returning Officer within one week of the close of nominations.

49.11 If no more nominations for election to any office are received than the number of vacancies in such office, then the Returning Officer shall declare the person or persons nominated to have been elected to such office after the period for withdrawing any nomination under rule 49.10 has expired. If, after any withdrawals, there are no more nominations than the number of vacancies in any office, then the Returning Officer shall forthwith declare the person or persons nominated to have been elected to such office.

49.12 If there are more nominations for election to any office than there are vacancies in such office the Returning Officer shall fix dates when the ballot shall open and close provided that the ballot shall close not later than the 30th day of June. The period between the opening and closing dates of the ballot shall be not less than ten (10) days nor more than twenty-one (21) days.

49.13 The election shall be by means of a secret postal ballot and the Branch shall provide the Returning Officer with a post office box address for the return of the ballot papers.

49.14 The Returning Officer shall obtain the keys of a box at a Post Office in the capital city of the State or Territory in which the election is being held. Such keys shall not pass from the possession of the Returning Officer at any time during an election. The Returning Officer shall give each scrutineer reasonable notice of his/her intention to open the post office box and any scrutineer may as a result of such notice be in attendance.

49.15 Each Returning Officer shall have compiled a list of all members of the Branch who are eligible to vote and shall use such list in the conduct of the said election.The roll of voters shall close 7 days before the date nominations open.

49.16 Every member of the Branch who is financial at the date 7 days before the opening ofnominations shall be eligible to vote.

49.17 The election shall be conducted under the "first past the post" voting system. The position of all candidates' names for each office on the ballot paper shall be drawn for.

49.18 The Returning Officer shall cause to be prepared sufficient ballot papers which shall not be numbered or otherwise marked except with the Returning Officer's initials together with declaration envelope and pre-paid envelopes addressed to the box number at the Post Office referred to in sub-rule 49.8. The declaration and prepaid envelopes must comply with the forms prescribed by the Fair Work (Registered Organisations) Regulations 2009.

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

49.19 The Returning Officer shall by pre-paid post forward a ballot paper, a declaration envelope and reply-paid envelope in the presence of such scrutineers as wish to be present on a date to be determined by the Returning Officer to each voter entitled to vote within the Branch in accordance with the roll of voters.

49.20 A candidate may in writing appoint any member of the Union who is not a candidate in the election to be his/her scrutineer but such scrutineer shall not in any way obstruct the Returning Officer in the performance of his/her duties nor shall the scrutineer in any way interfere with the conduct of the ballot.

49.21 A scrutineer shall, so far as it is possible having regard to the time of appointment and to the form of election be conducted, be entitled:

 49.21.1 after the closing time for nominations to observe the consideration of nomination forms and to inspect the nomination forms;

 49.21.2 generally to observe the form and distribution of ballot papers, the collection of the envelopes containing the ballot papers from the post office box where appropriate, the checking of votes, the conduct and determination of the election by lot and the declaration of the ballot and to observe every act performed or directed by the Returning Officer which may affect the result of the election.

 The Returning Officer shall take all reasonable steps by notification or otherwise to enable each Scrutineer to exercise the entitlements in rules 49.21.1 and 49.21.2. A scrutineer shall direct the attention of the Returning Officer to any irregularity he/she may detect whether in the nomination forms, nominations, the form of distribution of ballot papers, the admission and counting of any ballot paper, or in respect of any other matters to be observed or done under these Rules. A scrutineer shall do all these things necessary so that the conduct of the election shall conform to these Rules and so that the secrecy of the ballot shall be observed.

49.22 At the close of the ballot, the Returning Officer in the presence of the scrutineers of all candidates (if available) shall, after first removing the flaps or labels from the declaration envelopes and then removing the ballot papers from the declaration envelopes, count all ballot papers and shall within fourteen days of the close of the ballot declare the result of the elections and the persons declared elected shall occupy their respective positions forthwith.

49.23 A person elected to office pursuant to the provisions of this Rule shall retain it until a successor is duly elected unless he/she dies, resigns or is removed from office in accordance with these Rules. The holder of an office shall be entitled to nominate for re-election to any office if he/she is otherwise eligible in accordance with these Rules.

49.24 The Returning Officer shall make reasonable arrangements for the recording of absentee votes.

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

## 50 - DELETED

## 51 - OFFICERS' RETIRING OR DEATH ALLOWANCE AND LONG SERVICE LEAVE

51.1 Where a paid officer of the Division ceases to hold office due to death, sickness, voluntary retirement, expiry of their term of office, they shall be entitled to retiring allowance and/or long service leave on the conditions set out in this Rule.

