



Fair Work Australia

7 December 2010

Mr W P Ludwig
Secretary, Queensland Branch
The Australian Workers' Union
GPO Box 88
BRISBANE QLD 4001

Dear Mr Ludwig

Re: s269 Certificate of Exemption - for year ending 30 June 2010 (FR2010/2682)

I refer to your application under s269 of the *Fair Work (Registered Organisations) Act 2009* which was received by Fair Work Australia on 29 November 2010.

The application has been granted. The certificate is enclosed.

Yours sincerely,

David Vale
Manager, Organisations - NSW
Fair Work Australia



FAIR WORK
AUSTRALIA

CERTIFICATE

Fair Work (Registered Organisations) Act 2009

s.269 – Reporting units with substantial common membership with State registered bodies

The Australian Workers' Union

(FR2010/2682)

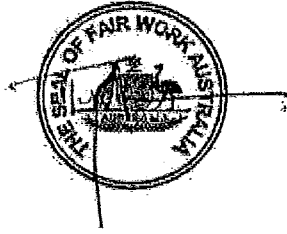
TERRY NASSIOS

MELBOURNE, 7 DECEMBER 2010

s.269 Certificate

- [1] On 29 November 2010, an application was made under section 269(2)(a) of the *Fair Work (Registered Organisations) Act 2009* (“the Act”) by the Queensland Branch of the above organisation (“the organisation”) for a certificate stating that the financial affairs of the organisation are encompassed by the financial affairs of the Australian Workers' Union of Employees, Queensland (“the State union”), an associated State body, in respect of the financial year ending 30 June 2010.
- [2] On 29 November 2010, the organisation also lodged a copy of the audited accounts of the State union with Fair Work Australia.
- [3] I am satisfied that the State union:
 - is registered under the Industrial Relations Act 1999 (QLD), a prescribed State Act;
 - is, or purports to be, composed of substantially the same members as the organisation;
 - has, or purports to have, officers who are substantially the same as designated officers in relation to the organisation; and
 - is an associated State body.
- [4] I am further satisfied that:
 - the State union has, in accordance with prescribed State legislation, prepared accounts, had those accounts audited, provided a copy of the audited accounts to its members and lodged the accounts with the relevant State authority;
 - any members of the organisation who are not also members of the State union have been provided with copies of the accounts at substantially the same time as the members of the organisation who are members of the State union;
 - a report under s254 of the Act has been prepared in respect of the activities of the organisation and has been provided to members of the organisation with copies of the accounts.

[5] I am satisfied that that the financial affairs of the organisation in respect of the financial year ending 30 June 2010, are encompassed by the financial affairs of the State union and I certify accordingly under s269(2)(a) of the Act.



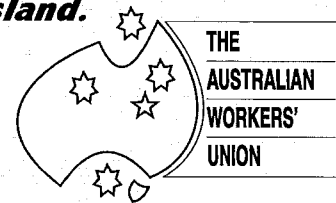
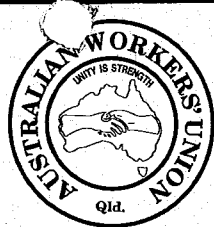
DELEGATE OF THE GENERAL MANAGER
FAIR WORK AUSTRALIA

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**The Australian Workers' Union of Employees, Queensland.
The Australian Workers' Union, Queensland Branch.**

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Address all correspondence to the Secretary



EM

26 November, 2010

Deputy Industrial Registrar
Level 8
Terrace Towers
80 William Street
EAST SYDNEY. NSW 2011

Dear Sir

**Re: APPLICATION PURSUANT TO S. 269 OF CHAPTER 8 OF
FAIR WORK (REGISTERED ORGANISATIONS) ACT 2009**

The Australian Workers' Union, Queensland Branch, makes application pursuant to s.269 of Chapter 8 of the Fair Work (Registered Organisations) Act 2009, to be taken to have satisfied Part 3 of Chapter 8.

RELIEF SOUGHT

- That the Registrar issue a certificate stating that the financial affairs of the reporting unit are encompassed by the financial affairs of the associated State body.
- That the Reporting Unit is taken to have satisfied Part 3 of Chapter 8 of the Fair Work (Registered Organisations) Act 2009.

GROUNDINGS AND REASONS

S.269 of Chapter 8 applies to the Australian Workers' Union, Queensland Branch (hereinafter referred to as the "Reporting Unit") on the following basis:-

- The Australian Workers' Union of Employees, Queensland (hereinafter referred to as the "associated State body") is registered as an industrial organisation under the Industrial Relations Act 1999 (see Attachment 1)

2. The associated State body is composed of substantially the same members as the Reporting Unit (see Attachment2).
3. The officers of the associated State body are substantially the same as the officers of the Reporting Unit (see Attachment 3);

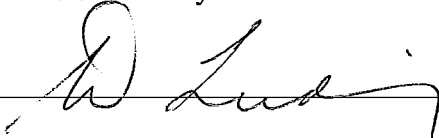
The Reporting Unit is taken to have satisfied Part 3 of Chapter 8 on the following basis:-

- A. The associated State body has, in accordance with the Industrial Relations Act 1999, prepared accounts, had those accounts audited, provided a copy of the audited accounts to its members, and lodged the audited accounts with the Queensland Industrial Registry; and
- B. A copy of the audited accounts are attached hereto (see Attachment 4);
- C. All members of the Reporting Unit and the associated State body, at substantially the same time, have been provided a copy of the Auditor's Report, Accounts and Operating Report, free of charge, in accordance with s.566 of the Industrial Relations Act 1999 and s.265 of the Fair Work (Registered Organisations) Act 2009, by publishing the Reports on the Reporting Unit and Associated State body's Website and advising members by way of a monthly journal that such reports have been published and stating the website where the Reports can be obtained and also advising that a copy of the Reports can be obtained by contacting the local AWU office (see Attachment 5);
- D. As evidenced in paragraphs A to C above, all members of the Reporting Unit and the Associated State body have been provided with an Operating Report, as prepared in accordance with s.254 of Chapter 8.

The AWU submits that based on the grounds and reasons stated herein and the supporting documentation, the Australian Workers' Union, Queensland Branch satisfied s.269 of Chapter 8 and consequently seek the relief as sought in this application.

If you have any queries with regard to this application or seek further supporting evidence, please contact this office.

Yours faithfully



W P LUDWIG
BRANCH SECRETARY

QUEENSLAND INDUSTRIAL REGISTRAR

Industrial Relations Act 1999
(s478)

(Matter No. RIO/2010/194)

CERTIFICATE OF REGISTRATION OF AMENDMENT OF RULES

I hereby certify that pursuant to the Industrial Relations Act 1999, the amendments to rules numbered 8, 13, 27 and 57 of the Rules of The Australian Workers' Union of Employees, Queensland, have been approved and registered on 25 October 2010.

Dated at Brisbane 25 October 2010.


G.D. SAVILL,
Industrial Registrar

CONSTITUTION AND GENERAL RULES

OF

*THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES,
QUEENSLAND*

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1. NAME

The name of the Union shall be The Australian Workers' Union of Employees, Queensland.

2. HEAD OFFICE OF UNION AND PLACE OF MEETING

The Head or Registered Office of the Union, to which all communications or notices may be addressed, shall be 333 Adelaide Street, Brisbane, Queensland.

The place of meeting of the said Union shall be 333 Adelaide Street, Brisbane, Queensland.

3. OBJECTS

The objects for which the Union is established are, by the provision and distribution of funds and by all other lawful means, whether industrial, political, municipal, or otherwise:

- (a) To regulate and protect the conditions of labor, the relations between workmen and employers and between workmen and workmen;
- (b) To regulate conditions on the conduct of the trade, business, or industry of the members;
- (c) To promote the general and material welfare of the members;
- (d) To provide legal assistance in defence of members' rights where deemed necessary;
- (e) To endeavour by political action to secure social justice;
- (f) To contribute to a Union newspaper for the convenience of members;
- (g) To assist by federation or otherwise kindred organisations in upholding the rights and privileges of workers, and generally to assist in the emancipation of Labour;
- (h) To establish One Big Union for Australian Workers;
- (j) To replace the present competitive system by the collective ownership of the means of production, distribution, and exchange;
- (k) To advocate and fight for a six-hour day and five days of six hours each to constitute a week's work.

Disbursements in furtherance of any of the above objects shall be deemed to be part of the ordinary expenses of the Union.

4. GENERAL DEFINITION CLAUSE

In the interpretation of these rules the following definitions shall apply, unless the context otherwise requires:

- (a) A "member" shall mean a person who is lawfully admitted to membership in accordance with these rules and whose membership has not been terminated in accordance with these rules.
- (ab) An "employee" shall mean a person who is an employee within the meaning of the Industrial Relations Act 1999 (Qld) (or any enactment made in substitution thereof).
- (b) A "continuously financial member" means a financial member who has never lost the status of being a financial member at any stage during the relevant period provided that a member shall not lose such status until one month after a payment required pursuant to the rules, falls due.
- (c) A "financial member" means a member who is not in arrears in the payment of any contribution, fine, levy or dues, lawfully owing by or imposed on him.
- (d) "Officer" shall include the President, Vice Presidents, Secretary, District Secretaries, District Representative to Executive and Delegates to Delegate Meeting.
- (e) "Local Agent" means a member of the Union residing in any town or centre appointed by the Executive to act on its behalf.

- (f) "Local Representative" means a person appointed by resolution of the Executive to act as Agent for the issue of tickets of membership and collection of subscriptions.
- (g) "Organiser" means an officer elected in manner hereinafter appearing or appointed by the Executive to advocate the principles of Unionism and promote the organisation and enrolment of members.
- (h) "Ticket" means certificate of membership of the Union, a ticket which may be issued for a period of one year, one half year or one quarter year.
- (i) A "Payroll Deduction Card" means a card, receipt or similar document (other than a ticket) issued by the Union to a member upon the payment of membership dues or part thereof in accordance with the rules.
- (j) "The Worker" Newspaper shall mean "The Australian Worker".
- (k) The "Union" means The Australian Workers' Union of Employees, Queensland.
- (l) "A.L.P." means the Australian Labor Party.
- (m) "Bona fide Worker" means any employee, male or female, engaged in manual or mental labour in or in connection with any of the industries mentioned in Rule 6 hereof.
- (n) "Agriculture" shall mean all work usually carried on or in connection with a farm, and shall be deemed to include market gardening, threshing grain, chaff cutting, corn crushing, compressing hay, straw, and fodder stacking, loading or unloading grain, all work on a sugar plantation or farm or sugar mill or refinery.
- (o) "Fruit growing" shall be deemed to mean fruit growing and all work carried on in connection with fruit farms and orchards.
- (p) "Viticulture" shall mean all work carried on in or in connection with vineyards and all work connected with the preparation of the product of such vineyards for market, including manufacture of wine.
- (q) "Dairying industry" shall mean any work usually carried on in connection with a dairy farm, butter factory, cheese factory, creamery, milk preserving or condensing factory.
- (r) "Timber and Sawmilling Industry" shall mean any work carried on in connection with sawmills, timber yards, box and case factories, sawmakers' shops, and including hewers, splitters, firewood, and mining timber getters, and the preparation of woodwork for joiners, carpenters, implement makers, coachbuilders, car and waggon builders; and the felling and preparation of railway piles, transoms, girders and sleepers, felling and preparation of bridge, wharf and pier piles, transoms, girders and decking.
- (s) Words importing the masculine gender shall be taken to include the feminine gender.
- (t) Any reference in these Rules to a Statute shall mean and include that statute and any other statute amending or replacing that statute, as the case may require.

5. PROCEEDINGS AND NOTIFICATION OF DISPUTES

- (a) The Secretary, who shall also be Treasurer, shall be empowered to act on behalf of the Union for the purposes of proceedings for or in connection with Awards and for breaches of Awards and for the recovery of contributions, subscriptions, fines, levies or penalties payable to the Union, and to make complaints or lay informations on behalf of the Union against any person for larceny, embezzlement or misappropriation of funds or property of the Union, and no such action, suit, proceeding, prosecution or complaint shall be discontinued or shall abate by the death or removal from office of such person and the same may be proceeded with by his successor as if such death, resignation or removal had not taken place and such successor shall pay or receive the like costs as if the action, suit, proceeding, prosecution or complaint had been commenced in his name for the benefit of the Union and be reimbursed from funds of the Union.
- (b) A District Secretary may, with the prior approval of the Secretary, institute any proceedings on behalf of the Union or a member in respect of any breach of an order or award of the Industrial Relations Commission.

The Secretary, or in his absence the President, is authorised to give notice to the Industrial Relations Tribunal which has jurisdiction in relation to the matter, of the existence or likelihood of any industrial dispute. Such notice may be given upon the initiative of those officers and shall be given if directed by the Executive. Industrial action by members of the Union shall not be taken unless authorised by the Executive, or the Secretary, or in the absence of the Secretary, the President.

Authorisation of industrial action may be verbal or written as the circumstances of the case may require.

6. ELIGIBILITY FOR MEMBERSHIP

Subject to these Rules every bona fide worker, male or female, engaged in manual or mental labour in or in connection with any of the following industries or callings namely:

1. Pastoral.
2. Butter and Cheese Factories.
3. Creameries.
4. Milk Preserving or Condensing.
5. Cultivation of sugar.
6. Cane Cutting and harvesting including mechanical harvesting, mechanical loading, and mechanical transport.
7. Sugar Manufacturing, including sugar refining and all industry operations including the making of invert (other than tradesmen's work) and all work in or in connection with or incidental to the Sugar Manufacturing Industry generally, including all work (other than tradesmen's work) performed during slack seasons (that is during the period of the year between each year's crushing season when no sugar cane is being crushed) at, in, about or for Sugar Mills in the State, or in connection with the receiving, handling, storage, sampling, and maintenance of sugar and by-products of the Sugar Industry at bulk shipping terminals or installations, including the loading or unloading of all forms of bulk transportation.
8. Rabbit trapping.
9. Timber - which includes felling and preparation of railway piles, transoms, girders and sleepers, felling and preparation of bridge, wharf and pier piles, transoms, girders and decking - and sawmilling industry, which includes any work carried on in connection with sawmills, timber yards, box and case factories, sawmakers' shops, and including hewers, splitters, firewood and mining timber getters, and the preparation of woodwork for joiners, carpenters, implement makers, coach-builders, car and wagon builders, and the sanding of floors and/or woodwork.
10. All employees other than craftsmen engaged in the Veneer and Ply- making industry.
11. Meat Preserving, Meat trade generally.
12. Road Making including construction and/or maintenance and/or repair and all work in or in connection with or incidental thereto.
13. Water Supply construction and/or maintenance and/or repair and/or operation of and all work in or in connection with or incidental thereto. Sewerage construction and/or maintenance and/or repair and/or operation of and all work in or in connection with or incidental thereto.
14. Railway construction and/or Maintenance and/or repairs and all work in or in connection with or incidental thereto.
15. All labour other than craftsmen employed on in or in connection with or incidental to the construction and/or maintenance and/or repair and/or operation of State and/or Federal Public Works, and/or works for semi-governmental bodies (including Harbour Boards).

16. (i) Mining, smelting, reducing and/or refining of ores and/or concentrates and/or products, including persons engaged in metal and/or mineral exploration and development work and prospecting incidental to mining.
- (ii) Handling, mixing, and manufacture of all types of 'fracture', explosives and all work incidental thereto.
- (iii) All employees other than craftsmen engaged in or in connection with sampling, checking materials, handling for sampling purposes and all work incidental thereto at a mine site, loading facility or elsewhere of all materials.
- (iv) All employees other than tradesmen engaged in or in connection with or incidental to the receiving, handling, storage, sampling, maintenance, pumping, loading or unloading of Coal, Coke, Carbon and Carbon derivatives, Mineral Sands, Mineral Earths, Clays, Marine Oil, Ores and all concentrates in any form associated with mining and/or smelting and/or reducing and/or refining and/or exploration, at all Terminals, Storage and Distribution areas.

16.A Mining of all clays (including all laminated clays, marine, oil, argillaceous or otherwise). The treatment of such clays. The distillation of such clays, including the processing and recovery of oil and all other by-products therefrom, and/or the manufacturing of products therefrom.

16.B Hydrocarbons including mining for and/or treatment of and/or smelting of and/or refining of and/or distillation of hydrocarbons; and the processing and/or recovery of oil and all other by-products therefrom.

16.C All employees engaged on work in or in connection with or incidental to the mining, treatment, storage, handling, piping and loading of phosphates, and exploration and development work incidental to mining phosphates.

16.D Notwithstanding any other provision of this Rule, the AWU does not have the right to enrol as members, employees of Mount Isa Mines Limited who are engaged in the following Divisions or Departments:-

- (a) Engineering Division (except for employees engaged in Control Systems Maintenance Department);
 - (b) Surface Workshop Department of the Copper Stream and the Fans and Refrigeration Department of the Copper Stream.
17. All employees engaged in or in connection with or incidental to the construction and/or maintenance and/or repair and/or operation of local authority work or works.
 18. All employees engaged in the construction and maintenance of tramways.
 19. Shop Assistants, Motor Vehicle Salesmen and Van Salesmen.
 20. Bridge Carpenters and all other labour employed in or in connection with or incidental to the construction and/or maintenance and/or repair and/or alteration and/or demolition of bridges, wharves, piers, jetties, dolphins, barrages and other similar or like structures.
 21. All gas work employees other than craftsmen, and all employees other than craftsmen employed in the gas industry in or in connection with the production, sale and distribution of gas including refined and residual oil gas, and by-products of that industry and goods from the products of that industry including coke, tar, pitch-fuel, sulphate of ammonia and benzol, and the bottling, delivering, installing and maintaining of all or any types of gas including liquified petroleum gas, propane and butane gas used for heating and lighting purposes, ~~the installing and maintaining of all or any types of gas pipes, and in the production,~~ piping, reticulation, distribution and sale of all or any types or forms of manufactured or natural gases.
 22. Employees employed in quarries.
 23. Ironworkers' assistants.
 24. All kinds of general labour (including builders' labourers).
 25. Agricultural pursuits including all work carried on or in connection with farms, also market gardening, chaff cutting, corn crushing, compressing hay, straw, and fodder stacking, loading and/or unloading grain.

26. Horticulture and all work in or in connection with the hiring out and incidental servicing of pot plants.
27. Viticulture (including all work carried on in or in connection with vineyards and all work connected with the preparation of produce of such vineyards for markets including manufacture of wine).
28. Fruit growing and all work carried on in connection with fruit farms and orchards.
29. Dairy farming.
30. Fish Cleaning.
- 31A. All persons other than craftsmen employed in or in connection with, incidental thereto, or in conjunction with racecourses (including Trotting and Dog Racing), showgrounds, sportsgrounds (including the construction and maintenance of racecourses, showgrounds and sportsgrounds), theme parks, tourist parks or farms, animal parks, marine animal parks, aquatic shows, aquariums, non-governmental exhibitions or museums (including industry or trade exhibitions or museums), industry displays or shows, safari tours, fishing expeditions, and any other operations of a like nature, and the operation of totalisators upon racecourses by employees (a) whose work is not wholly or principally that of a clerical nature, and (b) whose work is not that of any trade or calling to which an apprenticeship applies.
- 31B. All employees employed in any kind of amusement, whether outdoor or indoor, or in or about the theatres, halls, racecourses, sports, exhibition and agricultural shows, and in all aspects of Motion Picture Film Production including Producers, Directors, Production and/or Studio Unit Managers, Assistant Directors, Dialogue, and/or Commentary Writers, Script and/or Continuity Recordists, Location and/or Talent Scouts, Contact Men, Make-up Artists, Casting Directors, Art Directors, Chief Cameramen, Operative Cameramen, Special Effects and/or Process Cameramen, Title and/or Cartoon Cameramen, Camera, Dolly and/or Rotambulator Operators, Slate Operators, Studio Grip Men, Studio Mechanists, Chief Sound Engineers, Sound Engineers, Sound Recordists, Microphone Boom Operators, Sound "Mixers", Film Editors, Film Cutters, Specialist Film Cutters, Film Librarians, Film Vault Keepers, Film Splicers, Laboratory and/or Studio Maintenance Men, Film Stock Keepers, Film Laboratory Manager, Film Laboratory Technical Supervisors, Film Laboratory Chemists, Film Printing Operators, Film By-Product Recovery Chemists, Film "Timers", Film Cleaners and/or "Waxers", Film Checkers, Laboratory and/or Studio Projectionists, Film Processors, Film Graders, Film "Dispatchers", Film Packers, and Film Examiners together with such other persons, whether so employed or not, as have been elected officers of the Union and admitted members thereof.
32. Manufacture of cement including all work in or in connection with or incidental thereto.
33. Manufacture of cork boards and "Margarite".
34. Net making.
35. Making or repairing bags of jute and hessian or such like material.
36. Rope and twine manufacture.
37. Manufacture of rubber.
38. Growing, cultivation, harvesting, production and manufacture of tobacco.
39. Fire Brigades, excepting any person employed in a full-time capacity by the Commissioner of Fire Services in the State of Queensland, who is eligible for membership of the United Firefighters' Union of Australia, Union of Employees, Queensland such eligibility to be determined under Rule 5 of the Rules of the United Firefighters' Union of Australia, Union of Employees, Queensland, as at 15 April 1994. This exception does not include persons employed under the Queensland Fire Service Maintenance and Service Employees Industrial Agreement.
40. Gardeners.
41. All labour other than craftsmen or Officers engaged in -
All classes of Surveying (including hydrographic surveying);
Forestry work;
Fish trawling, crabbing, prawning and all fishing;

Culture and harvesting (including sorting, bagging or packing, storing and despatching) of prawns or oysters.