51.2 Organisers, including temporary organisers, appointed under sub rule 48.4.5, are paid officers for the purposes of this Rule.

51.3 Despite rule 51.1 above, the conditions set out in this Rule shall not apply, and there shall be no entitlement, in respect of an officer dismissed from office having been found guilty of misappropriation of the funds of the Union or gross misbehaviour or gross neglect of duty in accordance with these Rules.

**Retiring Allowance**

51.4 A full-time paid officer of the Division shall accrue Retiring Allowance entitlement, being an amount equal to one twentieth (1/20th) of one year’s salary on completion of each year of service. A part-time paid officer shall accrue a pro-rata entitlement.

51.5 Retiring allowance accrues from year to year by reference to each year’s salary.

51.6 Payment of Retiring Allowance shall be made upon retirement or death. An officer may be paid any portion of their accrued entitlement after three (3) years' service upon a resolution of Divisional Council that the circumstances warrant an advance payment.

**Long Service Leave**

51.7 Long Service Leave of nine (9) month's duration on full pay after twenty (20) years' service or pro-rata after three (3) years' service shall accrue to all paid officers of the Division.

51.8 Pro-rata Long Service Leave may be taken after three (3) years' service with the permission of the Divisional Council in the case of a paid officer of the Divisional Council and in the case of a paid officer of a Branch or sub-Branch with the permission of the Branch concerned.

**Payment of Entitlements**

51.9 Claims for Retiring Allowance and Long Service Leave payments shall be made to the Branch Secretary of the relevant Branch and shall be met from the Branch General Fund save that claims shall be met from the Federal Fund to the extent of any portion of the entitlement accrued up to and including 31 December 1999.

51.10 To avoid doubt, where any entitlement is contingent upon reaching a minimum number of years service, that portion of the entitlement referable to a period prior to or including 31 December 1999 shall be met from the Federal Fund and that portion referable to a period on or after 1 January 2000 shall be met from the Branch General Fund.

**51.11** **Interpretation**

 Benefits and entitlements referred to in this rule shall refer to and include all such benefits and entitlements accrued by employees and officers of the Plumbing and Gasfitters Employees' Union of Australia, and the Plumbing Division of the Electrical, Electronic, Plumbing and Allied Workers' Union of Australia, in the service of those organisations before their registrations under the (as it then was) Industrial Relations Act 1988 was cancelled and amended respectively, and any right, benefit or entitlement accrued in that service shall be recognised by the CEPU.

## 52 - CASUAL VACANCIES

52.1 Where a casual vacancy occurs in the office of Branch President, Branch Vice-President, Branch Secretary, Branch Assistant Secretary, Branch Trustee, Branch Organiser, Branch Committee members, Federal Vice-President, Federal Councillor or Branch delegate to National Council, such vacancy may be filled by appointment by the Branch Committee of Management of a member of the Union eligible to nominate for and hold the office pursuant to Rules 48 "Management of Branches" and 49 "Branch Elections". The member so appointed shall hold the office in accordance with these Rules for so much of the unexpired part of the term of office as does not exceed three quarters of the term of the office.

52.2 Where the unexpired part of the term of the office exceeds that specified in Sub-rule 52.1, the vacancy may be filled by ordinary election so far as practicable in accordance with the provisions of Rules 48 "Management of Branches" and 49 "Branch Elections" for the unexpired part of the term of the office.

52.3 In this Sub-rule:

 "ordinary elections" means an election in accordance with Rules 48 "Management of Branches" and 49 "Branch Elections";

 "term" in relation to the office means the total period for which the last person elected to the office by an ordinary election (other than an ordinary election to fill a casual vacancy in the office) was entitled by virtue of that election to hold the office in accordance with these Rules without being re-elected.

## 53 - BRANCH PRESIDENT

53.1 The President, so far as possible, shall -

 53.1.1 preside at all meetings of the Branch and superintend the discussion of all business tabled for consideration;

 53.1.2 sign all minutes of meetings when confirmed, vouchers and other documents to which his/her signature is requisite;

 53.1.3 be ex-officio President of all committees;

53.2 The Branch President or Chairperson for the time being shall exercise a deliberative vote only. In the event of the voting upon any question before any meeting in the Branch being equal, it shall pass in the negative.

53.3 A member shall immediately leave the meeting when requested to do so by the President after having been warned by the President that he/she will be ordered from the meeting for acting contrary to these Rules by:

 53.3.1 failure to be seated and refrain from further comment when requested to do so by the President;

 53.3.2 failure to observe Rule 67 "Standing Orders" or Sub-rule 61.7.

 The meeting shall not continue until the members in attendance have carried out the directions of the President and the member so directed has left the meeting.

## 54 - BRANCH VICE-PRESIDENT

54.1 The Vice-President shall take the chair in the absence of the President, and shall also then have and may exercise all the powers of the President.

54.2 In ordinary cases the Vice-President shall assist the President in maintaining order at the meetings of the Branch.

## 55 - BRANCH SECRETARY

55.1 The Branch Secretary shall be elected by the members, as provided for in Rule 49 "Branch Elections", and shall receive such salary as the Divisional Council may from time to time determine.

55.2 The Branch Secretary shall:

 55.2.1 attend all meetings, take note of all necessary proceedings, sign all cheques, money orders or documents to which his/her signature is requisite, and countersign all cash accounts on behalf of the Branch;

 55.2.2 receive all enrolment fees, contributions, levies, fines and dues payable by members to the Branch;

 55.2.3 produce as may be required all books, documents and accounts to the Auditors, together with a balance sheet showing correctly the financial and numerical position of the Branch;

 55.2.4 attend to and file all correspondence or copies thereof and make out and forward all returns that may from time to time be required by the Divisional Council or otherwise may be necessary;

 55.2.5 read at each Ordinary Meeting of the Branch or Committee of Management an account of the receipts and expenditure for the Branch from meeting to meeting;

 55.2.6 be an ex-officio member and Secretary of all Committees;

 55.2.7 keep a register of all members resident in the State or Territory;

 55.2.8 forward to the General Secretary the names of all new members admitted;

 55.2.9 forward to the General Secretary an up-to-date list of names and addresses of all members and/or an up-to-date list of names and addresses of sections of members whenever requested by the General Secretary;

 55.2.10 forward to the General Secretary within eight (8) weeks of the close of each financial period the amount prescribed in Sub-rule 41.6 together with three (3) duly audited and signed statements for such financial period showing:

 55.2.10.1 a total of receipts and disbursements under their respective headings,

 55.2.10.2 the total credit or debit balance of each fund, and

 55.2.10.3 the total membership of each Branch;

 55.2.11 forward to the General Secretary all moneys payable to the Divisional Council, together with a full statement showing the details of all moneys forwarded.

## 56 - BRANCH ASSISTANT SECRETARY OR ORGANISER

56.1 The Branch Committee of Management may establish the offices of Branch Assistant Secretary and/or Branch Organiser(s) in which event such officers shall be elected pursuant to Rule 49 "Branch Elections". The salary of each such officer shall be as the Divisional Council may from time to time determine.

56.2 Such officer or officers as may be so elected shall generally assist in conducting the business of the Branch under the direction of the Secretary and, in the case of the Branch Assistant Secretary shall carry out the duties of the Secretary during his/her temporary absence.

56.3 Nothing in this rule prevents the Committee of Management from appointing organisers pursuant to sub rule 48.4.5.

## 57 - BRANCH TRUSTEES

The Branch Trustees shall be elected pursuant to Rule 49 "Branch Elections" and shall be responsible for the safe keeping of the funds and property in the custody control and management of the Branch and shall sign all cheques required by the provisions of Rule 41 "Branch Funds".

## 58 - Deleted

## 59 - STEWARDS

59.1 A Branch or Committee of Management may, in writing, appoint a steward or representative, who shall perform and carry out the following duties in respect of all members in the city, town or district, or who are employed by the firm or firms, or at the job site specified in the appointment:

 59.1.1 receive fees, contributions, levies and fines from such members;

 59.1.2 watch over the general interests of the Branch, and report to the Branch Secretary any infringement of the Rules;

 59.1.3 give for all moneys received on behalf of the Branch a printed receipt from a duplicate receipt book to be supplied by the Branch Secretary;

 59.1.4 at least once in each month pay all monies received to the Branch Secretary or in such shorter time as directed by the Secretary;

 59.1.5 be entitled to such compensation for expenses, time and inconvenience as determined by the committee of management from time to time.