42. All employees other than tradesmen engaged in or in connection with or incidental to the production, manufacture, and distribution of copper bars, rods, wire and other refined copper products; including rolling, drawing, standing, plastic extruding of covered conductors, sticking, pickling, shaving, annealing, coiling, binding, die polishing, in the process of production or manufacture.
43. All employees engaged as overlookers, classers, blenders, and sorters, or in the receiving, weighing branding and dispatch of wool in connection with the reclassing and resorting of wool in the State of Queensland.
44. All labour other than craftsmen engaged in the manufacture of concrete and reinforced concrete pipes and/or the making of concrete kerbing and channelling, concrete manhole covers, concrete paving slabs, concrete box drains and lids, concrete septic covers, concrete pig troughs or other concrete troughs used for farming and agricultural purposes, and all other concrete articles.
45. All employees engaged in Prisons throughout the State.
46. All employees engaged as Ginners, Stackers, Feeders, Branders, Oil Refiners, Moulders and Labourers in the Cotton Industry.
47. All employees other than craftsmen or engine drivers engaged in boring for oil or water or engaged in oil refining or the extraction of products thereof including the manufacture, processing and handling of petrochemicals, gases, carbon black and all other products and by-products of the petroleum industry.
48. Boat builders' labourers.
49. Domestic servants employed in the pastoral industry such as gardeners, chauffeurs, grooms, stablemen, kitchenmen, cooks, waitresses, laundresses, housemaids, nurse girls, and general servants.
50. Persons other than Tradesmen engaged in or in connection with the manufacture of Arms and/or Munitions.

All persons engaged in or in connection with the following:-

51. The production of charcoal.
 52. The manufacture or preparation or applying or laying or fixing of bitumen emulsion, asphalt emulsion, bitumen or asphalt preparations, hot pre-mixed asphalt, cold paved asphalt and mastic asphalt (other than (a) in the Southern Division of Queensland, tarpaving in connection with building operations and/or asphalt work as specified above in connection with building operations, and (b) in the Northern and Mackay Divisions of Queensland, the work of building tradesmen on building operations).
 53. All persons engaged on any operation in or in connection with or incidental to the handling, preparation, manufacture or repair of cables and all persons engaged on any operation in or in connection with or incidental to the process of covering or insulating cables.
 54. All persons engaged in the manufacture of aluminium or aluminium articles and/or products incidental thereto.
 55. Wineries.
-
56. The distillation of power alcohol and all labour incidental thereto.
 57. All employees other than craftsmen engaged in or in connection with the manufacture of masonite and/or canite, and/or celetex, and/or gyprock, and/or other similar hardboards, and all work incidental thereto.
 58. The dehydration of vegetables, fruit, meat and butter.
 59. The manufacture of lead pencils and all employees engaged in the making of bituminous waterproof paper, paper felts and paper hessian.
 60. The preserving and packing of fish.

61. The dry-egg industry.
62. Cultivation, harvesting and refining of rubber.
63. Manufacture of Rubber Goods including rubber boots and/or shoes and similar goods; motor tyres; tubes and repair materials; the laying in position of floors and/or wall facings of rubber and/or latex and/or plastics and/or similar materials; the repairing of motor car and motor cycle covers and tubes, including tread making, wrapping, buffing, vulcanising, use of sectional moulds, fitting of solid horse vehicle tyres; the manufacture of rubber mechanical goods, cutting washers, discs, valves, wringers, and rollers, and work of a similar nature in connection with the manufacture or repair of rubber goods, rubber mats; and other rubber goods.
64. Cultivation and harvesting of cotton.
65. Manufacture of toys and/or novelties.
66. All persons other than craftsmen employed on Poultry Farms and in Hatcheries.
67. Reclaiming and reconditioning wool and cotton waste.
68. Killing, cleaning and treating poultry at poultry abattoirs and all work incidental thereto.
69. The killing, skinning, treating, preserving and freezing and storage of rabbit meat, the preparation and curing of rabbit skins and all work incidental thereto.
70. The Dehydration of mutton and lamb and all work incidental thereto.
71. The reclaiming of tallow, dripping, and other fats and all work incidental thereto.
72. The reclaiming and reconditioning of rubber wastes and all work incidental thereto.
73. The manufacture of wooden holders for confectionery, frozen delicacies and similar articles.
74. Employees engaged in cleaning, preparing and making fireproof aeroplane tanks.
75. Persons engaged in the manufacture of fabricated building units.
76. Employees engaged in cultivation, harvesting, manufacture or preparation of arrowroot.
77. Employees engaged in cultivation, harvesting and/or preserving ginger.
78. Workers engaged in airgraphing, sorting, processing, packing mail matter and all labour incidental thereto.
79. Employees engaged in the calling of fumigation.
80. Employees engaged in the work of pest extermination.
81. Persons engaged in or in connection with the recovery of wax from sugar cane waste and other material.
82. Employees engaged in the manufacture of all classes of animal, fish or poultry foods, including protolick.
83. Employees engaged in or in connection with the treatment and processing of milk (including milk drying) and the manufacture of all milk products (including casein and cultured milk products).
84. Employees engaged in nut including peanut grading, shelling processing, manufacture of by-products and/or work incidental thereto.
85. Employees engaged in manufacture of macaroni, spaghetti, vermicelli, and similar products.
86. Employees engaged in the manufacture and distribution of all kinds of alcoholic and non-alcoholic beverages.

87. Bread Bakers and pastry cooks and all persons employed in or in connection with or incidental to the Baking and/or Pastrycooking Industry.
88. (a) All employees other than clerical employees and craftsmen (but including Cooks) employed in or about or in connection with or incidental to the industries or operations of hospitals, nursing homes, aged peoples' homes, garden settlements, hotels, clubs, casinos, motels, boarding houses, hostels, serviced rooms or flats, residential colleges, cafes, restaurants, catering establishments, and operations of a like or similar nature including tourist accommodation.
- (b) All employees at the various hospitals throughout Queensland, provided that for the purposes of this paragraph (b) a hospital shall be considered to be a building or an institution for the reception, care, or treatment of persons who, from any cause are unable to support or provide for themselves, and are therefore, more or less, dependant on the help of others.
- (ba) All employees (excluding such persons wholly engaged as Clerks) employed by the Queensland AIDS Council Incorporated.
- (c) All employees who are employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry, other than employees of the Crown, Teachers, Registered Nurses, Musicians, Masters and Engineers who are members of the Australian Institute of Marine and Power Engineers Union of Employees, Queensland District, and the Merchant Service Guild of Australia and the employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time.
- (ca) All employees who are employed in or in connection with the conduct of Tourist Resorts situated on Islands off the coast of Queensland, north of 24 degrees 30 minutes of south latitude, as part of the Island Tourist Resort Industry, other than employees of employers (contractors and/or subcontractors) whose principal business is the provision of services on a contract basis on the mainland, and where those services are provided to a Resort on an Offshore Island except where such employees are already eligible for membership of the Union under these rules.
- (cb) All employees employed at Palm Royale Resort, Cairns
- (cc) All employees employed in or in connection with the operations of Offshore Island Resorts employed on Fraser Island in the State of Queensland.
- (cd) All persons employed north of 22 degrees south latitude in or in connection with the operations and conduct of Daikyo (North Queensland) Pty Ltd, Reef Management Pty Ltd., Pacific Growth Investments Pty Ltd., Cairns Marine Terminal, Daikyo Real Estate Pty Ltd; Cairns Peninsula Hotels Pty Ltd and Daikyo Development Pty Ltd and employed by one of the above mentioned companies, save and except that nothing in this sub-rule shall make eligible for membership of the union:-
- (i) any person who is employed as a Marine Engineer (however described) who is eligible to be a member of the Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District; or
- (ii) any person employed as a master, mate, marine engineer, principal in charge or launch master, who is, or is eligible to be, a member of the Merchant Service Guild of Australia, Queensland Branch, Union of Employees; or
- (iii) any person employed by a bona fide building and/or construction, and/or electrical and/or plumbing contractor or sub-contractor.
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89. Employees engaged in or in connection with the transport of goods or passengers by road.
90. Employees engaged in or in connection with the manufacture of coke, paper board, concrete products, fibrocement products, ice, ice-cream, soap, washing soda crystals, mosquito coils, edible fungi and like products.
91. Laundry workers (including employees in laundries, laundrettes, laundromats, and other self service laundering establishments however nominated, and employees engaged in ironing services and similar types of services), dyers and cleaners.

92. Milk Distributors.
93. Storemen and packers and cold storage employees including the treatment and preservation of hides and skins.
94. Toll Collectors.
95. Employees engaged in or in connection with or incidental to the Salt Industry, including the preparation of areas for the subsequent drying of salt, pumping of brine, harvesting of salt, drying and refining of salt.
96. (i) All employees engaged in, at, or about silos.
(ii) All employees engaged in or in connection with the receiving, handling, storage, sampling, and maintenance of all types of grain or seed at silos or other storage facilities, depots, and bulk shipping terminals and installations and all work incidental thereto, including all ancillary fumigation work, the loading or unloading of all forms of bulk transportation, and the treatment, bagging and stacking of grain or seed.
97. Employees engaged handling and packing waste paper and cardboard.
98. Barbers, hairworkers, hairdressers, wigmakers, beauticians, manicurists, employees engaged upon scalp treatment in hairdressers' salons or saloons, and callings incidental thereto.
99. Employees engaged in or in connection with the making of floral bouquets, emblems, wreaths, sprays (real or artificial), light shades, telephone decorations, sashlets, puffs, toilet novelties, raffia work, shoe trees, coat and dress hangers, or similar articles.
100. Employees engaged in the manufacture of all classes of bricks and pottery, including calcium silicate bricks and denaro bricks and all work incidental thereto.
101. Employees engaged in the work of lagging for the purpose of insulating against heat, cold and/or sound.
102. Employees engaged in the manufacture of asbestos and fireproof sheeting.
103. Employees engaged in the manufacture of slag wool.
104. Employees engaged in the manufacture of ceramic mosaic, marble mosaic and terrazzo blocks.
105. Employees employed on dredges, barges and tugs, and launches north of 25th parallel of south latitude.
106. Employees engaged in or in connection with the manufacture of wooden rules, rulers, measuring rules, yard sticks, foot rules and similar articles.
107. Employees engaged in the manufacture of clothing accessories including materials for linings, pocketings, bias bindings, piping and similar articles.
108. Employees engaged in the application and/or use of sealkote, semi- liquid asbestos compound.
109. Employees engaged in or in connection with (including work incidental to) the manufacture and/or processing of, scouring and dyeing, top making, yard spinning, weaving, mercerising, dyeing and/or bleaching and/or finishing of all fibres and materials including wool, cotton, silk, etc., worsteds, art silks, pure silks, silktex, flax, linen, rayon and all synthetic or artificial fibres yarns and materials, hosiery, felt from wool and all other fibres, textile furnishings, tapestries, braids, tassels, etc., carpets, rugs, mats, cotton and cotton wool (including cotton spinning, winding and doubling and weaving), wide and narrow fabrics (including printed fabrics, ribbons, tapes, name tags, bindings, trimmings), garnetting (including textile waste and flock), lace, embroidery, draft paper yarns and fabrics, sanitary pads and belts, making, repairing and/or mending any article used for human wear.
110. Employees engaged in or in connection with the manufacture of elastic or elastic articles, including two way stretch elastic piece goods and fine elastic.
111. Employees engaged in salvage work including loading, handling, and dumping of scrap tin plate clippings.

112. Employees engaged in the work of handling, sorting and/or packing scrap ferrous and/or non-ferrous metals or wrecking or dismantling plant or machinery for scrap as salvage.
 113. Employees engaged in or in connection with or incidental to the extraction of oil from seed and/or the refining of seed oil and/or the processing of seed oil (and/or the by-products of the extraction process) to produce Textured Vegetable Protein.
 114. Employees engaged in the manufacture of engine cleaning cotton waste and flock, garnetted fillings, and in the sorting and scouring of household rags.
 115. Employees engaged in the manufacture of wire netting, barbed wire, and fencing wire.
 116. Employees engaged in the recovery of oils and fertilizers from whales.
 117. Boat builders.
 118. Boat builders' Assistants.
 119. Boat painters in boat building yards in the Factories and Shops District of Brisbane.
 120. Employees engaged in the pulp and paper manufacturing industry including employees engaged in any occupation connected with the manufacture, processing and supply of pulp used in the foregoing industry.
 121. Employees engaged in any occupation connected with the manufacture, processing and supply of paper, paper board and straw board.
 122. Employees engaged in the handling, sorting, bailing and/or packaging of waste paper.
 123. Employees engaged in the manufacture of Hardboard.
 124. The Production of Algin, the production of Alginates, and all employees engaged in or in connection with such production on ships and in treatment plant.
 125. Employees engaged in the manufacture of building and/or other board made from wheat and barley straw or similar materials.
 126. Employees other than tradesmen engaged in the erection of Television Antennae.
 127. Employees engaged in or in connection with the manufacture of goods and products (including boat building) from Fibre Glass Reinforced Plastic.
 128. Plastic millers (that is, employees engaged in the mechanical process of changing gypsum into plaster of paris).
 129. All labour engaged in the handling, packing, processing, and preparation of all sea foods (including fish, crustacea and all shell fish) and fishing bait, and all work incidental thereto.
 130. Horse handlers, stable hands, strappers and labourers, and all other employees other than jockeys and apprentices, engaged in the horse- training industry.
 131. All employees, other than professionals and students, engaged in animal husbandry, animal health and welfare, and artificial insemination of stock.
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132. First Aid Men and Ambulance Men associated with Industry (other than the Queensland Ambulance Transport Brigade) where the Australian Workers' Union has any form of preference in the industry.
 133. Blast Hole Diamond Drillers and their Assistants.
 134. Diamond Drill Runners and their Assistants and all other classes of Drill Runners and Drill Helpers.
 135. Machinemen including drillers and assistants operating percussion or auger drills or raise borers or down the hole hammer machines or rock drilling machines of any like or similar nature.

136. Watchmen and Cleaners.
137. Forklift Operators, End Loader Operators, Electric Locomotive Drivers and Winchmen.
138. Employees other than craftsmen engaged in the iron, steel and metal industries.
139. All employees engaged in or in connection with the handling, preparation and manufacture of plastic or rubber materials including compounds thereof, duperite, bakelite, casein or similar compositions, synthetic rubberlikes, guttaperchalikes, rubberlike plastics, thermoplastics and thermosetting plastics, nitrocellulose, leathercloth, elastomers, and the processing and fabrication of products or articles therefrom.
140. All employees other than craftsmen engaged in or in connection with the treatment of limestone and the manufacture and/or processing of carbide.
141. All persons other than craftsmen engaged in land reclamation.
142. All labour other than craftsmen employed in and attendant to the gathering, sorting and classification of pearl shell, and in the cultivation, gathering and classification of cultured pearls.
143. (a) All persons other than craftsmen engaged in the installation, repair, maintenance, collection of cash, and patrol of parking meters and areas;
(b) All persons employed by Local Authorities in the enforcement of the Litter Act.
144. All persons engaged in or in connection with visually counting or estimating the volume of vehicular and/or pedestrian traffic.
145. All persons engaged on any operation in or in connection with the mining, recovery, treatment or processing of brown coal or peat for the reduction of brown coal or peat and/or the mixing of other substances therewith in the production of humus, compost, or any form of fertiliser.
146. Employees engaged in or in connection with the manufacture, processing, and/or handling of fertiliser and like products, including chemicals and/or other products and/or by-products manufactured, processed, and/or handled in conjunction with the fertiliser industry.
147. All persons engaged in or in connection with the match manufacturing industry - including the breaking down or preparing of logs, timber or substituted material and the processing, finishing and adapting of matches for sale.
148. All persons engaged in or in connection with the manufacture of wooden skewers, cuisenaire rods and similar articles.
149. All persons engaged in or in connection with the rice industry - including the preparation of land, the cultivation, planting, care, harvesting, milling, processing, storing and despatching of rice for sale.
150. All persons engaged in or in connection with the cultivation, planting, care, harvesting, storing and despatching of nuts.
151. Persons engaged in all classes of underwater diving work, and assistants and/or attendants thereto.
152. Sewerage (or Sewage) Treatment Plant Operators and Operators' Assistants.

153. Water Treatment, and/or Filtration Plant Operators and Operators' Assistants.
154. All persons engaged in or in connection with the planting, cultivation, care, harvesting or picking, storing, processing and packing of Tea.
155. Pressing wool by any type of press, whether manual or power (including the Jumbo Press) into bales, and all work on or in connection with or incidental thereto, but excluding employees:-
 - (a) engaged on the work of wool dumping in wool dumping stores in the Southern Division of Queensland; or

- (b) engaged in wool pressing in the Southern Division of Queensland covered by Awards of the Conciliation and Arbitration Commission of Queensland made in favour of The Federated Storemen and Packers' Union of Employees of Australia (Queensland Branch), or who may be covered by Awards of the Queensland Commission made from time to time in favour of the above Union.
156. Employees engaged in the mooring and unmooring of ships and all work in or in connection therewith or incidental thereto.
157. All employees (excluding tradesmen and clerks) in establishments or sections of establishments which are operated as commercial motor vehicle garages and/or service stations for any form of motorised transport, used motor vehicle yards (including wrecking yards), used caravan and/or other used vehicular trailer yards, automobile hiring services, tyre fitting depots, automotive anticorrosion treatment and/or steam cleaning services; car park attendants, car wash attendants, and tow truck operators and their assistants.
158. All persons other than mechanical or electrical tradesmen engaged in or in connection with the cultivation, planting, care, picking or harvesting, storing, treatment, processing and bagging or packing of Coffee.
159. All employees other than mechanical or electrical tradesmen engaged in the cultivation, planting, growing, harvesting, preparation, treatment and processing of Soya Beans, and the manufacture of Soya Bean Products, including Soya Bean drink or "milk".
160. All employees other than mechanical or electrical tradesmen engaged in the cultivation, planting, growing and care, picking or harvesting, preparation and processing of Jojoba and the manufacture of products derived therefrom.
161. All employees other than mechanical or electrical tradesmen engaged in the cultivation, planting, growing, care, picking or harvesting, preparation and processing of Aloe Vera and the manufacture of products derived therefrom.
162. Employees at the resort known in August 1993 as the Laguna Quays Resort (by whatever name called) who are engaged in clerical work or who, whether as greenkeepers (including qualified greenkeepers) or otherwise are involved in the maintenance of golf courses or gardens.
163. All employees engaged in all classes of work at the Townsville Suns Basketball Supporters Club Incorporated and the Cowboys Rugby League Football Club Limited.
164. Notwithstanding any other provision in these rules, a person employed in the Private Pathology Industry shall not be eligible to become a member of the Industrial Organisation.

And all persons appointed or elected officers of the Union, shall be entitled to become and remain a member of the Union.

Provided that this Rule 6 shall only apply to persons engaged or employed as aforesaid within the State of Queensland.

7. ADMISSION TO MEMBERSHIP

- (a) The signing of an application form for membership shall constitute an application for membership of the Union. Any person signing such application form shall pay to the Secretary, Organiser, Representative or other authorised person, the prescribed contribution, or commence payment of contributions in a manner permitted by these rules.

Payment by a person to the Union of an annual contribution or any other form of contribution prescribed under Rule 20 or Rule 22 shall also constitute an application for membership of the Union. Upon payment of an annual, half yearly or quarterly contribution the applicant for membership, if eligible for membership under these rules, shall be entitled to be issued with a membership ticket. Upon payment of any other form of contribution prescribed under Rule 20, the applicant for membership, if eligible for membership under these rules, shall be entitled to be issued a payroll deduction card. The issue to such person of a membership ticket or a payroll deduction card shall constitute admission to membership of the Union.

- (b) Once a person has been issued with a membership ticket or payroll deduction card, membership of the Union shall continue unless it is terminated in accordance with these Rules.

(c) Any person who has received such ticket or payroll deduction card may be required, by notice in writing given at any time to such person by the Executive, to produce to such Executive on any date stated in such notice, not being less than one month after the date of such notice, evidence satisfactory to such Executive that such person was, at the time of receiving his ticket or payroll deduction card, and has continued to be, entitled to become and remain a member of the Union. In default of such evidence, the Executive may by resolution declare that such person did not become or has ceased to be a member of the Union, and such declaration shall be binding on such person and upon all members of the Union.

(d) It shall be a breach of this Rule to back-date any Union ticket or payroll deduction card or application form.

(e) The form of application referred to in sub-rule (a) of this Rule shall be as determined from time to time by the Executive.

8. FREE MEMBERSHIP

Membership tickets having the word 'Rule 8' printed thereon shall be issued under this Rule by the Secretary or District Secretaries, under the following provisions, to any member of the Union who has been a continuous financial member for the preceding 5 years.

(a) Who is 60 years of age or over and who is retired from permanent full time employment and who is not earning the Queensland Minimum Wage; or

(b) Who is permanently incapacitated and unable to participate in permanent full time employment.

Provided that the person making the application for a Rule 8 ticket shall make a Statutory Declaration to the effect that he or she is retired or permanently incapacitated and is no longer in permanent full time employment and is not earning the Queensland Minimum Wage.

9. DUTIES OF A MEMBER

(a) Every member shall observe, abide by and carry out each of the rules of the Union applicable to him whether as a member or as an officer.

(b) A member shall not knowingly fail to observe any resolution of the Executive.

(c) Every member, after having been reasonably requested to do so, shall give any information of which he is aware as to any industrial matter which is the concern of the Union, to the Executive (or to any person who is authorised to that end by the said body).

(d) A member shall not obstruct, interfere with or delay any officer in the execution of his duties or any of the Executive, or other committees or body of the Union in the performance of any of its functions.

(e) A member shall not act in any disorderly, offensive or disruptive manner at any meeting in the Union.

(f) Any officer who has become aware of or believes that any substantial breach of the rules has occurred or that there has been an abuse of trust or authority by any officer or that any officer has acted in breach of the rules, shall immediately inform the Secretary in writing of the facts and circumstances known to the officer concerning such matter.

(g) A member shall not allow his Union ticket or payroll deduction card to pass out of his possession except when the same is required by an auditor or an officer or other person who requires it for some proper purpose under the rules or other lawful reason.

(h) A member shall not aid or encourage any member in doing or omitting to do anything contrary to this rule.

10. ASSISTANCE TO OFFICERS

Every member after having been reasonably requested to do so shall assist any officer in the carrying out of his duties if the assistance required is of such a nature that it is proper and reasonable to require it.

11. DUPLICATE TICKET

Any member whose ticket or payroll deduction card, past or present, has been lost or destroyed may apply for a duplicate ticket or payroll deduction card to the Secretary or District Secretary and upon the production of a satisfactory Statutory Declaration of the loss or destruction of such ticket or payroll deduction card and upon payment of the sum of One Dollar (\$1.00) then any such officer shall supply the applicant with a duplicate ticket or payroll deduction card. Declaration forms should be provided by the abovementioned persons. The Secretary or District Secretary may dispense with the Statutory Declaration where any difficulty occurs in obtaining the attestation of a Justice of the Peace if otherwise satisfied that the application is made bona fide.

12. MEMBERSHIP TICKETS AND PAYROLL DEDUCTION CARDS

- (a) Membership tickets and payroll deduction cards shall, unless otherwise determined by Executive, be uniform in size, shape, colour and wording.
- (b) The style of the computer membership tickets and payroll deduction cards shall be determined by Executive.
- (c) Except as otherwise provided for in these Rules membership tickets or payroll deduction cards shall be issued in the manner prescribed by the Executive.

13. AWU MEMBERSHIP RULE

- (a) The Secretary of the Union, with the prior approval of the Executive, may apply to the Australian Workers' Union, an organisation registered under The Workplace Relations Act 1996 (C'wth) on behalf of all members of the Union who are not also members of the Australian Workers' Union, for the admission of such members as members of the Australian Workers' Union.
- (b) An application referred to in paragraph (a) may be made at any time after the registration of this Rule, and shall be subject to the terms and conditions of the Agreement made between the Union and the Australian Workers' Union, pursuant to Section 202 of The Workplace Relations Act 1996 (C'wth) and approved by the Australian Industrial Relations Commission.
- (c) The Secretary shall be authorised to provide the Australian Workers' Union such membership details and information as may be required to process such applications in accordance with the rules of that Union.
- (d) The Secretary may make any number of applications pursuant to this Rule to ensure that all members of the Union who have become eligible to join the Australian Workers' Union pursuant to the Section 202 Agreement, are able to be admitted to membership of that Union without being required to make individual applications in that behalf.
- (e) The Secretary shall make such application pursuant to this Rule to ensure that all eligible members of the Union are admitted to membership of the Australian Workers' Union pursuant to the Section 202 Agreement by transmitting to the Australian Workers' Union the membership particulars of any member of the Union at any time after admission to membership.
- (f) Upon any member being admitted as a member of the Australian Workers' Union as a result of an application made by the Secretary on their behalf under this Rule, that member may notify the Secretary within one month of being so admitted that they do not wish to remain a member of that Union. The Secretary shall make application forthwith to the Australian Workers' Union for the membership of that member in the Australian Workers' Union to be terminated as soon as practicable in accordance with the Rules of that Union.

14. INFORMATION TO APPLICANTS

Applicants for membership shall be informed in writing of:-

- (i) a member's financial obligations; and
- (ii) when and how a member may resign.

15. RESIGNATION OF MEMBERS

- (a) A member may resign his or her membership by notice in writing which is left at the registered office of the Union or is addressed to the Union or any Officer thereof and sent by post to the registered office of the Union.
- (b) If the member specifies in their notification of resignation a day on which, or a time at which, the resignation is to be effected (being a day or time subsequent to the time when the notification is duly given in accordance with this Rule) the persons membership of the Union terminates on the day, or at the time, as specified in such notice. If no date or time is specified in the notice, membership shall be terminated upon the delivery of the notice in accordance with this Rule.
- (c) A notice of resignation that has been received by the Secretary is not invalidated by reason of the fact that it has not been addressed and delivered in accordance with paragraph (a) thereof.
- (d) A resignation of membership of the Union is valid notwithstanding that it is not effected in accordance with this rule if a member is informed in writing by the Union that the resignation has been accepted.
- (e) A termination of membership in accordance with this Rule shall not effect the obligation of the member to pay to the Union all contributions, levies or other monies as may have become due and payable by that person to the Union prior to their resignation taking effect. The Union shall continue to be entitled to recover any such sum from any member or former member by action in a Court of competent jurisdiction.

16. TERMINATION OF MEMBERSHIP

- (a) In addition to Rule 15, a member shall cease to be a member of the Union if:–
 - (i) for a continuous period of 12 months they have been employed only in an industry, vocation or calling which is not an industry, vocation or calling which would make such person eligible for membership of the Union under Rule 6; or
 - (ii) for a continuous period of 6 months they have been unemployed and have not made a bona fide effort to obtain employment in an industry, vocation or calling which would make such person eligible for membership of the Union under Rule 6.
- (b) Notwithstanding anything contained in any other Rule, if at any time after this subrule comes into effect, any member is not, or ceases at any time thereafter to be, an “employee” as defined in Rule 4, and/or an appointed or elected officer of the union, the membership of that person shall be terminated forthwith at that time by operation of this subrule.
- (c) Any person who has paid membership contributions for a period which extends after their membership is terminated in accordance with sub-rule (b) shall, upon making a written application to the Secretary, be entitled to reimbursement of any pro rata membership contributions paid for that period, provided that such application must be made within 12 months of the payment of such contributions.

17. REMOVAL FROM MEMBERSHIP ROLL

If a person has resigned their membership of the Union in accordance with Rule 15, or has ceased to be a member by operation of Rule 16, the Secretary shall, as soon as practicable after becoming aware of the relevant facts, cause the name of the person to be removed from the membership roll. If the name of a person is removed from the roll under this Rule by reason of the operation of Rule 16, the Secretary shall notify the person of such removal within 14 days by written notice posted to the last address of the person which is known to the Union.

18. BREACH OF RULES, MISCONDUCT AND EXPULSION

- (a) Any officer of the Union believing that any member has been guilty of any breach of the rules or misconduct will report in writing such breach to the District Secretary or the Secretary. The District Secretary or the Secretary may call upon such member to show cause to the Executive why he should not be expelled from the Union. Provided that if such member is an officer the report shall be made to the Secretary or the Executive and the Secretary shall report same to the Executive which body may call upon the member to show cause to the Executive why he should not be expelled from the Union. The Executive may appoint a day for the hearing of

the application of which at least twenty-one (21) days' notice shall be given such member and if satisfied of the truth of the charge and that it is of sufficient gravity to warrant expulsion shall have power to expel him from membership but such extreme penalty shall not be imposed unless the Executive is satisfied that the person guilty of such breach or misconduct deliberately committed the offence.

In lesser offences a fine not exceeding Forty Dollars (\$40) may be imposed.

(b) In addition to the provisions of sub-rule (a) hereof any meeting of the Executive may expel any member of the Union who is found guilty of misconduct provided that at least twenty-one (21) days' notice of the investigation is given.

(c) Any member expelled under this rule shall have the right of appeal to succeeding Delegate Meeting.

(d) Any member expelled shall not be re-admitted without the sanction of the Executive or Delegate Meeting.

Misconduct is such as is defined in Rule 9.

19. ROLLS OF OFFICERS, MEMBERS AND FUNDS

The Secretary shall keep a correct register of the names, residential addresses, where applicable postal addresses and occupations of all officers and Committeemen, and of the Trustees or others holding any property of the Union and of all its funds and effects. The Secretary must also keep a correct register of the names, residential addresses, where applicable postal addresses, and number of ticket of each member in each district and date on which each person became a member, or as the case may be an Officer, and the date on which each person ceases to be a member or as the case may be, Officer. In the case of an Officer, the register shall contain the name of the office held.

CONTRIBUTIONS AND FINANCE

20. CONTRIBUTIONS - RATE OF:

1. Pursuant to Rule 20, the contributions to be paid by members shall be an amount per week of \$9.00.

2. Pursuant to Rule 20, the following rates of contribution shall apply on and from 1 July 2007:

A. Annual Contribution (Single Payment)

Adult
(full weekly employment) \$450.00
Adult
(less than full weekly employment) \$315.00
Juniors/Apprentices \$216.00

1st July, 2007 to December 31, 2007 \$235.00
1st January, 2008 to 30 June, 2008 \$235.00

B. Quarterly Contributions

Adult
(full weekly employment) \$117.00
Adult
(less than full weekly employment) \$84.00
Juniors/Apprentices \$58.00

C. Continuous Contributions – Payroll/Bank Deductions

Per week Per fortnight

Adult
(full weekly employment) \$9.00 \$18.00
Adult
(less than full weekly
employment) \$6.50 \$13.00

Juniors/Apprentices \$4.50 \$9.00

Any person admitted to membership of the Union who is immediately prior to such admission a current financial member of the Australian Workers' Union shall not be required to make any payment to the Union on account of membership contributions so long as such person continues to be a financial member of the Australian Workers' Union. If a member of the Union who is exempt from paying contributions to the Union under this paragraph ceases to be a financial member of the Australian Workers' Union they shall forthwith become liable to pay the contributions prescribed under these Rules as if such member had joined the Union on the date that they ceased financial membership of the Australian Workers' Union.

An approved amount of cost for a premium to a Mortality Fund scheme for each member shall be included in the membership cost.

21. CONTRIBUTIONS - WHEN PAYABLE

- (a) The annual contribution shall become payable on the 1st July each year and shall be payable either by way of a lump sum or under any other method prescribed in these Rules or approved of by the Secretary pursuant to paragraph (g) of this Rule.
- (b) A member employed in an industry in which work is carried on during part of the year only shall be required to pay his or her contributions on the season's first pay day after membership tickets have become available.
- (c) Notwithstanding anything contained in paragraphs (a) and (b) of this Rule, a member engaged in the pastoral industry shall be required to pay his or her contribution in the first shed in which he or she is employed after the rising of the immediately preceding Annual Delegate Meeting and in which membership tickets have become available.
- (d) Members who continue in arrears after the 31st July in each year may be sued for the recovery of same.
- (e) Whenever a levy has been imposed by the Delegate Meeting or the Executive a notification of such levy shall be published by the Secretary in the Australian Worker newspaper or alternatively in a daily newspaper circulated generally throughout Queensland and any member not having paid such levy within twenty-one days after the publication of such notification in such newspaper may be sued for such levy.
- (f) The Secretary is authorised to sue on behalf of the Union and/or he may appoint and authorise an agent and/or authorise a district secretary to exercise this authority on behalf of the Union for the recovery of all contributions, fines, levies, penalties or subscriptions payable in pursuance of the Rules. For the purposes of this Rule, an agent need not be a 'local agent' as defined in these Rules and need not be an officer or member. In any case in which a district secretary is exercising authority conferred pursuant to this rule, he shall be empowered to authorise any organiser under his control to act on his behalf.
- (g) The Secretary may approve of the method of annual contributions being paid over any period in part payments by any member or group of members.

22. MEMBERSHIP HALF YEARLY AND QUARTERLY

Notwithstanding anything contained in these Rules, membership of the Union may be taken on a half yearly or quarterly basis in which case the following provisions shall apply:

- (a) Half yearly membership contributions and the quarterly membership contributions shall be determined by the State Executive each year.
- (b)
 - (i) The half year shall be deemed to commence on the 1st day of July and the 1st day of January respectively and payment of the half yearly contribution shall be due and payable on the first day of the first month of each half year.
 - (ii) The quarters shall be deemed to commence on the 1st day of July, the 1st day of October, the 1st day of January and the 1st day of April and payment of the quarterly contributions shall be due and payable on the first day of the first month of each quarter.

- (c) A person joining the Union, or a member renewing their membership part way through a half year or quarter, shall be required to pay the full amount of contributions for that half year or that quarter in addition to any fines, levies or arrears of membership contributions.
- (d) Half yearly or quarterly membership contributions may not be made by way of part payments.
- (e) Members who have taken membership in accordance with this rule shall be issued with an appropriate membership receipt.

23. FUNDS - HOW HELD

All property and funds held by the Union shall vest in the Trustees for the time being of the Union for the use and benefit of the members of the Union generally, and such Trustees, subject to the direction of the Executive shall have power to invest such funds in the same manner as cash under the control of the Supreme Court may from time to time be invested, and subject to such direction shall also have power to invest such funds in the name of the Union or in the names of the Trustees of the Union in Government-guaranteed Loans, Commonwealth Bonds, or fixed deposits as may be determined by the Executive.

The Secretary is authorised to make complaints or lay informations on behalf of the Union against any representatives, agents or members of the Union embezzling or stealing funds or property of the Union.

24. APPROVAL FOR LOAN, GRANT OR DONATION

The Union must not give a loan, grant or donation totalling more than \$1,000 to anyone unless the organisation's Executive:-

- (a) has approved the payments; and
- (b) is satisfied the payment could be given under the rules of the Union; and
- (c) if the payment is a loan – is satisfied –
 - (i) the security to be provided for the loan is sufficient; and
 - (ii) the proposed arrangements to repay the loan are satisfactory.

25. TRUSTEES

The trustees shall hold all funds and property of the Union which shall be vested in them. Such Trustees may with the consent and at the direction of the Executive expend funds in the purchase of land and buildings or in the purchase of land and the erection thereon of buildings either for the purpose of Union Offices or otherwise. They may sell or convert the whole or any portion of any real estate into money and apply the proceeds arising from such sale and conversion in the purchase of Real Estate or invest same on Mortgage over Real Estate or in the purchase of shares or place same on deposits in any banking or financial institution and they may borrow money or raise financial accommodation and sell, mortgage or exchange any real or personal property held by them as aforesaid and give a valid discharge for any moneys raised by them on Mortgage or otherwise but no action shall be taken by the Trustees to perform their functions under this Rule without the direction of the Executive.

The President and the Secretary shall be ex-officio trustees of the Union.

26. FUNDS

All funds of the Union shall be banked in the name of the Trustee thereof in such bank as may be decided upon by the Executive. All funds over and above working expenses shall be placed in the Commonwealth Savings Bank, or other bank or banks, on current account or fixed deposit as the Executive may approve.

No funds shall be drawn from the Bank except by cheque signed by the Secretary and one of the other Trustees, and countersigned by the President or Vice-President. No Trustee shall sign any cheque without first obtaining written or verbal authority from the President or Vice-President and the Secretary.

27. ACCOUNTS, BALANCE SHEET AND AUDIT

The financial year of the Union shall terminate on the 30th day of June in each year (this to take effect from the 30th June, 1994), and all books and accounts shall close on that day. A properly audited balance sheet and the Auditors report thereon, together with duplicate copies, all certified by two of the officers of the Union duly authorised to sign such documents, shall be filed with the Industrial Registrar within three months from the completion of the Auditor's report. A copy of such balance sheet and report, certified by the Auditor, and the annual report of the Secretary shall be submitted by such Secretary to the next Annual Delegate Meeting. The Secretary shall ensure that the balance sheet and report are printed in the first edition of The Worker which is printed after the filing of such documents with the Industrial Registrar.

The Secretary shall issue:

- (1) An annual report and balance sheet of the Union.
- (2) Detailed balance sheets showing all items of receipts and expenditure, assets and liabilities of the Union, and financial membership thereof, together with statement of tickets sold and unsold.
- (3) A statement showing the financial position of the Union with approximate amount of assets and liabilities for the period between the annual audit and the meeting of Delegate Meeting or as near to that date as practicable.
- (4) All balance sheets shall be of uniform design.

28. AUDITORS

A competent person (within the meaning of any industrial legislation binding on the union) shall be appointed Auditor by the Executive, who at least once a year, and at other times when instructed, shall take the Secretary's books and balance sheets, with all receipts and other documents, compare them, and draw up a correct report on the same. An Auditor finding any deficiencies shall state the particulars in his report and lay the same before the following meeting.

Previous to the audit of the Union's accounts, a statement shall be supplied to the Auditor by the Manager of "The Worker", containing a list of all tickets and receipt books supplied by him to the Union, and in all cases the Secretary shall produce all ticket butts, unsold tickets and computer sheets for the inspection of the Auditor, and shall make out a statement showing how each ticket is accounted for. After each annual audit, all ticket butts and ticket books partly used and receipt butts and computer records shall be kept in the Union office. Unused ticket books remaining after the audit may be destroyed by order of the Executive, but a record thereof must be kept in the Union's books.

29. POWER TO LEASE PROPERTY

Subject to the consent and direction in Rule 25, the Trustees may lease any real or personal property so held by them.

30. MAINTENANCE OF "THE WORKER"

The Secretary shall deduct each month from the moneys received in respect of members' contributions during that month an amount, as fixed by Rule 20, and forward the same to The Australian Worker Board of Control. ~~Cheques for the payment of same shall be signed by the officers and Trustees empowered to operate on the Union's account without requiring the authority of the Executive.~~

31. AWARDS, RIGHT TO SUE

The Secretary or District Secretaries are hereby authorised to sue or issue any proceedings on behalf of the Union or a member in respect to any breach of any Order or Award made in relation to any industry in connection with which the Union is registered under any industrial legislation binding on the union. Provided that no such proceeding shall be taken by a District Secretary without the approval of the Secretary having been first obtained.

32. PLEDGE

All candidates for office must sign a pledge to at all times loyally and conscientiously carry out the Constitution and Policy of the Union as laid down by the Executive or Annual Delegate Meeting from time to time; and further more, they will not join any industrial or political body or organisation which is opposed to the policy of the Union, nor will they assist in the advocacy of any policy which is in contravention to that of the Union.

33. QUALIFICATION FOR OFFICE

No person shall be eligible for nomination for election as an Officer -

- (a) Unless he has signed the pledge prescribed by Rule 32.
- (b) Unless he has been a member who is financial within the meaning of sub- clause (c) of Rule 4 for the 12 months immediately preceding the closing date of nominations.
- (d) Any member who was previously a member of a Union amalgamated with the Australian Workers' Union shall for the purpose of this Rule be considered a member of the A.W.U. for the period he belonged to such other Union.
- (e) Notwithstanding any other provisions contained in these Rules any person who is a member of The Australian Workers' Union of Employees, Queensland, an organisation registered under any industrial legislation binding on the union, shall be eligible for nomination for election or appointment as provided in the Rules to any office in The Australian Workers' Union providing that he has been a member who is financial within the meaning of sub-clause (c) of Rule 4 for at least twelve months immediately preceding such nomination and he shall sign the prescribed Pledge.
- (f) Unless for the period of 12 months immediately preceding the opening date for nominations he or she was employed in any of the registered callings of the Union, or if not so employed has been unemployed and bona fide seeking such employment, or was an officer or employee of the Union.
- (g) No person shall be eligible to be nominated for or to hold or to continue to hold any office in the Union or to be employed by the Union in any capacity if he is or becomes a member of a House of the Parliament of the Commonwealth or of any State thereof or of the Legislative Council of any Territory thereof. Any person holding any office in the Union shall cease to hold such office -
 - (i) if he is a member of any such House or Legislative Council when this Rule commences to have effect, upon the expiration of seven days thereafter;
 - (ii) if he becomes a member of any such House of Legislative Council after this Rule has effect, forthwith upon becoming a member as aforesaid.

34. DISQUALIFICATION FROM OFFICE

Persons who are not financial members of the Union shall be incapable of holding any office in the Union, and shall be liable for expulsion under Rule 18.

Only financial members shall be entitled to nominate candidates for office.