59.2 The Branch Committee of Management shall at all times have the power to terminate the appointment of a Shop Steward or representative.

## 60 - FINANCIAL REPORTS, AUDIT & REVIEW BY MEMBERS

**60.1 DIVISIONAL COUNCIL ACCOUNTS & AUDIT**

 **60.1.1 Accounts to be Audited**

 The Divisional Council shall appoint an auditor, who shall be a Chartered Accountant or registered Public Accountant, who shall audit the accounts of Divisional Council yearly and see that the accounts are correctly kept. The auditor shall have the power at any time to call for the books, papers and other financial documents belonging to the Union. He or she shall make a full report of each audit which shall include the auditor’s report, the general purpose financial report and the operating report as prescribed by the Fair Work (Registered Organisations) Act 2009 (Cth) as amended or replaced from time to time and any Regulations made thereunder, to the Divisional Executive or Council and sign the necessary papers certifying to the audit and the financial position of the Division.

 **60.1.2 Financial Year and Audit**

 The financial year of the Divisional Council shall terminate on 30 June each year and an audited balance sheet shall be presented to a Divisional Council or Executive meeting by the Divisional Secretary.

 **60.1.3 Circulation of Accounts to Members**

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

 **60.1.4** **General Meetings of Members to Consider Financial Reports**

 60.1.4.1 A general meeting of members of the Division may be requested for the purpose of considering the auditor’s report, the general purpose financial report and the operating report of the Division.

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

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

 60.1.4.4 The notice referred to in subrule 60.1.4.3 may be given by correspondence delivered to the member’s last known address, or by email to the member’s email address or by publishing a note in the Division’s magazine or by notification on the Division’s website.

 60.1.4.5 At the general meeting the Divisional President shall preside. All members of the Division shall be entitled to attend and vote. The Divisional Secretary may use the occasion of the meeting to add matters to the agenda other than the auditor’s report, the general purpose report and the operating report of the Union. However these three reports must be the first order of business of the meeting.

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

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

**60.2 BRANCH ACCOUNTS & AUDIT**

 60.2.1 The Branch Committee of Management shall appoint annually as auditor a competent person who shall at least once each year as soon after the 31st day of March as is practical and at such other times as the President or Committee of Management shall direct, audit the books and accounts of the Branch and make a report on his/her audit to the Branch. He/she shall in his/her report draw the attention of the Branch to any deficiencies or to other matters which he/she may think proper.

 60.2.2 He/she shall have full and complete access to all the books, vouchers, papers and documents of the Branch. For the purpose of this Rule a "competent person" shall have the same meaning as in the Fair Work (Registered Organisations) Act 2009 (Cth) and the Regulations made thereunder.

 60.2.3 **Financial Year and Audit**

 The financial year of the Branch shall terminate on 31 March each year and an audited balance sheet shall be presented to a Branch Committee of Management or Executive meeting by the Branch Secretary.

 60.2.4 **Circulation of Accounts to Members**

 Once the Auditor has signed off on the financial reports for the financial year and those reports have been forwarded and presented to the Branch Committee of Management or Executive, they shall be circulated to members via the Branch or Division’s magazine, by correspondence or by email, on the Branch or Division’s website or by some other method where all members have access to and are able to view the financial reports.

 60.2.5 **General Meetings of Branch Members to consider the Financial Reports**

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

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

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

 60.2.5.4 The notice referred to in subrule 60.2.5.3 may be given by correspondence delivered to the member’s last known address, or by email to the member’s email address or by publishing a note in the Branch magazine or by notification on the Branch website or by notice published in a daily paper.

 60.2.5.5 At the general meeting the Branch President shall preside. All members of the Branch shall be entitled to attend and vote. The Branch Secretary may use the occasion of the meeting to add matters to the agenda other than the auditor’s report, the general purpose report and the operating report of the Union. However these three reports must be the first order of business of the meeting.

 60.2.5.6 For the convenience of facilitating members attendance, video conferencing may be used for meetings. Meetings may also be held in different geographic areas to facilitate member attendance.

 60.2.5.7 The question of adoption or otherwise of each of the three reports shall be decided by a majority of those members present at the meeting. In the event of an even vote, the Chair shall have the casting vote.

## 61 - BRANCH MEETINGS

61.1 Wherever possible, each Branch shall have its office and place of meeting in the buildings of the recognised Trades and Labor Institutions or at such other place as may from time to time be determined by the Branch Committee of Management.