Where a member of the Executive is removed from office under this rule, the member shall be given written notice to that effect either personally or by post within seven days of such removal. Provided the member shall ~~have ten clear days from the date of service of the notice to remove him or her from office, to make written~~ appeal to the Executive against the removal. Provided further the Executive shall, within seven days of receiving notification of any such appeal, shall proceed to hear and determine the appeal.

No person shall be eligible to be nominated for or to hold or to continue to hold any office in the Union or to be employed by the Union in any capacity if he is or becomes a member of a House of the Parliament of the Commonwealth or of any State thereof or of the Legislative Council of any Territory thereof. Any person holding any office in the Union shall cease to hold such office -

- (i) if he is a member of any such House or Legislative Council when this Rule commences to have effect, upon the expiration of seven days thereafter;

- (iii) if he becomes a member of any such House of Legislative Council after this Rule has effect, forthwith upon becoming a member as aforesaid.

Any office becoming vacant under this rule shall be filled in the same manner as if it has been vacated by resignation.

35. INELIGIBILITY TO HOLD OFFICE

Any person who has been convicted in any Court of any offence in the nature of stealing, misappropriation, embezzlement, larceny, false pretences, receiving, forgery, uttering, house-breaking, burglary or converting to his own use, without lawful authority, or retaining any property, and the property in regard to which the offence has been committed belongs to the Union, shall not be entitled or allowed to hold any office in the Union, or be employed in any capacity in the Union.

36. SEAL

The common seal of the Union shall be kept in the custody of the Secretary. Such seal shall not be affixed to any instrument without the authority of the Executive and when so affixed shall be accompanied by the signatures of the President or one of the Vice-Presidents and of the Secretary.

37. MEETINGS - HOW CALLED

All Delegate Meetings or other Meetings of the Union excepting Executive Meetings shall be convened by advertisements in 'The Worker' and in any district newspaper named by the Executive. The advertisements shall state the nature of the business to be transacted. At least 28 days' notice in the case of Delegate Meetings and 14 days' notice in the case of other meetings shall be given. The Executive may, in the event of pressing necessity arising, dispense with advertisements but shall cause notice of any intended meeting, other than Annual Delegate Meeting and Executive Meetings, to be affixed in some conspicuous place outside the office at least 24 hours before the time of such meetings.

38. POSTPONEMENT OF MEETINGS

When deemed necessary, Delegate, Executive, or other meetings of the Union or any District thereof may be postponed by order of two officers, of whom the Secretary shall be one.

39. QUORUM

At all Meetings, wherever held, fifteen financial members shall form a quorum: Provided that this Rule does not apply to Rules 60 and 62, or to Executive Meetings.

40. POWERS OF THE UNION

Delegate Meetings or Executive shall have power -

- (a) to decide any question solely affecting the Union which may arise within the Constitution.
- (b) To make, alter, or rescind any Rule or By-laws for the guidance of, and generally to have absolute control of the affairs of the Union, subject always to the Constitution and General Rules of the Union, resolutions of Delegate Meeting, decisions of Executive or plebescites.
- (c) Appoint an Acting Secretary or District Secretary to perform all of the duties of the Secretary or District Secretary in the event of the Secretary or District Secretary being required to be absent from duty on any approved leave. Any such person appointed in an acting capacity shall be a member of the Union and in addition shall be qualified to hold such position in accordance with Rule 33.
- (d) Not less than two-thirds of the total number of the members of the Executive may by writing signed by them exercise all the powers of the Executive upon the Secretary informing the members of the Executive by post or receipted personal delivery of any matter in regard to which a decision is required; provided that the

powers of the Executive shall not be exercised in writing in regard to any matter relating to the appointment, election, displacing or dismissing of any member of the Executive.

(e) Membership contributions shall be determined by the Executive each year.

41. AUTHORITY

Subject always to the Constitution and General Rules of the Union, the highest authority of the Union shall be the Delegate Meeting convened by the Union, and when the Delegate Meeting is not in session then the Executive.

42. ALTERATION OF RULES

The Rules of the Union may be made altered or rescinded by a resolution carried at Delegate Meeting or by a decision of the Executive or plebescite.

43. REMOVAL OF OFFICERS.

The Executive shall have power to remove, during the remainder of the term of their office, any of the officers or other members of the Executive who is guilty of the following:

- a) misappropriation of the funds of the organisation; or
- b) a substantial breach of the rules of the organisation; or
- c) gross misbehaviour or gross neglect of duty; or
- d) has ceased, under the Rules, to be eligible to hold office.

Before deciding to remove any officer or member of the Executive under this Rule, the person concerned shall be provided with the opportunity of a full and fair hearing by the Executive, and shall be entitled to:

- 1) be given adequate particulars of the proposed charge and/or the reason for removal from office; and
- 2) have a full opportunity to present evidence and submissions to the Executive in answer to any such charge or reason.

Any officer, Trustee or member of the Executive so suspended shall have the right to appeal such removal to the Delegate Meeting.

44. LOCAL COMMITTEE

For the purpose of furthering the work of organisation the Executive, if it thinks advisable, may form Local Committees in any town or district, except in any town or city where a Union Office is situated. When Local Committees are so formed the Executive may adopt by-laws for the control and government of same. The Secretary and members of any Local Committee must be approved by the Executive before being appointed.

45. SECTION COMMITTEE

For the purpose of conserving where necessary, the State interests of each Section of labour in the Union, the Executive may set up Section Committees.

Section Committees thus established shall be recognised by and subject to control of the Executive, which shall define the limits within which such Section Committee shall have jurisdiction. When Section Committees are formed the Executive may adopt by-laws for the control and government of same; provided members of a Section Committee must be approved by the Executive.

46. PAYMENT OF UNION MONEYS

All Officers, Representatives and Agents of the Union when receiving moneys on behalf of the Union or any District shall request the person paying the same to pay by cheque drawn in favour of the Union, specifying the District if the money is so payable, and to cross such cheque and make it "Not Negotiable".

47. ELECTION AND CONTROL OF ORGANISERS

The Union shall have power to employ Organisers at any time.

- (a) The Executive shall decide the number of Organisers to be elected by ballot of members and subject to removal as provided in these rules such organisers shall hold office for four (4) years.
- (b) The Executive may employ additional Organisers and any financial member of the Union of not less than two (2) years standing shall be eligible for employment as an Organiser.
- (c) All Organisers shall in all cases conform to the direction of the Secretary by whom they are employed, and the Secretary may dismiss any Organiser for the following:
 - (i) misappropriation of the funds of the organisation; or
 - (ii) a substantial breach of the rules of the organisation; or
 - (iii) gross misbehaviour or gross neglect of duty; or
 - (iv) has ceased, under the Rules, to be eligible to hold office.

Provided that any Organiser so dismissed shall have a right of appeal against such dismissal to the Executive.

- (d) Any Organiser failing to carry out the Policy and Rules laid down by the Union shall be immediately dismissed, and any Secretary authorising any Organiser or Representative to depart from the Rules and Policy in any particular, or doing so himself, shall be at once suspended.
- (e) Any Organiser dismissed by the Executive shall have a right of appeal to Delegate Meeting against such dismissal.
- (f) The Executive shall have power to suspend without salary or dismiss any Organiser elected at a plebescite or ballot which in the opinion of the Executive was conducted otherwise than in accordance with the Rules of the Union or in which in the opinion of the Executive any corrupt or illegal practices took place.

48. FILLING CASUAL VACANCIES

- (a) The Committee of Management may decide to fill a casual vacancy either by ordinary election (for the remainder of the term); or in accordance with the Act (if unexpired portion of term of the vacant office qualifies.)
- (b) The provisions of these Rules relating to ordinary periodic Elections including the provisions as to pledge and qualification for office, shall apply, in so far as they are capable of application, to any election held to fill a vacancy under these Rules;
- (c) Any person elected to fill a vacancy under these Rules shall hold office for the balance of the term of office during which the vacancy occurred;

49. THE PRESIDENT

The President shall be the recognised head of the Union and he shall preside at all Union and Delegate Meetings and shall see that the business is conducted in a proper manner. He shall be empowered to call meetings of the Executive and to act generally in the furtherance of the objects of the Union, and in case the votes cast in any division are equal, the President shall have a casting vote only. The President shall have the power to do all things necessary to fulfil the functions prescribed above.

The duty of the Vice-Presidents shall be to assist the President. In the absence of the President, one of the Vice-Presidents shall occupy the chair, conduct the business, and perform all duties of the President. In the absence of the President and Vice-Presidents from any Union Meeting, some other member shall be chosen by the meeting to preside thereat.

50. THE SECRETARY

The Secretary will attend to and sign all documents on behalf of the union.

In the absence of the Secretary, a member of the Executive nominated by the President or Secretary, shall carry out the duties and responsibilities of Secretary and, for that purpose, shall have and may exercise all of the powers and authorities granted to the Secretary, under these Rules.

Subject to removal as provided in these Rules, the Secretary shall hold office for four (4) years and his duties shall be to cause to be kept a correct account of all moneys received and expended and shall keep separate account of all moneys received or paid on account of every particular fund and shall keep separate account thereof, but he shall under no consideration pay, lend or otherwise appropriate any funds of the Union for any particular purpose whatsoever, except in accordance with the Rules, Resolutions and Minutes of the Executive and Delegate Meetings. He shall sign all cheques, and shall not retain in his possession any sum of money exceeding \$1000 for a longer period than five (5) days. He shall produce the bank passbook for inspection at all reasonable times by the President or Trustees when demanded. He shall attend all Executive Meetings and Delegate Meetings of the Union, and take Minutes of same or have them taken and zealously attend to all correspondence and answer such questions as may be asked in accordance with the Rules of the Union, and act generally according to the instruction of his Executive. He shall have kept a Memo Book and have inserted the date of postage of all correspondence, and have kept copies of same.

He shall sign his name and address on all letters and returns and have entered in his account book a detailed account of all moneys received and expended with the date of receipt and expenditure. When in the opinion of the Executive an Acting Secretary or Acting District Secretary or Clerical Assistant is required, the Secretary shall choose and appoint some person for such time and upon such terms as the Executive shall have fixed. The Secretary shall be empowered to convene any Meetings of the Union and the Executive and shall be entitled to speak and vote at all Meetings. The Executive by a two-thirds majority of the total numbers of the Executive shall have power to remove the Secretary for neglect of duty, or for the misappropriation of money or goods belonging to the Union.

It shall be the duty of the Secretary to prepare documents for any Court, and to conduct cases before any Court on behalf of the Union, and he shall be empowered to authorise, subject to his direction, any officer or employee of the Union to prepare papers for presentation to any Court, conduct cases before any Court, and if necessary, to act on behalf of the Union in any dispute which may arise in any calling within the Union. The Secretary may engage legal assistance if he deems it necessary to assist the Union or any officer of the Union in any of the above matters or in regard to any matter which he is entitled to have brought before any Court or in regard to which he is entitled to give assistance to a member under the Rules.

The Secretary shall be empowered to dismiss any job representative whether appointed by the Organiser or elected by a ballot of members.

The Secretary may appoint a member of the Executive to prepare papers for presentation to any Court or Tribunal, and to conduct cases before any Court or Tribunal on behalf of the Union and subject to any direction by the Secretary, during any authorised absence of the Secretary. Such appointment may be revoked at any time.

The Secretary is authorised to notify the Industrial Relations Commission in the prescribed manner of the existence or likelihood of any industrial dispute at any time.

51. ASSISTANT SECRETARY

- (a) The Executive may appoint an Assistant Secretary.
- (b) Any member of the Union qualified for office under Rule 33 of these Rules or any member of the Australian Workers' Union qualified for office under Rule 33 of that organisation, shall be eligible for appointment as Assistant Secretary. The Assistant Secretary shall be appointed for a specified term of office which in no case shall be longer than 12 months. At the expiration of any appointed term of office the Assistant Secretary shall be eligible to re-appointment.
- (c) The Assistant Secretary shall be subject to the supervision of the Secretary and shall at all times be subject to the ultimate direction and control of the Executive.
- (d) The Executive shall determine at or prior to the time of making the appointment of an Assistant Secretary, whether the appointment shall be made on a paid or non-paid basis. If the appointment is made on a paid

basis the Executive shall determine the amount of payment initially and may review the amount from time to time.

- (e) The Assistant Secretary shall in all cases, conform to the direction of the Secretary and the Secretary may dismiss the Assistant Secretary for neglect of duty, misappropriation of money or goods belonging to the Union, or if the services of the Assistant Secretary are not required by the Union. Provided that the Assistant Secretary, so dismissed shall have a right of appeal against such dismissal to the Executive. An Assistant Secretary failing to carry out the policy and rules laid down by the Union shall be immediately dismissed. If the Assistant Secretary is dismissed by the Executive, he shall have a right of appeal to delegate meeting against such dismissal.
- (f) The Assistant Secretary may hold such position simultaneously with the position of Organizer or any office in the Union.
- (g) The duties of the Assistant Secretary shall be to work under the direction of the Secretary, in assisting the Secretary to:-
 - (i) carry out the functions set out in Rule 50;
 - (ii) supervise the work of the Union's Office clerical and industrial staff.

52. NOMINATIONS

Nominations of candidates for offices of President, Vice-President, Secretary, District Secretaries, Organisers, District Representatives on the Executive, and Delegates to Annual Delegate Meeting shall be called every four (4) years by the Returning Officer by advertisement in The Worker or alternatively in a daily newspaper circulated generally throughout Queensland and shall remain open for at least fourteen (14) days, and such advertisements shall state whether the office is an honorary one or not. The Executive shall have the right to arrange for the nomination of Delegates to the Labor-in-Politics Convention or ALP Conference and ACTU Congress, in such manner as it may decide. The nomination paper must be signed by at least two (2) members of the Union who have been continuously financial in the Union for the preceding twelve months and must contain the addresses and membership numbers of such persons. The candidate must consent to the nomination in writing and must also provide to the Returning Officer his occupation, address and membership number, or alternatively a certificate from the Secretary or a District Secretary to the effect that the candidate has been a continuous financial member for at least 12 months immediately preceding the date of nomination.

The nominations must be forwarded in a closed envelope with the word "Nomination" written thereon, addressed to the Returning Officer.

The Returning Officer shall examine all nominations as they come in and shall immediately acknowledge receipt of such nominations, and shall determine whether such nominations are in accordance with these Rules. If the Returning Officer finds a nomination to be defective, before rejecting the nomination the Returning Officer is to notify the person concerned of the defect and, where practicable, give the person the opportunity of remedying the defect within seven days after the person is notified.

Save in the case of the President, Vice Presidents, District Representatives on the Executive, or delegates to Delegate Meeting, no member shall be eligible at an Election for nomination for two or more positions when such positions are required to be concurrently filled.

All candidates must sign the pledge attached to the nomination form.

Provided that candidates, with the consent of their nominator and seconder, may withdraw their nominations for any position.

53. UNION ELECTIONS

In the event of there being more candidates nominated than are required for any of the above mentioned offices, an election shall take place by secret ballot. Such ballot shall extend over at least a period of four weeks and shall open and close on dates to be fixed by the Returning Officer.

The Returning Officer shall give notice of the opening and closing dates of the ballot by advertisement in The Worker or alternatively in a daily newspaper circulated generally through Queensland.

The Returning Officer will compile a roll of voters, such roll of voters to be a list of eligible members taken from the membership records precisely thirty (30) days before the date on which nominations are to open.

If two or more candidates are nominated for an election in relation to an office in the Union and one of the candidates dies before the close of the ballot, the election must be discontinued and a new election must be held.

If two or more candidates have nominated for either or both of the offices of President and Secretary and any such candidate dies before the close of the ballot, the Executive shall appoint another elected office holder to act as Secretary or President, as the case may be, until the result of a new election is declared.

If for any reason whatever, any election under this Rule is not held at the time hereinbefore prescribed the same shall be held at such other time, and shall extend over such period (not being less than four weeks) as may be prescribed by the Executive.

54. METHOD OF BALLOTING

- (a) Only members, who are recorded as being financial thirty (30) days from the opening of the nominations, are to be included on the list and only members whose names appear on this list are to receive a ballot paper. Any member claiming to have been a financial member at that date whose name is not on the list may request the Returning Officer either in writing or personally to investigate his case and, if upon investigation the Returning Officer is satisfied that the member was a financial member at June 30, he shall provide that member with a ballot paper. The certified list of members entitled to vote shall be sent to the Returning Officer by the Secretary immediately it is requested by the Returning Officer
- (b) Ballot papers shall have printed thereon the closing date of the ballot and names of candidates placed in order determined by lot drawn by the Returning Office and the positions and Offices required to be filled or particulars of the question submitted for determination.
- (c) Ballot papers together with stamped addressed outer envelopes and an inner envelope marked "Ballot Paper" shall be posted by the Returning Officer by pre-paid post to financial members on the certified list of members entitled to vote at the address recorded on that list.
- (d) If a member gives the Returning Officer written notice that the member will be absent from the address stated on the roll when voting material is posted, the Returning Officer must post the material to the address stated in the notice.
- (e) The outer envelope shall be reply paid and addressed to the Returning Officer. The inner envelope shall have printed on the back a number as allocated by the Returning Officer according to the record of membership as supplied by the Union and the word "signature". After recording the vote, members shall place the ballot paper in the inner envelope marked "Ballot Paper", sign the back, insert it in the reply paid outer envelope and post it. If the member's signature is not endorsed on the inner envelope, the ballot paper enclosed therein shall not be counted in the ballot. A written notice to this effect shall be printed in prominent type and in a prominent position at the head of the ballot paper, and upon other ballot information forwarded with the ballot paper.
- (f) The Returning Officer shall make a complete return of voting and note all discrepancies and shall forward copies of same to the Secretary.
- (g) Ballot papers, envelopes and other documents shall be kept for a period of one year after completion of an election.
- (h) A ballot paper shall be posted to every financial member at his place of residence as shown on the books of the Union, or if his place of residence is not shown and cannot be ascertained, at his place of employment. The Returning Officer shall cause such ballot papers to be printed and shall obtain from the printer a certificate stating the number of ballot papers printed and that the type was broken up immediately upon the completion of the printing.
- (i) Voting shall be by secret postal ballot.
- (j) A candidate may appoint 1 scrutineer to observe the collection, examination and counting of votes and give the Returning Officer written notice of the appointment.

- (k) Upon completion of the count, the Returning Officer shall formally declare the ballot at a time and place of which notice has been given to the scrutineers and shall present to the Secretary a detailed report covering the full conduct of the ballot.
- (l) A scrutineer must give the Returning Officer a written notice of appointment or suitable identification on first meeting.
- (m) A successful candidate shall take Office on the expiry of the term of any person presently holding such office in accordance with these Rules. If such office is vacant upon the declaration of the ballot then the successful candidate takes office upon the declaration of the poll.
- (n) The provisions of this Rule shall apply, with all necessary adaptations, to any ballot required to be held for a casual vacancy under Rule 48. A successful candidate in a ballot for a casual vacancy shall take office on the declaration of the ballot.
- (o) Members may vote in respect to Union Offices and Offices in the District to which they belong.

55. RIGHT OF VOTING

Subject to Rule 53 in the case of Union Elections, each financial member, shall be entitled to vote in the election of all officers and upon all questions submitted to meetings of members or to a plebiscite in accordance with these Rules. Provided (1) that whilst a member or officer of the Union shall be entitled to vote on any question affecting his salary or emolument of office, he shall not be entitled to vote on any question otherwise affecting his pecuniary interest and any vote shown to be cast contrary to this provision shall be disallowed; and (2) no person expelled by the Executive but in respect of whose expulsion an appeal is pending shall be entitled to vote on any matter whatsoever.

A candidate or a member of the Union has the right, up to 30 days after the declaration of the result of the election, free of charge—

- (i) to inspect the list or roll of persons who may vote in the ballot at the organisation's registered office when it is open for business; and
- (ii) to be given a copy of the whole or a stated part of the list or roll.

56. VOTING

No member shall be allowed to vote at any meeting of the Union or on any business connected therewith without first producing his ticket or giving proof to the satisfaction of the President or Chairman that he is a financial member and entitled to vote.

Voting at all meetings shall be by show of hands, unless five members present demand a ballot, in which case a ballot shall be taken.

57. CORRESPONDING OFFICES

- (a) The offices of President, Vice-Presidents, Secretary, District Secretaries, Organisers, District Representatives on the Executive and Delegates to Delegate Meetings in the Union are offices which wholly correspond to the offices of Branch President, Branch Vice-Presidents, Branch Secretary, District Secretaries, Organisers, Branch Executive Committee Members and Delegates to Delegate Meetings in the Queensland Branch of the Australian Workers' Union, an organisation registered under the Workplace Relations Act 1996 (Commonwealth).
- (b) Notwithstanding any other rule, if exemption is granted under any industrial legislation binding on the union from the holding of elections for the offices of President, Vice-Presidents, Secretary, District Secretaries, Organisers, District Representatives on the Executive and Delegates to Delegate Meetings, the persons holding the corresponding offices in the Queensland Branch of the Australian Workers' Union at the date of such approval shall be deemed to have been elected to the offices of President, Vice-Presidents, Secretary, District Secretaries, Organisers, District Representatives on the Executive and Delegates to Delegate Meetings under these Rules, and to hold such office for such period as such persons continue to hold such corresponding office in the Queensland Branch of the Australian Workers' Union.

- (c) For the purposes of an application for exemption, the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:

The Counterpart Federal Body	The Union
Branch Secretary	Secretary
Branch President	President
Vice-President (x3)	Vice President (x3)
South Western District Secretary	South Western District Secretary
Southern District Secretary	Southern District Secretary
Western District Secretary	Western District Secretary
Central District Secretary	Central District Secretary
Northern District Secretary	Northern District Secretary
Far Northern District Secretary	Far Northern District Secretary
Branch Executive Committee Members (x6)	District Representatives to Executive (x6)
Delegates to Branch Delegate Meeting	Delegates to Delegate Meeting
Branch Organisers	Organisers

SALARIES

58. OFFICERS' SALARIES, DELEGATES' FEES, ETC.

The Union, at its Executive Meeting, shall fix the salary or other remuneration of its Secretary, District Secretaries or Organisers.

~~The Executive shall also fix the fees payable to the Auditors, Returning Officers and Agents.~~

Any member of the union when deputed to transact business on behalf of the Union shall be entitled to first-class air, rail or steamer fare, to and from the place where his services are required, and shall be paid not less than \$10 per day.

The Executive shall fix the amount of expenses to be paid to members attending Executive meetings and the expenses of Delegates attending Delegate Meeting shall be fixed by such Delegate Meetings.

59. COMMISSION

Commission on sales of tickets may be allowed local agents, local representatives, job representatives, secretaries of local committees and secretaries of section committees. The rate of such commission shall be fixed by the Executive.

Commission shall be allowed to a Representative on all tickets issued by him or for which he is directly responsible on his job. The commission rate shall be fixed by the Executive, and in addition he shall be repaid all moneys spent on postages, provided a detailed account for same is furnished.

No member shall issue a ticket of the Union outside the districts and areas allocated.

60. DELEGATE MEETINGS

The Delegate Meeting shall be held annually, and shall be constituted as follows:

- (a) The President, Vice Presidents and Secretary of the Union.
- (b) The District Secretaries
- (c) Delegates elected in accordance with the relevant election rules by the members of the various Districts.
 - (i) Each District shall be entitled to one delegate for any number of members up to 3,000 and an additional delegate for every further 3,000 members or part thereof.
 - (ii) Districts shall be entitled to delegates in addition to those in paragraph (i) hereof by determining the total amount of part payments received by the Districts in accordance with Rules 20, 21 and 22 as shown in the Balance Sheet of the previous financial year from the date when the ballot in accordance with the relevant election rules is called, being divided by the annual contribution in Rule 20 in that financial year for members receiving adult rates of pay.
 - (iii) The number of members for each District determined in paragraph (ii) shall be added to those as determined by paragraph (i) to determine the total number of delegates each District is entitled to in accordance with the scale in paragraph (i) of one delegate for each 3,000 members or part thereof.

61. PROPOSALS FOR DELEGATE MEETING

Proposals for Delegate Meetings shall be forwarded to the Secretary not later than six (6) weeks prior to the date of Delegate Meeting.

Notices of business may be sent in by -

- (a) the Secretary;
- (b) the Executive, or any member thereof;
- (c) any Meeting, wherever held, consisting of not less than fifteen (15) members who are financial;

62. EXTRAORDINARY GENERAL MEETINGS

Upon the receipt of a Requisition signed by one hundred (100) members who are financial residing within a district, the District Secretary shall call an Extraordinary General Meeting of the members of the District to take place at a place and time fixed by him. ~~The business to be discussed must be legitimate Union business.~~ The quorum for an Extraordinary General Meeting of a District shall be seventy-five (75) members who are financial. Each member signing the Requisition shall state clearly his ticket number for the current year, his full name and address, his occupation and his present or last place of employment, giving the date when he left employment, if he is not immediately employed. Notice as to the time and place of an Extraordinary General Meeting of a District shall be given in the following manner:

- (i) in any daily newspaper;
- (ii) in any paper issued by the Union;
- (iii) to members' Representatives at their addresses kept at the office of the Union;

- (iv) letters circulated, telegrams; or written notice to the members;
- (v) telephone, orally; or
- (vi) by any one or more of the above methods.

An Extraordinary General Meeting shall be deemed to be valid notwithstanding any informality in the Notice provided that the substance is fairly given or notwithstanding that every job representative is not notified or that all members concerned are not notified provided there is substantial compliance with this Rule.

63. THE EXECUTIVE

There shall be a President, three Vice-Presidents, a Secretary, and one Representative from each District.

The President, Vice-Presidents and members of the Executive and the Secretary shall be elected every four (4) years.

The District Representative shall be elected every four (4) years by an election of the members within the District.

Any five members shall form a quorum, but a Resolution shall not be deemed to be passed unless it is approved by a majority of the total number of the Executive who would be entitled to vote, if they were present.

When there is an Assistant Secretary in office and the person holding that office is not otherwise a member of the Executive, that person shall have the right to attend meetings of the Executive and to speak at such meetings. The Assistant Secretary shall not unless he is otherwise a member of the Executive, have the right to vote at Executive Meetings and shall not be counted in the quorum of Executive Meetings.

64. CONSTITUTION OF DISTRICTS

The Executive may define Districts within which the District Secretary and Organisers shall organise. The boundaries of such Districts may be altered from time to time subject to the approval of the Executive.

65. DISTRICT SECRETARY

When a District has been apportioned and defined, the Executive shall temporarily appoint a District Secretary, and shall make arrangements to fill that position in accordance with Rule 52.

66. DUTIES OF DISTRICT SECRETARY

The duties of District Secretary shall be -

- (a) To forward to the Secretary, at least once a month, a full report of the working of the Union in their Districts.
- (b) To keep in constant communication with all Local Committees, Organisers, and Representatives in their respective Districts.
- (c) To supply all Local Committees with printed forms of uniform design for balance sheets, and supply a report of the decisions of the Executive on any question submitted to it, with a list of those voting thereon, when such things have been supplied to him by the Secretary.
- (d) It shall be the duty of the District Secretary, subject to the direction from the Secretary, to prepare papers for presentation to the Court or an Industrial Magistrate, and to conduct cases before the Court or an Industrial Magistrate within his District. He shall take control and act under the direction of the Secretary in any dispute which may occur in his District, and shall be empowered to authorise any Organiser under his control to act on his behalf in any case which may come before an Industrial Magistrate or in any dispute which may arise in any calling subject to his control.

(e) The Secretary may dismiss any District Secretary for:

- (i) misappropriation of the funds of the organisation; or
- (ii) a substantial breach of the rules of the organisation; or
- (iii) gross misbehaviour or gross neglect of duty; or
- (iv) has ceased, under the Rules, to be eligible to hold office.

Provided that any District Secretary so dismissed shall have a right of appeal against such dismissal to the Executive.

(f) The District Secretary shall submit for the attention and consideration of the Secretary all matters in which legal action is contemplated, and the Secretary shall give immediate attention to such matters. The District Secretary shall investigate all matters reported to him as soon as possible concerning any accident or happening which might give rise to a worker's compensation or common law right in the member, and he shall immediately report the facts to the Secretary, who shall take steps to attend to the matter as soon as possible. The District Secretary shall not take any steps to obtain legal advice or carry on any litigation unless on the express direction of the Secretary.

67. DISSOLUTION

This Union shall not be dissolved unless the membership falls below one hundred members and two-thirds of such members who are financial vote in favour of such dissolution. The funds remaining after all liabilities have been discharged shall be divided equally amongst the members who are financial.

GENERAL PROVISIONS

68. INFRINGEMENT OF RULES

Any member of the Union infringing any of these Rules, or Mining Regulations applicable to the State, shall be liable to a fine not exceeding Twenty Dollars (\$20) for every such offence.

69. PENALTY FOR FRIVOLOUS CHARGES

Any member making a charge against a member which the Executive shall regard as frivolous and not call upon such member to answer, or which upon investigation in manner aforesaid is found to be frivolous, shall pay a fine of Eight Dollars (\$8).

70. DISPUTES

Should any infringement of the rights and privileges of members be attempted by the employers, the members employed shall lay a complaint before their District Secretary or the Secretary, who shall deal with the same and give notice to the Executive, and if necessary appoint a deputation to adjust the dispute. Failing settlement, a meeting of the Executive may be called to discuss the matter, which may, if deemed advisable, submit the whole matter to arbitration. Should no settlement be arrived at, the full situation shall be laid before the Executive, who shall decide and order what further steps shall be taken to protect members' interests.

If any member or members receive notice from the employer of a reduction of wages or increased hours of labour, they may continue to work under protest, and shall at the earliest opportunity give notice thereof to their District Secretary or the Secretary, who shall call a Special Meeting of the Executive to consider same and act thereon.

Members ceasing work on any industrial grievance without the sanction of the Executive shall be liable to bear the responsibility of such action.

71. OCCUPATIONAL, HEALTH AND SAFETY CONCERNS

Any person working in a dangerous or unhealthy place shall report the same to the Executive, such complaint to be strictly confidential. The complaint shall specify the particular form of danger, and it shall be the duty of the Secretary to report such complaint to the proper authorities at the earliest convenience, without revealing the name of the complainant.

72. ACCIDENTS AT WORK

Members should in case of accidents occurring immediately notify the manager, ganger, shift boss, or person in charge of the nature of the accident, and when same occurred. They should also report to the Secretary.

73. REPRESENTATIVES

- (a) In every industry where groups or gangs or teams of workers are working there shall be an AWU representative who shall be a member who is financial in the Union.
- (b) Organisers shall have the power to appoint or dismiss representatives. In the absence of an Organiser members shall elect a representative at a meeting called for that purpose.
- (c) Such representatives shall act for the persons on the job and shall have power to call meetings of members on such jobs to discuss Union affairs. They shall on all matters keep in communication with the Secretary in whose territory they may be working for the time being.
- (d) All appointments or elections of Representatives shall be subject to the approval of the Secretary or other official authorised by the Executive. If the appointment or election of a Representative is approved of, the Secretary shall forward him books of membership tickets and such other articles as may be required. The Representative shall forthwith acknowledge the receipt of all such books and other articles forwarded by him to the Secretary.
- (e) Representatives shall be responsible to the Secretary for all tickets in their possession, and shall within a specified time return the butts of sold and remaining unsold tickets, or, when requested, shall deliver to the Secretary or Organiser or other official authorised by the Executive such ticket butts and unsold tickets. In the event of a Representative leaving the locality in which he was acting, he shall communicate with the Secretary and shall return ticket books and other Union property in his possession unless he has permission of the Secretary to retain them. Each representative shall supply the Secretary with his permanent address immediately after appointment.
- (f) All money collected by Representatives on behalf of the Union shall be forwarded to the Secretary as soon as is conveniently possible.
- (g) Each Representative shall immediately report the fact of work starting to the Secretary, and shall be guided by the instructions sent him by the Secretary.
- (h) Where work is carried out under Agreement or Award, Representatives shall post any such Agreement or Award in a conspicuous place on the works.
- (i) Should a Representative leave from any cause, members shall at once appoint another member in his stead.
- (j) Members committing a breach of paragraph (e) or (f) of this Rule shall be liable to a penalty of Eight Dollars (\$8).
- (k) Where the word "Secretary" is used in this Rule, it shall be deemed to mean the District or the Secretary, as the case may be, whose duty it is under these Rules to attend to the particular matter.
- (l) Each member on being given reasonable notice shall produce his tickets to the Representative, Organiser, or other authorised person.
- (m) Any member assaulting any Representative or Officer of the Union shall, if proven guilty, be subject to a fine of not less than Ten Dollars (\$10) and not more than Fifty Dollars (\$50).

74. IMPOSITION OF FINES

Any Shed, Gang, Camp, Mining, Mill, Factory, Local, Section, Division or Department Committee shall hear and decide any charge against a member for a breach wheresoever committed within the limits of the Union or district

of any of the following Rules, namely: 68, 73(m), 84, 87, 88. Twenty-one day's notice of the hearing of such charge shall be given the member, and if the Committee find the charge proved it shall impose the fine prescribed by the Rule so infringed.

Provided, however, that the member may within three days after such decision give notice of appeal to the Executive and such Executive shall re-hear and finally decide such appeal.

Provided, further, that the Shed, Gang, Camp, Mining, Mill, Factory, Local, Section, Division or Department Committee may, without entering into the merits of the charge, refer the whole matter to the Executive, which shall hear and determine it.

If any Committee fail to deal with a member committing a breach of the Rules abovementioned the Executive may hear and determine any charge laid by two members in writing or by an Officer of the Union, if such charge is made in writing and supported by a statutory declaration as to the facts.

Charges for all other breaches of these Rules (except where otherwise expressly provided) shall be heard and finally determined by the Executive.

The Executive shall give fourteen days' notice of the hearing to the member charged with such breach, and in the case of appeal from the decision of a Committee, or reference therefrom, shall give the like notice to the appellant or member concerned and the Representative or person laying the charge.

Authorisation to hear and decide any charge before any of the foregoing Committees shall be subject to approval from the Executive.

75. RECOVERY OF FINES

Representatives, the Secretary, District Secretaries and Organisers are empowered to collect fines which have been imposed for breaches of these Rules, wheresoever committed, and the Secretary and District Secretaries are authorised to sue on behalf of and in the name of the organisation for recovery thereof.

76. FINES, WHEN NOT CUMULATIVE

When more than one breach of the Rules shall have been committed by any member, the Executive shall have authority to decide whether more than one penalty shall be imposed.

77. INDUSTRIAL AND POLITICAL REPRESENTATION

The Executive of the Union shall appoint delegates to Labor Conferences and delegates to Trades and Labor Councils and shall have the authority to remove and replace delegates.

78. EDUCATIONAL LITERATURE

Pamphlets treating on economic, political or social subjects from the Labor standpoint may be provided by the Union and distributed amongst members. The amount the Union may expend for the purpose shall not exceed Five Cents per member per annum.

79. LAW SUITS

No member of this Union shall be entitled to pecuniary assistance in any legal proceedings unless the interests of the Union are directly or indirectly involved. The District Secretary shall submit particulars of all matters of this nature to the Secretary as soon as possible. Provided that in case any member shall sustain any injury through the negligence of his employer, and a claim for damages on his behalf shall be made, the Executive of the Union may afford him legal assistance to enforce such claim against such employer.

Legal proceedings shall be taken on behalf of any member (at such member's request) discharged for refusing to shear sheep which in his honest opinion were so wet as to be likely to injure his health, or which were adjudged too wet to shear by a majority of the shearers by vote on a secret ballot, provided the union has secured legal opinion favourable to such action.

80. ACCESS TO RECORDS AND REGISTER OF MEMBERS

- (1) All records showing the financial transactions of the Union shall be kept at the Registered Office of the Union and shall include a register of the names and addresses of all the members.
- (2) A register of the members and all records concerning the financial transactions of the Union shall be kept by the Secretary showing the name, address and financial standing of each member and such other matters as may be directed.
- (3) A financial member making a specific request to inspect a part or parts of the records of the Union shall be permitted to do so provided that:
 - (a) the request provides sufficient particulars of the information sought;
 - (b) reasonable notice is given except as provided for by any industrial legislation binding on the union;
 - (c) no copies may be made or documents removed without the written authority of the Secretary.
- (4) The Secretary of the Union shall at least every three years remove from the register of members the name of any member who:
 - (a) had died, resigned or been expelled from the Union or who owes any contributions, fines, levies or other dues which have been outstanding for two (2) years or more;
 - (b) is no longer eligible to be a member of the Union. Provided that the name of a member shall not be removed from the register under this paragraph only because he or she is unemployed or has retired or undertaken work for the Union or a Branch thereof or temporarily in another industry.
- (5) Any member so removed shall, subject to the provisions of any industrial legislation binding on the union, remain liable for any such contributions, fines, fees, levies or dues owed by him or her at the date his name was removed from the register of members.

81. PRINTING

All printing materials to be used by the Union shall be printed by Union labor.

82. RULES OF DEBATE

The following rules of debate shall be observed at all meetings held in connection with the Union, whether the Executive, Delegate Meeting, or General Meetings of members:

- (a) Any member desiring to propose a motion or amendment, or to discuss any matter under consideration, must rise and address the President or Chairman. The right of speaking on any subject shall belong to him who first rises to address the President or Chairman. No member shall speak more than once upon any motion or amendment without the consent of the meeting. Any member proposing or seconding a resolution shall be held to have spoken. When two or more members rise together, the President or Chairman shall call upon the member who in his opinion rose first in his place. The mover of any resolution shall have the right of reply. No further discussion shall be allowed after the mover has replied.
- (b) No member when speaking shall be interrupted unless called to order, when he shall sit down, and the member calling to order shall be heard in support of his point, and the President or Chairman may either hear further discussion or decide at that stage; but such point shall be decided before the debate is resumed.
- (c) Dissent from the President or Chairman's ruling must be seconded, but only the mover of the motion of dissent shall have the right of speaking in support thereof. The President or Chairman shall have the right of stating the reasons for his ruling and the motion of dissent shall then be put.
- (d) Any motion or amendment not seconded shall not be further debated, but shall lapse.
- (e) The question having been proposed may be amended by leaving out, substituting, or adding words. When amendments have been put and lost, the original motion shall be put.

- (f) So soon as a debate upon a question shall be concluded, the President or Chairman shall put the question to the meeting in a distinct and audible manner. The question being put, shall be resolved in the affirmative or negative by a show of hands, unless a division be demanded. A ballot shall be taken if five of those present demand it.
- (g) No member shall speak on any motion after the same has been put by the President or Chairman. Not more than two delegates may speak consecutively for or against any resolution except that when an amendment is moved to any motion the seconder may speak to the amendment notwithstanding that there may have been two prior consecutive speakers against the resolution.
- (h) When the President or Chairman rises during a debate, the member then speaking, or proposing to speak, shall sit down so that the President or Chairman shall be heard without interruption.
- (i) It shall be competent by majority of two-thirds of the members present for the meeting to suspend any standing order for the purpose of reopening any question previously dealt with or for the consideration of urgent business.
- (j) No member shall leave during the meetings without permission from the President or Chairman. No member shall attend a meeting in an intoxicated state or interrupt the business.
- (k) When advisable, a Guardian shall be appointed, who shall take charge of the door.
- (l) In debates at Delegate Meeting, the mover shall be allowed 15 minutes for speaking in support of his motion; subsequent speakers, 10 minutes each; and the mover, 10 minutes in reply. Delegate Meeting shall have power by majority vote to extend the time for any speaker. The rule shall also apply to the President of this Meeting.

Any member desirous of bringing on any business shall give written notice, and shall read it aloud. This notice shall state the day he proposes to move such motion, and he shall hand a copy to the Secretary. No notice entered on the business paper shall be proceeded with unless the member who is giving such notice, or someone authorised by him, be present when the business is called to order. Notices not so proceeded with shall be struck out.

Note. - Notices of motion shall be required only for the purpose of rescinding or altering Rules or By-laws, or some previous resolution involving any departure from the usual routine of business.

RULES FOR SECTIONS

GENERAL RULES FOR ALL SECTIONS

83. RESERVED

84. REPRESENTATIVES

Every Representative shall immediately report the fact of starting in his Shed, Gang, Camp, Mine, Mill or Factory to the District Secretary. The Representative shall be guided by the instructions sent him by the Secretary or District Secretary, and shall forward all moneys received on behalf of the Union to the District Office immediately after the receipt thereof, and shall return all tickets and other books immediately after he has completed enrolment, under a penalty of Eight Dollars (\$8) for neglect.

85. SHED COMMITTEE

Immediately following the appointment of the Shed Representative members shall appoint two of their number to act as a Committee, who shall do all they can to assist the Shed Representative in carrying out his duties, and especially see that all cash and books and other Union property are sent to the District Secretary in time to permit of his acknowledging the receipt of same before the shed cuts out. They shall see that all cheques for Union moneys are made payable in favour of The Australian Workers' Union, specifying the District if the money is so payable, and to cross such cheque and make it "Not Negotiable".

No person shall be elected Shed Representative or member of Shed Committee unless he first produces his ticket for the current year.

N.B. - Members shall see that this is done in all cases, and also that the Committee and Shed Representatives attend promptly to the business of the Union and carry out the duties entrusted to them.

86. SHED REPS. AND COMMITTEEMEN -

FILLING VACANCIES

Should the Shed Representative or member of Shed Committee leave from any cause, members shall at once appoint another person in his stead, and see that all Union property is returned to the Secretary, the District Secretary or other official authorised by the Executive.

87. MEMBERS NOT TO ACT AS EMPLOYERS' AGENTS

A member may engage a stand for one mate, but no member of the Union, other than the Secretary, or authorised agent, shall engage other members on behalf of pastoralists or shearing contractors, and any member infringing this Rule, or otherwise trafficking in shearing pens or employment, shall be fined Twenty Dollars (\$20).

88. ENGAGEMENT

Members may engage stands through the Pastoralists' Union Office, but no member shall engage through Labor Agencies where fees are demanded, nor with anyone requiring payment or monetary consideration of any kind in return for providing employment or for obtaining employment for such member. Any member committing any breach of this Rule shall be fined Forty Dollars (\$40).