**61.2** **Convening Branch Meetings**

 61.2.1 The Committee of Management shall when deemed necessary, have power to call a Special Meeting, for any time or at any place;

 61.2.2 the President and Secretary shall convene a Special Summoned Meeting of the Branch members at the written request of any number of members, which shall be not less than 5% of the membership of the Branch.

61.3 **Notice of Meetings**

 Notice of special or general summoned meetings may be given by advertisement in a daily paper, by correspondence delivered to the member’s last known address, or by email to the member’s email address or by publishing a note in the Branch or Division’s magazine or by notification on the Branch or Division’s website.

 The Branch Secretary must give all members of the Branch not less than 14 days notice of the date, time, place and reason for calling the general meeting of members.

61.4 The quorum necessary for the transaction of business of Branch meetings shall be:

 61.4.1 up to 100 members 6

 61.4.2 over 100 and up to 500 members 8

 61.4.3 over 500 and up to 1000 members 10

 61.4.4 over 1000 and up to 1500 members 12

 61.4.5 over 1500 members and up to 2000 members 14

 61.4.6 over 2000 members 16

 The quorum shall be calculated for the ensuing year on the first day of April in the year.

61.5 No member shall behave in an insulting or offensive manner at any meeting of the Branch Committee of Management or of the Branch.

## 62 - BRANCH RULES

62.1 Each Branch may, from time to time, at a meeting specially called for the purpose, make such Rules as may be deemed necessary for the better working and control of the Branch, always providing that such Rules are not inconsistent with the Rules of the Union.

62.2 A copy of all Branch Rules shall, within fourteen (14) days after the same have been passed by the Branch, be forwarded to the General Secretary for the approval of the Divisional Council or Divisional Executive.

62.3 The provisions of this rule shall be subject to Section C, Rule 25 and Section A Rule 21 "New Rules & Alterations to Rules" of these Rules.

## 63 - SUB-BRANCH RULES

63.1 Each Branch may formulate for the government of sub-Branches established pursuant to Rule 48 "Management of Branches", such sub-Branch Rules as the Branch in General Meeting may consider appropriate and each sub-Branch in General Meeting may supplement the sub-Branch Rules applicable to it provided that in no circumstances may any sub-Branch Rules be inconsistent with the Rules of the Union or the relevant Branch.

63.2 A copy of all sub-Branch Rules shall within fourteen (14) days of their adoption be forwarded to the General Secretary for the approval of the Divisional Council or Divisional Executive and where they have been adopted by a sub-Branch shall also be forwarded within fourteen (14) days of their adoption to the Secretary of the relevant Branch for the approval of the Branch Committee of Management or the Branch in General Meeting.

63.3 Until otherwise determined by a Branch Committee of Management the positions held by members of a sub-Branch on a sub-Branch Committee shall be similar to those set out in Rule 48 "Management of Branches", and shall be held on similar terms and shall be filled by elections conducted by the Returning Officer in accordance with these Rules with the necessary changes. Only members of a sub-Branch as defined in Rule 48 "Management of Branches" shall be eligible to nominate for a position on a sub-Branch Committee. Provided that a member of a sub-Branch Committee who ceases to reside within the sub-Branch may complete the remainder of the term for which s/he was elected.

63.4 The provisions of this rule shall be subject to Section C, Rule 25 and Section A Rule 21 "New Rules & Alterations to Rules" of these Rules.

## 64 - POWERS AND DUTIES OF MEMBERS OF THE COMMITTEES OF THE DIVISION

In addition to any powers or duties elsewhere provided in these Rules the following shall apply to individual members of the Committees within the Division:

64.1 the right to vote on any Committee of which he/she is a member; and

64.2 the duty to regularly attend meetings of any Committee of which he/she is a member.

## 65 - UNEMPLOYMENT

65.1 Each member upon becoming unemployed shall, within the subsequent forty-eight (48) hours, notify the Secretary of his/her Branch in writing.

65.2 Each unemployed member must him/herself report to the Secretary of his/her Branch at least once during each week of unemployment. If any member fails to so report, the member shall be deemed to be working, and his/her name shall be removed from the unemployment register.

## 66 - DISPUTES

66.1 Whenever a dispute arises between any employer and a member or members, such member or members shall immediately report the same to the Branch Secretary.

66.2 The Secretary shall forthwith call a meeting of the Committee of Management, and such Committee shall consider such dispute and endeavour to bring about a settlement.