After the commencement of shearing at any shed, no shearer or shed hand, when applying by telegram or telephone for employment, shall make such application to the shed overseer or manager, but shall communicate with the Chairman or Representative.

89. OFFICIAL NEWSPAPER

The Australian Worker shall be the official organ of The Australian Workers' Union of Employees, Queensland, and shall contain all official advertisements and notifications.

Any member may secure The Australian Worker Newspaper by forwarding his Worker slip through the Union or by the Secretary supplying proof from the Union's computer records that such member is eligible to receive same to the Publisher of The Australian Worker.

90. SUSTENTATION

The Australian Worker shall be financially supported by the Union in the manner provided in Rules 20 and 30 of these Rules.

91. DISTRIBUTION OF THE AUSTRALIAN WORKER

Each member of the Union shall be entitled to receive a copy of each issue of The Australian Worker newspaper which shall be sent upon receipt by the Worker Publisher of the Worker slip attached to each membership ticket duly filled in showing the full name, address and postcode of the member.

(N.B. - To ensure the continuous receipt of the paper, a new Worker slip must be sent annually. When notifying change of address a member shall forward the number of the current ticket and shall state the previous address, as well as the new one, in order to prevent mistakes arising between members of the same name).

92. MANAGEMENT OF PROPERTY

The Queensland Delegate Meeting and/or the Executive shall elect a Board of five, two of which shall be the Secretary and the President, for the purpose of management of property; all such management to be conducted in accordance with the Rules of the Union:



THE AUSTRALIAN WORKERS' UNION

General Secretary: M. Forshaw
Telephone: (02) 690 1022
Fax: (02) 690 1020

WORKING FOR AUSTRALIA

File No:

Reference No:

August 24, 1992

Mr. W.P. Ludwig,
Branch Secretary, AWU,
Box 88, GPO
BRISBANE QLD 4001

Dear Sir,

Enclosed is a signed copy of the S. 202 Agreement together with
correspondence to the Deputy Industrial Registrar, seeking registration of the
Agreement.

Yours faithfully,

MICHAEL FORSHAW
GENERAL SECRETARY

Encl.



THE AUSTRALIAN WORKERS' UNION

General Secretary: M. Forshaw
Telephone: (02) 690 1022
Fax: (02) 690 1020

File No.:

Reference No.:

August 24, 1992

Ms. Wilma Spence,
The Deputy Industrial Registrar,
80 William Street,
SYDNEY: 2000

Dear Ms. Spence,

RE: S. 202 AGREEMENT BETWEEN THE AUSTRALIAN WORKERS' UNION
AND THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES,
QUEENSLAND

Enclosed is an agreement that has been entered into between this Organisation and the Australian Workers' Union of Employees, Queensland, being a State registered Union in Queensland.

The Organisation's Rules (Rule 92) permit it to enter into such an agreement.

A resolution authorising the Organisation to enter into the Agreement was carried at the Executive Council Meeting on 5th June, 1992.

A further resolution endorsing the terms of the Agreement was carried by a postal vote of members of the Executive Council held between 23rd and 29th July, 1992.

Would you please register the Agreement pursuant to Section 202.

Yours faithfully,

MICHAEL FORSHAW
GENERAL SECRETARY

Encl.

INDUSTRIAL RELATIONS ACT 1988

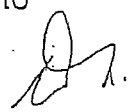
AGREEMENT BETWEEN ORGANISATION AND STATE REGISTERED UNION

The Australian Workers' Union (in this Agreement called "the Organisation") and the Australian Workers' Union of Employees, Queensland (In this Agreement called "the Union") **HEREBY AGREE** that the members of the Union who, under the Eligibility Rules of the Organisation, are not eligible to be members of the Organisation, are subject to the provisions set out in the Schedule, eligible to become such members.

SCHEDULE

1. Upon the execution of this Agreement, members of the Union who, under the Eligibility Rules of the Organisation are not eligible to be members of the Organisation (in this Agreement called "members of the Union"), shall forthwith become members of the Organisation without the need for members of the Union to make individual applications for membership of the Organisation.
 2. Members of the Union who have paid membership contributions to the Union in accordance with the Rules of the Union shall be deemed to have made such contributions to the Organisation.
 3. Members of the Union who satisfy and comply with the Rules of the Union as to financiality shall be deemed to be financial members of the Organisation without the need for any supplementary payment to be made to the Organisation.
 4. Financial members of the Union shall have all rights and privileges prescribed by the Rules of the Organisation. Without limiting the generality of the foregoing, such rights shall include :
 - (a) The right to nominate for and to hold office.
 - (b) The right to vote in elections.
 5. For the purpose of any time limits prescribed by the Rules of the Organisation in respect to the entitlement to nominate for office and the right to vote in elections, the period of financial membership of the Union shall be deemed to be financial membership of the Organisation.
-
6. Members of the Union shall have the right to attend all meetings of the Organisation and to vote at those meetings in accordance with the Rules of the Organisation.
 7. Subject to paragraph 5 herein, members of the Union shall be subject to the same duties and obligations as are prescribed by the Rules of the Organisation on members of the Organisation.

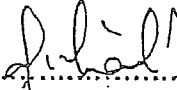

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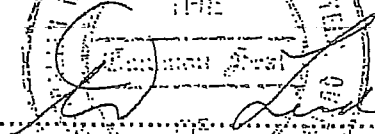
8. The provisions of the Rules of the Organisation shall apply equally to members of the Organisation and the Union, and without limiting the generality of the foregoing or being limited thereby, shall include persons elected or appointed as officers of the Union.

DATED this 29th day of July, 1992.

SIGNED AND SEALED on behalf of the Organisation in accordance with the Rules of the Organisation by:

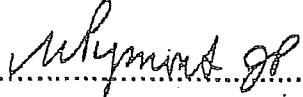


MICHAEL FORSHAW
GENERAL SECRETARY
THE AUSTRALIAN WORKERS
UNION

SIGNED AND SEALED on behalf of the Union in accordance with the Rules of the Union by:

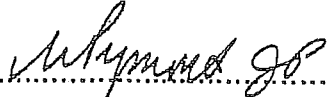


WILLIAM LUDWIG
SECRETARY
THE AUSTRALIAN WORKERS
UNION OF EMPLOYEES,
QUEENSLAND

in the presence of :


.....

in the presence of :


.....



AUSTRALIAN INDUSTRIAL REGISTRY

PRINCIPAL REGISTRY

Mr M Forshaw
General Secretary
The Australian Workers' Union
Box 1592 P.O.
Strawberry Hills NSW 2012

Dear Mr Forshaw,

Re: Registration of an agreement under section 202:
The Australian Workers' Union AND the Australian Workers' Union of
Employees, Queensland D No. 20007 of 1992

Further to Vice President Moore's decision of 15 October 1992 (Print K5016) in which he made a declaration in relation to the above agreement, the Industrial Registrar has caused to be entered in the register of organisations, particulars of that agreement under section 202(2)(c) of the Industrial Relations Act 1988 - the date of entry is 16 October 1992.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Vedrana Jerkic'.

Vedrana Jerkic
for INDUSTRIAL REGISTRAR

16 October 1992

Dec 1122/92 s Print K5016

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1988

s.202 agreement between registered organisation and state union

THE AUSTRALIAN WORKERS' UNION

and

THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND
(D 20007 of 1992)

VICE PRESIDENT MOORE
designated Presidential Member

BRISBANE, 15 October 1992

Registered agreement

DECISION

In relation to an agreement dated 14 October 1992 between the Australian Workers' Union ("the organisation") and the Australian Workers' Union of Employees, Queensland, I am satisfied, as provided in s.202(2A), that the agreement:

(a) is not contrary to any objects of the Industrial Relations Act 1988; and

(b) is entered into only for the purpose of overcoming any legal difficulty that may arise in connection with the participation or possible participation of ineligible State members in the administration of the organisation or in the conduct of its affairs.

I will publish reasons for this decision in due course.

BY THE COMMISSION:



Dec 14 1992 2:22:35 PM AEC:01.0

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1988

s.202 agreement between registered organisation and state union

The Australian Workers' Union

and

The Australian Workers' Union of Employees, Queensland

(D. No. 20067 of 1992)

VICE PRESIDENT MOORE

BRISBANE, 15 OCTOBER 1992

Designated Presidential Member

Industrial Unions' Elections s.202(2A) Industrial Relations Act 1988 parties

entered into agreement for the purpose of overcoming legal difficulties involved with State election - agreement approved - reasons to be issued.

DECISION

In relation to an agreement dated 14 October 1992 between the Australian Workers' Union ("the organisation") and the Australian Workers' Union of Employees, Queensland, I am satisfied, as provided in s.202(2A), that the agreement:

(a) is not contrary to any objects of the Industrial Relations Act 1988; and

(b) is entered into only for the purpose of overcoming any legal difficulty that may arise in connection with the participation or possible participation of ineligible State members in the administration of the organisation or in the conduct of its affairs.

I will publish reasons for this decision in due course.

** end of text **

* * END OF TEXT * *

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1988

s.202 application for registration of agreement

The Australian Workers' Union

and

The Australian Workers' Union of Employees, Queensland

(D. No. 20007 of 1992)

VICE PRESIDENT MOORE

SYDNEY, 4 NOVEMBER 1992

designated Presidential Member

Industrial unions - eligibility for membership - s.202 Industrial Relations Act 1988 - agreement enabled members of AWU(Q) to become members of AWU -
appearances - intervention - grant of intervention discretionary under s.43 -
only person directly affected by proceedings has right to intervene - R v
Grimshaw; Ex parte Australian Telephone and Phonogram Officers' Association
applied - ASU not directly affected as application to enrol only for purposes
internal to the organisation and not the representation of industrial interests
- intervention granted on a limited basis - ASU to address matters which
Commission must consider under s.202(2A) only - an attack on the validity of
the agreement must be by reference to the terms of the agreement - the
agreement must be contrary to the objects of the Act or concerns the purpose of
the agreement - satisfied agreement entered into only for the purpose referred
to in s.202(2A)(a)(b) - nothing in agreement to suggest it is contrary to the
objects of the Act - s.202(2A)(a) does not require consideration of the wider
issue of what consequences the making of the agreement might have and the use
to which it might be put - agreement granted.

REASONS FOR DECISION

These reasons concern agreements lodged under s.202(2) of the Industrial Relations Act 1988 (IR Act) between The Australian Workers' Union (AWU) and The Australian Workers' Union of Employees, Queensland (AWU(Q)). I formally dealt with the matter in a decision(1) dated 15 October 1992 in which I indicated I would publish my reasons in due course.

These reasons deal with both the matters required to be addressed by me under s.202(2A) and other issues that arose during my consideration of those matters. These reasons are, in part, prepared in response to a request by the Australian Municipal, Transport, Energy, Water, Ports, Community and Information Services Union (ASU).

On 28 August 1992 an agreement (the first agreement) between AWU and AWU(Q) was lodged in the New South Wales Registry. Shortly after its lodgement, a letter dated 28 August was received by my Associate from Geoffrey Edwards & Co., Solicitors for ASU asking that it be notified of the lodgement of any such agreement and requesting an opportunity to make submissions.

(1)Print K5016

DECISION - REGISTRATION OF AGREEMENT BETWEEN THE AUSTRALIAN
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After a file was prepared in relation to the agreement and its contents were initially considered by the Organisations Branch of the Registry, I assumed responsibility for the matter and listed it for mention on 25 September 1992 in Sydney (this was in lieu of a later date that had been earlier fixed). While the IR Act and regulations are silent as to the procedure to be followed by a designated Presidential Member in considering such matters, I decided I should conduct formal hearings as it then appeared the matter might be contested.

On 25 September counsel appeared for ASU and sought leave to intervene which was opposed. ASU explained that the existence of an agreement under s.202 is raised as a defence by AWU in proceedings brought by ASU in the Federal Court of Australia under s.262 of the IR Act. ASU will contend in the Court that any such agreement is invalid and wished to intervene to raise the same issue during the process I was then undertaking. The grounds upon which the agreement is said to be invalid is founded, as I understood the argument, upon a contention that AWU(Q) is not a body separate from AWU nor does AWU(Q) have a capacity to enrol person as members other than employees eligible for membership of AWU. I am aware from other proceedings (see Print K3795) that these issues are to be considered by the Court in the s.262 proceedings.

Further reasons were given by ASU in support of its intervention which related to the contest between ASU and AWU and AWU(Q) over the enrolment and representation of persons in the social welfare industry in Queensland and the impact of this contest, as was later made clear, on my consideration of the objects of the IR Act under s.202(2A)(a).

I deferred consideration of the question of intervention until the next hearing as I then believed that the first agreement, on its face, might not be one appropriate to be processed under s.202 and thus it might not have been necessary to hear any submission on any of the matters ASU was seeking to raise.

The matter was next heard on 7 October 1992. After further submissions made that day by AWU and AWU(Q), I considered that a number of the concerns I had earlier entertained about the character of the first agreement had been partly met. Accordingly it became necessary for me to address the question of the intervention of ASU. Further submissions were made by senior counsel appearing for ASU and I then indicated that I was not satisfied that ASU could intervene as of right, as has been contended by ASU, but that I would grant ASU leave to intervene to make submissions on whether I could be satisfied as to the matter identified in s.202(2A)(a) though I indicated it could not make submissions on the validity of the first agreement, on the basis earlier identified, as part of those submissions. I further indicated that I would pay regard to anything raised by ASU in those submissions which might bear upon my consideration of the purpose of the first agreement as that arises in s.202(2A)(b).

The grant of leave to intervene under s.43 involves the exercise of a discretion and no right to intervene can be asserted unless the person seeking to intervene is directly affected by the proceedings. This formulation, based on the notion of directly affected, emerged in the decision of the High Court

DECISION - REGISTRATION OF AGREEMENT BETWEEN THE AUSTRALIAN
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in R. v. Grimshaw; Ex parte Australian Telephone and Phonogram Officers' Association. (2) What the Court meant by the expression "directly affected" is apparent from its consideration of the circumstances which arose in those proceedings. The Australian Telephone and Phonogram Officers' Association (ATPOA) sought to intervene in an application by the Australian Postal and Telecommunications Union (APTU) to vary an award to include classifications in respect of which ATPOA had an interest and to intervene in an application by the Australian Postal Commission (Australia Post). The Court said: (3)

"Neither Australian Post's application nor that of the APTU involved the seeking or making of any order against the prosecutor. Orders made on those applications would not govern the employment of persons not eligible to be members of the APTU and the UPCT. And the prosecutor was entitled, as it did, to seek an award for its own members. True it is that the prosecutor may suffer the disadvantage that the respondent unions have a competitive advantage in recruiting members once they obtain an award governing the disputed job classifications, an advantage to which they are not entitled if the prosecutor's arguments be soundly based. But this disadvantage, it is conceded, does not generate a direct interest on the part of the prosecutor."

The approach adopted by the Court suggests a fairly strict approach can properly be adopted to the nature of the interest which enables intervention as of right. In the present case the relevant interest was identified by counsel for ASU in the following exchange on 25 September:

"HIS HONOUR: Well, the interest that is affected here is the creation of a defence to an application your client is making. Is that the way you put it?

MR ROTHMAN: No, your Honour. The interest that is affected here is the ability of the Australian Workers Union purportedly to enrol people that it is hitherto unable to enrol, who are eligible to be members of my organisation. The federal organisation, the Australian Workers Union, will rely on the registration of the section 202 agreement as giving the imprimatur of this commission to the notion that they can enrol people who are eligible for membership, or may be eligible for membership, under the rules as registered in the state jurisdiction of the Australian Workers Union of Employees, Queensland.

HIS HONOUR: So your client's interest relates to the creation of the capacity in the AWU - and I am really adopting your submission - to enrol people who currently are eligible for membership of your client?

MR ROTHMAN: That is right, your Honour.

HIS HONOUR: Yes, thank you."

Submissions to the same general effect were made by senior counsel for ASU on 7 October (see p.47 of transcript).

DECISION - REGISTRATION OF AGREEMENT BETWEEN THE AUSTRALIAN
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To the extent that ASU is relying on the use that its contents might be made of the agreement by AWU as involving "the imprimatur of the Commission" on enrolment by AWU in a contested area, that would be at best, in my view, a "competitive advantage" of the same character as described by the High Court in the passage I have just quoted. I should add that I do not accept, on the material put by ASU, that this is a likely result as the recruitment and representation in Queensland appears only to be by AWU(Q). My processing of the agreement will not alter the coverage of AWU(Q).

To the extent that ASU is relying on the legal effect of an agreement processed under s.202, it clearly affects the capacity of an organisation to enrol only for purposes internal to the organisation concerned and not for purposes related to the representation of industrial interests of the employees in question (see s.202(3)). Moreover if the legal contention of ASU (sought to be put in these proceedings and raised elsewhere) is correct that AWU(Q) is no more than a branch of AWU and has no capacity to enrol beyond the scope of the eligibility rules of AWU, then the agreements the subject of these proceedings will not even have the limited effect of permitting AWU to enrol persons in the contentious area. No direct interest therefore arose, on either approach to the legal effect of the agreement, which supported a claim that ASU is directly affected by the proceedings such as to sustain intervention as of right.

It is open to the Commission to grant intervention on a limited basis (see R. v. Ludeke Ex parte; Customs Officers' Association of Australia). (4) I did so in these proceedings because not only did ASU wish to address the matters I am required to address under s.202(2A) but it wished to do so, in part, by contesting the validity of the agreement itself on the basis that, as I earlier indicated, it contends AWU(Q) is not more than a branch of AWU and has no capacity to enrol members beyond that provided for in the eligibility rule of AWU. There is therefore neither a "State registered union" nor a class of "ineligible State members" as those expressions are defined in s.202(6). Thus, the argument runs, two elements necessary for the creation of an agreement of the type proper to be dealt with under s.202, are absent.

I granted intervention on a limited basis for two reasons. Firstly any submission to be made attacking the validity of the agreement, other than by reference to the terms of the agreement itself, does not appear to me to relate to whether the agreement is contrary to the objects to the Act or concerns the purpose of the agreement. The matters I am required to consider by s.202(2A) (a) and (b) proceed on the legislative assumption that there is an agreement of the type identified in s.202(1) which is required to be considered in the two respects identified in s.202(2A).

Secondly I am aware that the legal issues which found this contention that the agreement is invalid are to be decided by the Federal Court. (5) I was told that the validity of any agreement processed under s.202 would, on these grounds, be challenged in the s.262 proceedings (see transcript p.4) in which ~~the existence of such an agreement is raised as a defence by AWU.~~ In my view no real public benefit flows from permitting those arguments to be put to the Commission in this matter in circumstances where they cannot be authoritatively decided by the Commission, they are before a Court which will authoritatively

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decide them (including, it would seem, any consequential effect on the validity of the agreement) and where there is evidence that would, but for a challenge based on narrow legal grounds of the type sought to be maintained by ASU, provide a comfortable basis for concluding that there is both a "State registered union" and "ineligible State members" as those expressions appear in s.202(6) and where, on its face, the first agreement appears to conform with the statutory provisions in this respect. Nor could I see any real prejudice flowing to ASU if the resolution of these issues are left to the Court.

After the hearing on 7 October my Associate received a letter, dated 8 October, from the solicitors for ASU which said, in part:

"We refer to His Honour's decision in transcript of yesterday pertaining to our clients's Applications.

We would respectfully request His Honour's written reasons for:

1. His decision to limit the rights of intervention of
the ASU;

and

2. His declining to deal with the Application by the ASU pursuant to Section 111(1)(g).

We would further respectfully request that the provision of such written reasons prior to the further possible listing of this matter on Wednesday 14 October next in Sydney would be beneficial to all parties concerned."

I was not able to meet the request as to the time by which the reasons were to be given assuming it is appropriate for members of this Commission to meet all such requests even though they might relate to procedural or interlocutory decisions (see French J, *City of Wannaroo v. Holmes*). (6) I have already dealt with the first matter raised in the letter. The second involves, in my view, a misconception of what occurred on 7 October. The question of an application under s.111(1)(g) was raised by senior counsel for ASU before it had been given leave to intervene. It was initially raised in these terms:

"Your Honour, could I, besides those matters, indicate this to your Honour, which is a development from the last occasion, our instructions are also now that we wish to be applicants in these proceedings under section 111(1)(g), and in particular subsection (iii) and (iv), and to that extent - it is not really a question of intervention. It is a question of being an applicant and putting the arguments in support of those grounds, and it is fair to say that what I have already put is a fair description of the grounds that would be pursued by the ASU."
(transcript p.48)

A later reference to s.111(1)(g) was made by counsel for ASU in these terms:

"That is quite apart, of course, from being applicants, as we intend to be, under section 111(1)(g) in any event."

(6) (1986) 30 IR 362 at 376

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I then raised the appropriateness of this question being raised before the question of intervention was resolved. I adverted, in general terms, to a decision(7) of a Full Bench which I now quote:

"The next issue concerns the attempts by the objecting unions to have Deputy President Williams invoke the Commission's power under s.111(1)(g) to dismiss the matter or refrain from further hearing the proceedings (see s.111(2)). This issue has already been determined by another Full Bench (Print K0123) and what we say simply deals with the submissions on this issue advanced by the appellants. It is contended by the appellants that an application can be made by an organisation or person requesting that the Commission exercise those powers and such an application can be made irrespective of whether the organisation or person has been granted leave to intervene in the relevant proceedings or matter.