66.3 In the event of a settlement not being secured, the Committee of Management shall submit a report on the matter in dispute to the next Branch meeting, or, if the matter is considered urgent, call a Special Meeting of the Branch to deal with same.

66.4 A sub-Branch Secretary shall report to the Secretary of the Branch any trade dispute affecting the members in the sub-Branch.

66.5 Trade disputes of a purely local character may be dealt with by the Branch or sub-Branch concerned, always provided that no such dispute may be referred to Fair Work Australia or any successor body unless and until the dispute has first been referred to the Head Office of the Division.

## 67 - STANDING ORDERS

67.1 The following order of business shall be observed at Branch meetings, unless otherwise decided by a majority of members present at the meeting:

 67.1.1 declare the meeting open for business;

 67.1.2 reading and confirmation, or otherwise, of all minutes of Branch meetings not previously dealt with;

 67.1.3 reading of urgent correspondence not previously dealt with or correspondence referred by the Committee of Management;

 67.1.4 business arising from such correspondence;

 67.1.5 report of Committee of Management and business arising therefrom;

 67.1.6 report of any special committee and business arising therefrom;

 67.1.7 consideration of a motion, notice of which has been previously given;

 67.1.8 report of delegates and stewards in that order;

 67.1.9 unfinished business;

 67.1.10 new business;

 67.1.11 accounts not previously dealt with by the Committee of Management to be presented and passed for payment;

 67.1.12 general businesss;

 67.1.13 declare the meeting closed.

67.2 Notwithstanding the provision of Sub-rule 67.1, the presentation of the balance sheet and auditor's report thereon shall be made immediately following the confirmation of the Minutes on Annual Meeting nights.

67.3 Subject to the provisions of Sub-rule 67.2, any Branch may by resolution carried at a special meeting called for that purpose, fix an allotted time for all meetings during which Standing Orders are to be considered to be automatically suspended, so that questions may be asked and answers given, provided always that Rule 68 "Rules of Debate" shall apply.

## 68 - RULES OF DEBATE

68.1 A discussion shall not be permitted except upon a motion or amendment that has been duly seconded.

68.2 Not more than three (3) amendments (only one (1) of which can be discussed at a time), can be received on an original motion, and providing the second or third be not carried, the question shall be put to the vote.

68.3 The mover of any original motion shall be allowed ten (10) minutes to introduce same, and five (5) minutes to reply. No other member shall be allowed to speak for more than five (5) minutes at any one time unless a majority of the members present (by resolution) agree to the time limit of any speaker being extended to such length as may be specified in such resolution.

68.4 A member shall not speak more than once upon any question, except in answer to an inquiry, or to make a personal explanation, or in reply to the original motion.

68.5 After two consecutive speakers have spoken, either for or against a question before the chair, and there being no other speakers on the other side, the Chairperson shall put such motion or amendments to the vote.

68.6 Three members can claim an open division on any question.

68.7 A member shall not be allowed to enter or retire during the reading of the minutes, or during a discussion or election.

68.8 That new business will not be in order unless introduced within one and one half (1 1/2) hours of the commencing time on ordinary meeting nights, and within two (2) hours of commencing time on summoned meeting nights, unless notice of the same has been given before that time has elapsed.

68.9 It shall be competent for a majority of the members present at any meeting to carry a resolution extending the time of such meeting.

68.10 Any motion carried by a branch general meeting cannot be again debated or rescinded without (notice of motion being given) the consent of a two-thirds majority of members present at a subsequent or special meeting.

68.11 Provided always: That where these Rules and Standing Orders are silent and unless inconsistent therewith, any Branch may adopt the procedure and Rules of Debate of the Trades and Labor Council with which the Branch is affiliated, or the recognised chief Labor body in the State or Territory.

## 69 - METHOD OF VOTING

The "first past the post" system means that each vote is of equal value and having been cast is only counted once. In a ballot for one office only the voter shall record his/her vote by placing the figure "l" in the square opposite the name of the candidate for whom he/she desires to vote. The voter shall not put a mark alongside the name of any other candidate. The candidate who receives the highest total of votes shall thereupon be declared elected. In a ballot for more than one office, i.e., where two or more candidates are to be elected, the voter shall record his/her vote by placing the figure "1" in the squares opposite the names of the candidates for whom he/she desires to vote. The voter shall not put a mark alongside the name of any other candidate. The candidates who receive the highest totals of votes shall thereupon be declared elected.