Clearly an organisation or person of the type referred to in s.33 can apply to the Commission in order to request it to exercise those powers and it would ordinarily not be necessary for such an organisation or person to seek leave to intervene as they would be parties to the proceedings already. However the objecting unions were not of the class referred to in s.33. Further no question could have arisen in the proceedings before Deputy President Williams as to the exercise of any right derived from reg. 134 to make an application under s.111(1)(g). The criteria by reference to which an application under that regulation may be made had no relevance to the matters being considered by Deputy President Williams. We should add that we doubt that reg. 134 gives an organisation or person a right to make an application in the absence of leave having been granted to intervene. Rather the right derived from the regulation is one that would oblige the Commission to grant leave under s.43 to intervene so as to permit the exercise of that right. However the relationship between reg. 134 (and regulation 134(2) in particular) and the IR Act (and s.43 in particular) is something we do not have to determine in this appeal.

In the present case we do not see how it was open to the objecting unions to make an application requesting the Commission to exercise powers under s.111(1)(g) in the matters concerning the amalgamation in the absence of the grant of leave to intervene or the grant of leave to intervene or the grant of leave to make submissions. It appears to us that unless a person or organisation is given a right to participate in the proceedings (either by the grant of leave under s.43 or, for present purposes, under s.251) they cannot ask the Commission to exercise any of its powers. It seems to us fundamental that an organisation or person must have a right of audience in proceedings in the Commission before it can seek to put submissions to the Commission that it should exercise its powers in a particular way. However it is not necessary for us to decide this issue on any general basis as it can be answered, in the context in which the issue arose before Deputy President Williams, for essentially the same reason as the first issue we considered."

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While the Full Bench expressly did not deal with the issue generally, its reasoning appears to me to lead to the conclusion, more generally, that applications, so styled, under s.111(1)(g) can only be made after intervention is granted.

When the issue of the exercise of powers under s.111(1)(g) was raised in the proceedings prior to intervention being granted, it was not completely clear whether counsel for ASU was purporting to make an application or was simply foreshadowing one. However the submission of ASU concluded on the basis that they had a right to make an application without intervention (see transcript p.51.2) or, as was put by senior counsel:

"We ask leave to intervene on whatever basis your Honour deems it appropriate to grant it, whether as of right or as a matter of discretion, and, as we say, we would then seek to pursue, in due course, an application under s.111(1)(g)."

I then indicated I was inclined to grant intervention but on a limited basis. After further submissions I did so (transcript p.73). At no stage thereafter did senior counsel for ASU raise any question about the exercise of powers under s.111(1)(g). Whether this was because ASU considered that the terms upon which intervention was granted precluded this, I do not know. What is clear is that the application foreshadowed in the extract from transcript I last quoted was never pursued nor was the question of whether the terms upon which intervention was granted precluded its pursuit. If any application was made under s.111(1)(g) prior to intervention, then ASU had, at that time, no right to make it. It made no further application nor purported to pursue any application earlier made after I granted leave to intervene. I do not, in those circumstances, see how it can be said I declined on 7 October to deal with "the Application by ASU pursuant to Section 111(1)(g)".

I now consider the issues that arise in the proceedings themselves. Until the 15 October they concerned only the first agreement. During the proceedings I made clear that I was concerned about the terms of the agreement which, on at least one construction, purported to make as members of AWU, all members of AWU(Q) who were not then members of AWU. However on 14 October I was given a draft agreement which I was told would be substituted for the first agreement. An executed version of the draft (the second agreement) was lodged in the Sydney Registry on 15 October 1992. It is that agreement that I dealt with in my decision(8) of 15 October 1992.

While the lengthy eligibility rules of both AWU and AWU(Q) overlap, AWU(Q)'s eligibility rule includes a range of additional classifications. Mr Ludwig, Secretary of AWU(Q) and Branch Secretary of the Queensland Branch of AWU attested to the fact that in 1991/1992 in Queensland, AWU(Q) is composed of 43,648 members of which 27,857 are eligible to be and are members of AWU. There are 15,773 members of AWU(Q) who are only eligible for membership of that body. He also attests to the fact that AWU(Q) was first registered under the Industrial Arbitration Act 1916 (Qld) in March 1917, was registered under the Industrial Conciliation and Arbitration Act 1961 (Qld) and that this registration continues by operation of the Industrial Relations Act 1990 (Qld).

DECISION - REGISTRATION OF AGREEMENT BETWEEN THE AUSTRALIAN
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The second agreement is clearly one (apart from any issue of the type sought to be raised by ASU) between AWU and a "State registered union" (as defined) to the effect that "ineligible State members" (as defined) are eligible to become members of AWU. Rule 92 of AWU's rules authorises the making of such an agreement.

As to the purpose of the second agreement, I was satisfied that it was entered into only for the purpose referred to in s.202(2A)(b). Section 202 has its genesis in a recommendation of the report of the Hancock Committee of Review into Australian Industrial Relations Law and Systems which flowed, at least in part, from a submission by AWU(Q).

Mr Ludwig detailed in his affidavit the problems experienced in Queensland by AWU and AWU(Q) in the administration of AWU which resulted from the differing membership. Not only does the agreement clearly address, as far as possible, those problems, but Mr Ludwig attests to the fact that the first agreement was entered into only for the purpose of overcoming those difficulties. Necessarily the second agreement, being a substitute for the first, was for the same purpose. Nothing in the material referred to by ASU in its written or oral submissions caused me to conclude there was any other purpose.

Apart from what was put by ASU, there is nothing to suggest that the second agreement itself is contrary to the objects of the Act. The contentions of ASU on this question were outlined by senior counsel on 7 October, contained in written submissions received on 14 October and contained in supplementary oral submissions made that day. Much of what was referred to by senior counsel on 7 October had, as their foundation, the legal issue about the status of AWU(Q). That is not a matter on which I granted ASU leave to make submissions. The remainder concerned the use that might be made of the agreement in a contest between ASU and AWU(Q) over membership in the social welfare industry in Queensland. Much of the written submission dealt with the history of that dispute including a s.111(1)(g) matter in this Commission which was heard over a period of four years and has been the subject of a reserved decision for over a year. The way in which the processing of the prior agreement (and necessarily the second) was, against that background, said by ASU to be contrary to the objects of the IR Act was particularised in the written submission as follows:

"Registration of the agreement is contrary to the public interest because:

- (a) it will exacerbate the misrepresentation of eligibility being perpetrated by the AWU;
- (b) it will inevitable lead to continued and intensified industrial disputation in the field and to further more complicated litigation;
- (c) it is contrary to the express recommendation/ expectation of the Full Bench of the Commission; and
- (d) the issue of true coverage is to be resolved shortly."

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I should indicate that the way s.202(2A)(a) is expressed, I would have thought that it requires only consideration of the agreement, including all its terms and the operation of those terms. The subsection speaks of "the agreement . . . (a) is not contrary to any objects of this Act". It does not, in terms, require consideration of the wider issue of what consequences the making of the agreement might have and the use to which it might be put (other than as provided for in the agreement itself) by reference to the objects of the Act. If this is the effect of s.202(2A)(a) then the submission of ASU I have so far referred to raise irrelevant considerations.

However, even if I approach the matter on a broader basis, I am not satisfied that the processing of the agreement would alter, whether by exacerbating or containing, the dispute between ASU and AWU(Q) in Queensland. I apprehend that it will continue unabated unless common sense and goodwill or a third party (whether a Court or industrial tribunal or peak union body or otherwise) prevails.

As to the suggestion that its processing might lead to further more complicated litigation, I can only say that I do not discern, as an object of the IR Act, that such litigation should not occur if it can properly be maintained under that Act. I do not see how the maintenance of litigation that is either expressly or by necessary implication provided for or permitted under the IR Act, such as an application under s.262, is contrary to its objects. Rather the IR Act establishes a range of mechanisms by which disputes (I use that expression in its broader sense) can be resolved conclusively by determination of either the Court or the Commission. I assume, of course, that the submission did not relate to litigation which was frivolous or vexatious or maintained unreasonably.

As to the submission concerning the Full Bench, of which I am a member, I do not recall any recommendation made or expectation expressed by it that should have prevented me processing this agreement. It is true that the maintenance of the status quo was adverted to by me at the hearing of the stay application in the appeal. However, that application for a stay order was not pursued by AWU because the respondents to the appeal, then the Australian Social Welfare Union, indicated it would not pursue the orders sought in the proceedings from which the appeal was brought until the appeal was heard to finality. Any question of the maintenance of the status quo as condition to the granting of a stay then ceased to have any practical relevance at least for the Full Bench.

ASU supplemented the written submissions at the hearing on 14 October. ASU submitted to the extent that the second agreement might permit an ineligible State member to be treated as having been a financial member of AWU prior to becoming a member, it is contrary to the objects of the Act. The second agreement provides:

"3. Members of the Union who satisfy and comply with the Rules of the Union as to financiality shall be deemed to be financial members of the Organisation without the need for any supplementary payment to be made to the Organisation."

The Union is AWU(Q) and the organisation AWU. Rule 93 of AWU's rules, which I can assume was regularly adopted by AWU, provides that ineligible State

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members (by implication upon admission to membership under an agreement processed under s.202) "shall have rights entitlements and privileges of membership in this Union as shall be provided in the terms of such agreement".

Given that this rule was adopted by AWU, its contents can appropriately be viewed as primarily a matter for the organisation itself. (9) I could see nothing oppressive about the combined effect of rule 93 and clause 3 of the Schedule to the agreement.

I took a similar view of the provision in subclause 1(c) of the Schedule which was criticised by ASU. It is true that, by operation of that provision, a person may become a member of AWU without being aware that this has occurred. However, subclause 1(c) operates only when an application for membership has been made by the member and not dealt with. I could see nothing oppressive about this provision particularly when the current annual membership ticket (which is treated, under the rules of AWU, as such an application) refers to membership of AWU which is described as a Federal Union and the Payroll Deduction Authority (which is also treated, under the rules of AWU, as such an application) draws a distinction between AWU(Q) and the Queensland Branch of AWU.

As to the criticism by ASU of the provision in clause 2 that would permit the secretary of AWU(Q) to make application on behalf of members of AWU(Q) to join AWU, I was informed that this would require alteration to the rules of AWU(Q). I could see no reason to treat this clause as contrary to the objects of the Act given that its operation is conditional upon the rule making body of AWU(Q) altering its rules. Any such alteration should be viewed as a matter for the union itself, (10) and, additionally, will be the subject of scrutiny under s.13.20 of the Industrial Relations Act 1990 (Qld).

The reason I gave the decision (11) on 15 October without publishing my reasons was that I was then satisfied that there was a need for the particulars to be expeditiously entered (given that that was the consequence of my decision) under s.202(2)(b) and the agreement to become effective because there were elections within AWU in train in respect of which the period for nominations was then shortly to close and the question whether the agreement was to operate was a significant matter in the conduct of those elections as I understood the position.

(9) see eg. Wright v. McLeod (1983) 74 FLR 147

(10) see eg. Wright v. McLeod (1983) 74 FLR 147

(11) Print K5016

** end of text **

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES,
QUEENSLAND 2009/10 OFFICE HOLDERS AND
EXECUTIVE**

PRESIDENT (Honorary)	Garry Ryan [REDACTED] [REDACTED]	Mr. Ryan currently holds no full time position with the Union, however remains President which is an honorary position.
VICE PRESIDENTS (Honorary) 3	Rod Stockham PO Box 1035 Townsville. 4810	Union Official
	Tom Jeffers GPO Box 13 BRISBANE. 4001	Union Official
	Marina Williams PO Box 10212 Adelaide St. Brisbane. 4000	Union Official
SECRETARY	William Ludwig GPO Box 88 Brisbane 4001	Union Official
CENTRAL DISTRICT		
CENTRAL DISTRICT SECRETARY	Keith Ballin PO Box 1057 Bundaberg. 4670	Union Official
EXECUTIVE MEMBER (Honorary)	Keith Ballin PO Box 1057 Bundaberg 4670	Union Official
ORGANISERS	Tony Beers PO Box 5097 Gladstone. 4680	Union Official
	Peter Ward PO Box 289 Rockhampton. 4700	Union Official
FAR NORTHERN DISTRICT		

FAR NORTHERN DISTRICT SECRETARY	Darryl Noack PO Box 854 Cairns. 4870	Union Official
EXECUTIVE MEMBER (Honorary)	Darryl Noack PO Box 854 Cairns. 4870	Union Official
ORGANISER	Fiona Henderson PO Box 854 Cairns. 4870	Union Official,
	Peter Gunsberger PO Box 738 Innisfail. 4860	Union Official
	Neale Johnston PO Box 854 Cairns. 4870	Union Official, commenced 24/8/09
	Sharon Winn PO Box 854 Cairns. 4870	Union Official
NORTHERN DISTRICT		
NORTHERN DISTRICT SECRETARY	Rodney Stockham PO Box 1035 Townsville. 4810	Union Official
EXECUTIVE MEMBER (Honorary)	Rodney Stockham PO Box 1035, Townsville. 4810	Union Official
ORGANISERS		
	Darryl Rankin PO Box 115 Mackay. 4740	Union Official
	Jerome Farnell PO Box 1035 Townsville 4810	Union Official
	Daryl Harrison PO Box 50 Mt Isa. 4825	Union Official
	Paul Robertson PO Box 115 Mackay. 4740	Union Official
	Lisa Harrison	Union Official

	PO Box 115, Mackay 4740 Robert Carson PO Box 50 Mt. Isa. 4825	Union Official
	Michelle Duggan PO Box 1035 Townsville. 4810	Union Official, commenced 1/7/09
SOUTHERN DISTRICT		
SOUTHERN DISTRICT SECRETARY	Tom Jeffers GPO Box 13 Brisbane. 4001	Union Official
EXECUTIVE MEMBER (Honorary)	Don Bulow C/- GPO Box 13 Brisbane. 4001	Concrete Labourer
ORGANISERS	Steve Baker GPO Box 13 Brisbane. 4001	Union Official
	Kevin Court GPO Box 13 Brisbane. 4001	Union Official
	Marie Duffy C/- GPO Box 13 Brisbane. 4001	Union Official
	Keith Goding GPO Box 13 Brisbane. 4001	Union Official
	Matt Sellars GPO Box 13 Brisbane. 4001	Union Official
	Bryan Lyndon GPO Box 13 Brisbane. 4001	Union Official
	Wayne Mills	Union Official

	GPO Box 13 Brisbane. 4001	
	Brenton Hill GPO Box 13 Brisbane. 4001	Union Official
	David Groessler GPO Box 13 Brisbane 4001	Union Official commenced in Southern District from Far Northern District on
SOUTH WESTERN DISTRICT		
SOUTH WESTERN DISTRICT SECRETARY	Tracey Sharpe PO Box 508 Toowoomba. 4350	Union Official
EXECUTIVE MEMBER (Honorary)	Tracey Sharpe PO Box 508 Toowoomba. 4350	Union Official
	Cathy Janetzki PO Box 508 Toowoomba 4350	Union Official
WESTERN DISTRICT		
WESTERN DISTRICT SECRETARY	Tim Sullivan PO Box 240 Longreach. 4730	Union Official
EXECUTIVE MEMBER (Honorary)	Tim Sullivan PO Box 240 Longreach. 4370	Union Official

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND
AND
THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH**

FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2010

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND
AND
THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH**

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**INDEPENDENT AUDIT REPORT TO THE MEMBERS OF
THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND
AND
THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH**

Scope

Report on the Financial Statements

We have audited the accompanying financial statements of The Australian Workers' Union Of Employees, Queensland and The Australian Workers' Union Queensland Branch ("Union"), which comprises the statement of financial position as at 30 June 2010, statement of comprehensive income, statement of changes in equity, statement of cash flows for the year ended on that date, accompanying notes to the financial statements, accounting officer's certificate and the Committee of Management's operating report and statement.

The Committee of Management's ("Committee") responsibility

The Committee of the Union is responsible for the preparation and fair presentation of the financial statements and has determined that the accounting policies used and described in Note 1 to the financial statements which form part of the financial statements are appropriate to meet the requirements of the *Industrial Relations Act 1999* ("Act"), and in respect of the Committee of Management's operating report, the *Fair Work (Registered Organisations) Act 2009* and appropriate to meet the needs of the members. This includes the responsibility for establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditors Responsibility

Our responsibility is to express an opinion on the financial statements to the members of the Union based on our audit. We performed procedures to assess whether in all material respects the financial statements present fairly, in accordance with the Act, Union's Rules and the accounting policies described in Note 1, so as to present a view which is consistent with our understanding of the Union's financial position, and of its performance as represented by the results of its operations and cash flows. These policies do not require the application of all Accounting Standards and other mandatory professional reporting requirements in Australia. No opinion is expressed as to whether the accounting policies used and described in Note 1 are appropriate to the needs of the members.

We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the committee of management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Independence

In conducting our audit, we have complied with the independence requirements of Australian professional ethical pronouncements.

Audit Opinion

In our opinion:

- (1) the financial statements of the Union are in accordance with the Act, including:
 - giving a true and fair view of the Union's financial position as at 30 June 2010 and of its performance for the year ended on that date in accordance with the accounting policies described in Note 1.
- (2) the Union has complied with the *Industrial Relations Act 1999*:
- (3) the Union has kept satisfactory accounting records for the financial year including records of:
 - (i) the sources and nature of the Union's income, including membership subscriptions and other income from members; and
 - (ii) the nature of and reasons for the Union's expenditure.
- (4) there was no deficiency, failure or shortcoming in any matters referred to in (1), (2) and (3) above.
- (5) all the information and explanations that officers or employees of the Union were required to provide have been provided.


MGI Assurance (Brisbane) Pty Ltd



A D Fraser
Registered Company Auditor

Brisbane

6 October 2010

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND
AND
THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH
COMMITTEE OF MANAGEMENT OPERATING REPORT AND STATEMENT
FOR THE YEAR ENDED 30 JUNE 2010**

(a) Operating Report

In accordance with section 254 of the Fair Work (Registered Organisations) Act 2009 ("Fair Work Act"), the Committee of Management presents its Operating Report on The Australian Workers' Union Of Employees, Queensland (including The Australian Workers' Union Queensland Branch) ("Union") for the year ended 30 June 2010.

Principal Activities

The principal activity of the Union was to act on behalf of members in respect of:

- employment terms and conditions;
- to secure improved conditions of employment for the members;
- to assist members in dispute resolution;
- to assist members who may become injured in the course of their employment;
- to assist dependants of members through financial benefits; and
- to assist members in unfair dismissal matters before the relevant tribunals.

Results

The loss for the financial year amounted to \$7,341 (2009: profit \$609,599). However, the result for the year was substantially affected by the write off the air chillers and lifts which had not been previously depreciated. The amount of these write was \$542,945.

Significant Changes

There were no significant changes in the nature of the Union's activities during the financial year.

Financial Affairs

There were no significant changes in the Union's financial affairs during the financial year.

Members Right to Resign

The right of AWU members to resign from the Branch is set out in Section 174 of the *Fair Work Act*.

Membership of Superannuation Scheme

There are no members or officials who hold the position of trustee or director of an entity, scheme or company as described in s.254 (2)(d) of the Fair Work Act, where a criterion of such entity is that the holder of such position must be a member or official of a registered organisation.

Number of Members

The number of persons that were, at the end of the financial year to which the report relates, recorded in the register of members for s.230 and who are taken to be members of the Branch under s.244 is 55,075 (2009: 55,964), which is made up of 33,091 (2009: 33,161) financial members and 21,984 (2009: 22,803) unfinancial members.

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND
AND
THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH
COMMITTEE OF MANAGEMENT OPERATING REPORT AND STATEMENT (CONTINUED)
FOR THE YEAR ENDED 30 JUNE 2010**

Number of Employees

The number of persons who were, at the end of the financial year to which the report relates, employees of the Branch, where the number of employees includes both full-time employees and part-time employees measured on a full-time equivalent basis is 74 (2009: 77).

Members of the Committee of Management

The name of each person who has been a member of the committee of management of the Branch at any time during the reporting period, and the period for which he or she held such a position is as follows:-

Name	Period
Donald Charles Bulow	2010 financial year
Darryl Neil Noack	2010 financial year
Francis James Chambers	1 July 2009 to 26 October 2009
Troy Anthony Spence	from 24 December 2009
Garry John Ryan	2010 financial year
Keith Lawrence Ballin	2010 financial year
Kilian Thomas Jeffers	2010 financial year
Marina Carolyn Williams	2010 financial year
Robert Harry Boscacci	2010 financial year
Rodney George Stockham	2010 financial year
Timothy Sullivan	2010 financial year
Tracey Ann Sharpe	2010 financial year
William Patrick Ludwig	2010 financial year
Benjamin Charles Swan	from 5 November 2009

Other Information

There is no other information that the Union considers relevant.