## 70 - EXECUTION OF DOCUMENTS

Documents required to be executed by law by an officer of the Division shall be executed by the General Secretary or Divisional President or Assistant General Secretary or Divisional Deputy President, or in the case of a Divisional Branch, the Branch Secretary or Branch President or Branch Assistant Secretary or Branch Deputy President. In the event that such an officer is unavailable, documents may be executed by the person authorised by him/her to do so.

## 71 – TRANSITIONAL RULE

71.1 In the Tasmanian Branch a representative of the Plumbing Section will be elected by and from the Plumbing Section to represent the Plumbing Section on the State Council. This representative shall be elected to Branch State Council from the quadrennial election in 2011.

|  |  |
| --- | --- |
| **MEMBERS OF THE** | **BECOME MEMBERS OF THE CEPU** Electrical, Energy and Services Division |
| Plumbing Branch Committee of ManagementCurrently vacant | **No position in new branch** |
| Plumbing Division Branch SecretaryCurrently vacant | **No position in new branch** |

## 72 – WESTERN AUSTRALIAN BRANCH

The purpose of this Rule is to provide for the commencement and implementation of amendments of the following Rules of the Union:

* Section “A” sub-rules 6.1.4.1, 6.1.4.2 and 7.10.2;
* Section “B” sub-rule 11.7.5; and
* Section “C” a new Rule 3, new sub-rule 41.11, new sub-rule 19.3.4, sub-rule 48.1.1, sub-rule 19.6.1 and new sub-rule 48.2.3 (the 2013 Rule changes).

The 2013 Rule changes provide that those persons who were eligible to be members of the Union in Western Australia under section “A” Union Rule 2.4 excluding 2.4.5 (WA Plumbing members) will cease to be eligible to be members of the Electrical, Energy and Services Division and become eligible to be members of the Plumbing Division.

72.1 The provisions of this Rule shall apply despite anything elsewhere contained in these Section “C” Divisional Rules.

72.2 This Rule and all of the 2013 Rule changes will take effect on and from the day the General Manager of the Fair Work Commission certifies them in accordance with the Fair Work (Registered Organisations) Act 2009 (RO) (certification date).

72.3 On certification date all WA Plumbing members who were members of the Western Australian Branch of the Electrical, Energy and Services Division become members of the Western Australian Branch of the Plumbing Division and all applicants for membership resident in Western Australia eligible pursuant to section “A” Rule 2.4 excluding 2.4.5 will be eligible to become members of that Branch.

72.4 As soon as is practicable after certification date the Divisional President of the Division shall take all steps necessary to identify the WA Plumbing members and inform them of their membership of the Plumbing Division in the Western Australian Branch.

72.5 As soon as is practicable after certification date the Divisional President will request the Australian Electoral Commission to conduct an election for each of the following offices in the Western Australian Branch (the Western Australian Branch elections):

 72.5.1 Branch President;

 72.5.2 Branch Secretary;

 72.5.3 Six (6) Branch Committee of Management Members;

 72.5.4 Federal Vice President.

72.6 The Western Australian Branch elections are to be conducted in accordance with Divisional Rule 49 with any necessary changes.

72.7 The persons elected under sub-rules 72.5 and 72.6 shall constitute the committee of management of the Branch and shall hold the relevant office in the Branch for their respective term of office provided that the Branch Secretary shall subject to sub-rule 41.11 also exercise the powers of the Trustees.

72.8 The term of office of persons elected in the Western Australian Branch elections shall commence at the declaration of the poll in those elections and shall end upon a successor to the office being duly elected at the next elections to be conducted for the Branches of the Division in 2015, unless the holder of the office dies, resigns or is removed from office in accordance with these Rules.

72.9 On certification date and until the declaration of the poll in the Western Australian Branch elections the Divisional President will take all steps necessary to establish a Branch fund for the Western Australian Branch to ensure that all subscriptions and other payments under the Rules of the Union and the Division form the Western Australian Branch members be paid in to that fund and otherwise perform such functions and duties and exercise such powers as are necessary for the Branch to comply with requirements of the Fair Work (Registered Organisations) Act 2009 and these Rules.

72.10 The membership of WA Plumbing members with Electrical, Energy and Services Division Western Australian Branch prior to certification date shall be counted for all purposes of these Rules as membership of the Western Australian Branch of the Plumbing Division.

\*\*\*END OF RULES\*\*\*