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND
AND
THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH
COMMITTEE OF MANAGEMENT OPERATING REPORT AND STATEMENT (CONTINUED)
FOR THE YEAR ENDED 30 JUNE 2010**

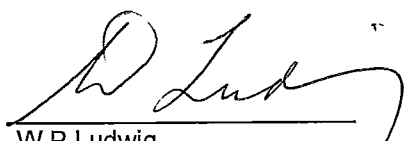
(b) Statement

In accordance with Section 555 of the Industrial Relations Act 1999, the Committee of Management Presents its certificate on the Union for the year ended 30 June 2010.

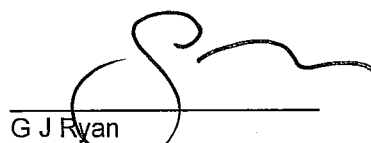
The Committee of Management of the Union declares that:

1. The financial statements and notes, as set out in pages 7 to 20, are in accordance with the *Industrial Relations Act 1999* and show a true and fair view of the financial affairs of the Union as at 30 June 2010.
2. In the Committee's opinion the Union was solvent for the whole financial year and there are reasonable grounds to believe that the Union will be able to pay its debts as and when they become due and payable.
3. From 1 July 2009 to the date of this report and in the Committee's opinion:
 - i. meetings of the committee of management were held in accordance with the rules of the Union; and
 - ii. the financial affairs of the Union have been managed in accordance with the rules of the Union.
4. To the knowledge of any Committee member there have been no instances during the financial year where records, rules or copies of these records or rules required by the *Industrial Relations Act 1999* or the rules to be provided to a member have not been so provided.
5. In respect of the financial statements for the year ended 30 June 2009 the Union has complied with sections 565 and 566 of the *Industrial Relations Act 1999* by presenting to an Annual General Meeting ("AGM") and providing to members the financial statements including auditor's report, of the Union. Members who did not attend the AGM were provided with the audited concise financial statements for the year ended 30 June 2009.

This declaration is made in accordance with a resolution of the Committee of Management.



W P Ludwig



G J Ryan

6 October 2010

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND
AND
THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH
ACCOUNTING OFFICER'S CERTIFICATE
FOR THE YEAR ENDED 30 JUNE 2010**

I, William Ludwig, being the Accounting Officer responsible for keeping the accounting records for The Australian Workers' Union Queensland Branch and The Australian Workers' Union Of Employees, Queensland ("Union" collectively), certify that as at 30 June 2010 the number of members of the Union was 55,075 (2009: 55,964), made up of 33,091 (2009: 33,161) financial members and 21,984 (2009: 22,803) unfinancial members.

In my opinion,

- (i) the attached financial statements show a true and fair view of the financial affairs of the Union as at 30 June 2010;
- (ii) a record has been kept of all moneys paid by, or collected from, members and all moneys so paid or collected have been credited to the bank account to which those moneys are to be credited, in accordance with the rules of the Union;
- (iii) before any expenditure was incurred by the Union, approval of the incurring of the expenditure was obtained in accordance with the rules of the Union;
- (iv) with regard to funds of the Union raised by compulsory levies or voluntary contributions from members, or funds other than the General Fund operated in accordance with the rules of the Union, no payments were made out of any such fund for a purpose other than the purpose for which the fund was operated, and if any such payment was so made, it was approved in accordance with the rules of the Union;
- (v) no loan or other financial benefit, other than remuneration in respect of their full-time employment with the Union, was granted to persons holding office in the Union; and
- (vi) the register of members of the Union was maintained in accordance with the *Industrial Relations Act 1999*.


W P Ludwig
Branch Secretary

6 October 2010

THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND
AND
THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH
STATEMENT OF COMPREHENSIVE INCOME
FOR THE YEAR ENDED 30 JUNE 2010

	Notes	2010 \$	2009 \$
Revenue	2	12,954,972	12,640,952
Employee benefit expenses	3	(6,165,534)	(5,673,073)
Depreciation and amortisation expenses	3	(277,868)	(290,010)
Finance costs	3	(105,335)	(80,671)
Other expenses	3	<u>(5,854,898)</u>	<u>(5,951,308)</u>
Profit before income tax	3	551,337	645,890
Income tax expense	1(d)	<u>-</u>	<u>-</u>
Profit before Disposal of Assets		<u>551,337</u>	<u>645,890</u>
Loss on Scrapping of Air Chiller & Lifts		542,945	-
Loss on Disposal of Other Assets		15,733	36,291
Profit/(Loss) for the Year attributable to members of the Union		<u>(7,341)</u>	<u>609,599</u>
Other Comprehensive Income		-	-
Other Comprehensive Income (net of income tax)		-	-
Total Comprehensive income (loss) for the year		<u>(7,341)</u>	<u>609,599</u>
Total Comprehensive income (loss) attributable to members of the Union		<u>(7,341)</u>	<u>609,599</u>

This statement should be read in conjunction with the notes to the financial statements.

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND
AND
THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH**

STATEMENT OF FINANCIAL POSITION

AS AT 30 JUNE 2010

	Notes	2010 \$	2009 \$
CURRENT ASSETS			
Cash and cash equivalents	4	633,344	1,057,573
Trade and other receivables	5	78,178	24,477
Other current assets	6	<u>564,914</u>	<u>518,656</u>
TOTAL CURRENT ASSETS		<u>1,276,436</u>	<u>1,600,706</u>
NON-CURRENT ASSETS			
Property, plant and equipment	7	<u>11,577,628</u>	<u>11,518,911</u>
TOTAL NON-CURRENT ASSETS		<u>11,577,628</u>	<u>11,518,911</u>
TOTAL ASSETS		<u>12,854,064</u>	<u>13,119,617</u>
CURRENT LIABILITIES			
Trade and other payables	8	1,101,871	1,199,389
Financial liabilities	9	145,460	321,512
Short term provisions	10	<u>2,427,695</u>	<u>2,407,139</u>
TOTAL CURRENT LIABILITIES		<u>3,675,026</u>	<u>3,928,040</u>
LONG-TERM NON CURRENT LIABILITIES			
Financial liabilities	9	<u>280,655</u>	<u>285,853</u>
TOTAL NON CURRENT LIABILITIES		<u>280,655</u>	<u>285,853</u>
TOTAL LIABILITIES		<u>3,955,681</u>	<u>4,213,893</u>
NET ASSETS		<u>8,898,383</u>	<u>8,905,724</u>
EQUITY			
Retained earnings		<u>8,898,383</u>	<u>8,905,724</u>

This statement should be read in conjunction with the notes to the financial statements.

THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND
AND
THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH
STATEMENT OF CHANGES IN EQUITY
FOR THE YEAR ENDED 30 JUNE 2010

	Retained Earnings \$	Total \$
Balance at 1 July 2008	8,296,125	8,296,125
Total Comprehensive Income	<u>609,599</u>	<u>609,599</u>
Balance at 30 June 2009	8,905,724	8,905,724
Total Comprehensive Income	<u>(7,341)</u>	<u>(7,341)</u>
Balance at 30 June 2010	<u>8,898,383</u>	<u>8,898,383</u>

This statement should be read in conjunction with the notes to the financial statements.

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND
AND
THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH
STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED 30 JUNE 2010**

	2010	2009
	\$	\$
Cash Flows from Operating Activities		
Membership Contributions	10,713,215	10,574,581
Interest Received	7,425	24,136
Rent Received	1,965,876	1,911,837
Other receipts	214,755	298,067
	<u>12,901,271</u>	<u>12,808,621</u>
Salaries and Allowances (including superannuation)	(4,364,107)	(5,448,395)
Interest and Costs of Finance Paid	(36,371)	(80,671)
Affiliation Fees	(232,266)	(213,697)
Payments to Head Office	(1,492,209)	(1,320,584)
Rental Property Expenses	(620,697)	(707,462)
Other Expenses	(5,483,337)	(3,826,074)
	<u>(12,229,082)</u>	<u>(11,296,883)</u>
Net Cash provided by Operating Activities	11(b) <u>672,284</u>	<u>1,211,738</u>
Cash Flows from Investing Activities		
Payments for Plant & Equipment	(1,004,317)	(695,000)
Proceeds from the sale of Property, Plant & Equipment	89,054	20,991
	<u>(915,263)</u>	<u>(674,009)</u>
Net Cash (used in)/provided by Investing Activities	<u>(915,263)</u>	<u>(674,009)</u>
Cash Flow from Financing Activities		
Repayment of Borrowings, Lease & Hire Purchases	(332,100)	(486,726)
Proceeds from borrowings, leases and hire purchase	150,850	-
	<u>(181,250)</u>	<u>(486,726)</u>
Net Cash used in Financing Activities	<u>(181,250)</u>	<u>(486,726)</u>
Net Increase (Decrease) in Cash Held	(424,229)	51,003
Cash at the Beginning of the Financial Year	1,057,573	1,006,570
Cash at the End of the Financial Year	11(a) <u><u>633,344</u></u>	<u><u>1,057,573</u></u>

This statement should be read in conjunction with the notes to the financial statements.

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND
AND
THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH**

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2010

NOTE 1 - STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

These financial statements are regarded as special purpose financial statements. The Union's executive has determined that the Union is not a reporting entity. Accordingly there is no requirement to apply accounting concepts or standards in the preparation and presentation of these financial statements. These statements have been prepared in order to satisfy the reporting obligations of the *Industrial Relations Act 1999*.

The following accounting standards have been applied in the preparation of these financial statements:

- AASB 101 Presentation of financial statements
- AASB 107 Statement of Cash Flows
- AASB 108 Accounting policies, changes in accounting estimates and errors
- AASB 110 Events after the reporting period
- AASB 118 Revenue
- AASB 1031 Materiality

No other Accounting Standards, Accounting Interpretations or other authoritative pronouncements of the Australian Accounting Standards Board have been applied.

Except for membership income which is recorded on a cash basis, these special purpose financial statements have otherwise been prepared on an accruals basis and is based on historical costs and does not take into account changing money values or, except where stated current valuations of non-current assets. Cost is based on the fair values of the consideration given in exchange for assets.

The following is a summary of the material accounting policies adopted by the Union in preparation of the financial statements. The accounting policies have been consistently applied, unless otherwise stated.

(a) Principles of Preparation

It has been past practice to present separate financial statements of The Australian Workers' Union of Employees, Queensland ("State Union") and The Australian Workers' Union, Queensland Branch ("Branch"). However one set of financial statements only is presented on the basis that:

- essentially all operations are conducted through the State Union; and
- the State Union owns all fixed assets and has accepted responsibility for all liabilities including those which are attributable to Branch eg officials long service leave entitlements. On this basis the financial statements represent the combined operations and combined financial position of the State Union and Branch, effectively operating through the State Union.

(b) Comparatives

Comparatives have been reclassified where appropriate in order to comply with the presentation adopted in the 2010 year.

(c) Property, Plant and Equipment

Each class of property, plant and equipment is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND
AND
THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH**

NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)

FOR THE YEAR ENDED 30 JUNE 2010

NOTE 1 - STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(c) Property, Plant and Equipment (Continued)

Property

Freehold land and buildings are stated at the Committee of Management's assessment of "fair value", being an amount which (perhaps substantially) is less than the amount which an asset could be exchanged between knowledgeable willing parties in an arm's length transaction. The property at 333 Adelaide Street was acquired by the Union on 10 January 1992. It was independently valued by a registered valuer in June 1994 at \$9M. In addition the Union owns a number of properties throughout Queensland. Accordingly the Committee considers that in aggregate these properties have a value well in excess of their carrying value of \$10.46M.

The revaluation of freehold land and buildings has not taken account of the capital gains tax on assets acquired after the introduction of capital gains tax as the Union is exempt from capital gains tax.

Plant and equipment

Plant and equipment is measured on the cost basis.

The carrying amount of plant and equipment is reviewed annually by the Committee to ensure it is not in excess of the recoverable amount from those assets. The recoverable amount is assessed on the basis of the expected net cash flows, which will be received from the assets employment and subsequent disposal. The expected net cash flows have not been discounted to present values in determining recoverable amounts.

Depreciation

The depreciable amount of all fixed assets excluding buildings and freehold land, is depreciated on a reducing balance method. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful lives of the improvements.

The depreciation rates used for each class of assets are:

Class of Fixed Asset	Depreciation Rate
Plant and equipment	5% - 40%
Other Assets	20%

Buildings are not depreciated, as there has been no determination of the separate components of land and buildings. However it is estimated that depreciation on buildings approximates \$80,000 per annum.

(d) Income Tax

The Union is exempt from income tax by virtue of s50-45 of the Income Tax Assessment Act 1997.

(e) Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, deposits held at-call with banks, other short-term highly liquid investments with original maturities of three months or less, but exclude monies held in Trust.

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND
AND
THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
FOR THE YEAR ENDED 30 JUNE 2010**

NOTE 1 - STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(f) Acquisition of Non Current Assets

The cost method of accounting is used for all acquisitions of assets regardless of whether shares or other assets are acquired. Cost is determined as the fair value of the assets given up at the date of acquisition plus costs incidental to the acquisition.

(g) Employee Entitlements

Provision has been made in the financial statements for employees' annual leave, long service leave and sick leave entitlements on the following basis:

Annual Leave and Sick Leave

Annual leave and sick leave have been provided for as the estimated accrued entitlements of all employees on the basis of each employee's terms of employment.

Long Service Leave

Provision for employee benefits in the form of long service leave has been made for the estimated accrued entitlements of employees. Official's long service leave and the clerical employees' long service leave entitlements begin to accrue after 5 years of service have been performed and are accrued on the basis of each employee's terms of employment.

(h) Leases and Hire Purchase

Leases

Leases of fixed assets where substantially all the risks and benefits incidental to the ownership of the assets, but not the legal ownership, are transferred to the Union are classified as finance leases. Finance leases are capitalised, recording an asset and liability equal to the present value of the minimum lease payments including any guaranteed residual values. Leased assets are amortised on a straight line basis over their estimated useful lives where it is likely that the Union will obtain ownership of the asset over the term of the lease. Lease payments are allocated between the reduction of the lease liability and the lease interest expense of the period.

Lease payments for operating leases, where substantially all of the risks and benefits remain with the lessor, are charged as expenses in the periods in which they are incurred.

Hire Purchase

Assets acquired by hire purchase ("HP") are capitalised and depreciated over the life of the asset. Similarly the amount funded by hire purchase is treated as a liability, with finance charges prepaid treated as an asset. These charges are then written off over the term of the HP contract on the basis of estimated interest applicable to each financial year.

(i) Investments

Non-current investments are measured on the cost basis. The carrying amount of investments is reviewed annually by directors to ensure it is not in excess of the recoverable amount of these investments. The recoverable amount is assessed from the quoted market value for shares in listed companies.

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND
AND
THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH
NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
FOR THE YEAR ENDED 30 JUNE 2010**

NOTE 1 - STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(j) Revenue

Revenue from membership contributions is recognised on a cash basis.

Interest revenue is recognised on a proportional basis taking into account the interest rates applicable to the financial assets.

Dividend revenue and other income is recognised when the right to receive a dividend or income has been established.

(k) Goods and services tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Tax Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the statement of financial position are shown inclusive of GST.

(l) Adoption of New and Revised Accounting Standards

During the current year, the Union has adopted all new and revised Australian Accounting Standards and Interpretations applicable to its operations which became mandatory.

The adoption of these Standards has impacted the recognition, measurement and disclosure of certain transactions. The following is an explanation of the impact the adoption of these Standards and Interpretations has had on the financial statements of the Union:

AASB 101: Presentation of Financial Statements

In September 2007, the Australian Accounting Standards Board revised AASB 101, and as a result there have been changes to the presentation and disclosure of certain information within the financial statements. Below is an overview of the key changes and the impact on the Union's financial statements.

Disclosure Impact

Terminology changes – The revised version of AASB 101 contains a number of terminology changes, including the amendments of the names of the primary financial statements.

Reporting changes in equity – The revised AASB 101 requires all changes in equity arising from transactions with owners in their capacity as owners to be presented separately from non-owner changes in equity. ~~Owner changes in equity are to be presented in the statement of changes in equity, with non-owner changes in equity presented in the statement of comprehensive income.~~ The previous version of AASB 101 required that owner changes in equity and other comprehensive income be presented in the statement of changes in equity.

Statement of comprehensive income – The revised AASB 101 requires all income and expenses to be presented in either one statement – the statement of comprehensive income, or two statements – a separate income statement and as statement of comprehensive income. The previous version of AASB 101 required only the presentation of a single statement.

THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND
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NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)

FOR THE YEAR ENDED 30 JUNE 2010

NOTE 1 - STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(l) Adoption of New and Revised Accounting Standards (Continued)

The Union's financial statements now contain a statement of comprehensive income. Other comprehensive income – The revised version of AASB 101 introduces the concept of 'other comprehensive income' which comprises of income and expense that are not recognised in profit or loss as required by other Australian Accounting Standards. Items of other comprehensive income are to be disclosed in the statement of comprehensive income. Entities are required to disclose the income tax relating to each component of other comprehensive income. The previous version of AASB 101 did not contain an equivalent concept.

(m) New Accounting Standards for Application in Future Periods

The AASB has issued new and amended Accounting Standards and Interpretations that have mandatory application dates for future reporting periods and which the Union has decided not to early adopt. A discussion of those future requirements and their impact on the Union is as follows:

- AASB 2009-4: Amendments to Australian Accounting Standards arising from the Annual Improvements Project [AASB 2 and AASB 138 and AASB Interpretations 9 & 16] (applicable for annual reporting periods commencing from 1 July 2009) and AASB 2009-5: Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project [AASB 5, 8, 101, 107, 117, 118, 136 & 139] (applicable for annual reporting periods commencing from 1 January 2010).

These Standards detail numerous non-urgent but necessary changes to Accounting Standards arising from the IASB's annual improvements project. No changes are expected to materially affect the Union.

- AASB 2009-12: Amendments to Australian Accounting Standards [AASBs 5, 8, 108, 110, 112, 119, 133, 137, 139, 1023 & 1031 and Interpretations 2, 4, 16, 1039 & 1052] (applicable for annual reporting periods commencing on or after 1 January 2011).

This Standard makes a number of editorial amendments to a range of Australian Accounting Standards and Interpretations, including amendments to reflect changes made to the text of IFRSs by the IASB. The amendments are not expected to impact the Union.

NOTE 2 – REVENUE FROM OPERATIONS

	2010 \$	2009 \$
(a) General Fund		
Interest Received	7,425	24,136
Membership Fees	10,713,215	10,574,581
Rental Income	2,019,577	1,744,168
Grants	165,913	124,426
Insurance Refunds	7,735	4,604
Sundry Income including arbitration	41,107	169,037
TOTAL REVENUE	12,954,972	12,640,952

**THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND
AND
THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH**

NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)

FOR THE YEAR ENDED 30 JUNE 2010

	2010	2009
	\$	\$
NOTE 3 – PROFIT BEFORE INCOME TAX EXPENSE		
Profit before income tax expense has been determined after the following expenses		
(a) General Fund		
Advertising, Printing & Stationery	201,092	217,890
Affiliation Fees	193,548	213,697
Transfer of Member Conts to AWU HO	1,176,652	1,119,400
Bereavement Grant fund	101,620	96,592
Special payments	213,937	201,184
Arbitration Expenses	312,281	251,292
Depreciation and amortisation	277,868	290,010
Delegates Expenses	48,582	33,018
Donations & Grants	105,335	376,171
Employee Entitlements – Annual Leave	21,186	45,841
Employee Entitlements – Long Service Leave	(58,858)	35,742
Employee Entitlements – Sick Leave	16,237	-
Fringe Benefits Tax	13,596	71,341
Interest Charges	36,371	80,671
Loss on disposal of assets	558,678	36,291
Meeting Expenses	209,267	571,993
Motor Vehicle Expenses	381,434	314,602
Other Expenses	1,409,038	982,660
Payroll Tax	301,737	163,909
Professional Service Fees	350,049	340,243
Property Expenses	620,697	707,462
Reps & Agents Commission and Expenses	10,729	13,829
Salaries and Wages – Elected Officials	1,991,941	1,556,714
Salaries and Wages – Other	2,803,749	2,691,031
Superannuation	1,381,720	1,332,040
Telephone and Facsimile	274,268	276,025
Work Cover	9,559	11,705
Total Operating Expenses	<u>12,962,313</u>	<u>12,031,353</u>

(b)

Loss on Air Chiller and Lifts	542,45	-
Loss on disposal of other assets	15,733	36,291

During the year, the Union replaces two of its three lifts in 333 Adelaide Street. The third lift will be replaced in the year ending 30 June 2011. The air conditioning chiller was also replaced during the 2010 financial year. Both the old air chiller and the two lifts were:

- Scrapped, and
- Determined to have a book value of \$542,945

NOTE 4 – CASH AND CASH EQUIVALENTS

Cash on Hand	5,777	5,777
Cash at Bank	627,567	1,051,796
	<u>633,344</u>	<u>1,057,573</u>

THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND
AND
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NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)

FOR THE YEAR ENDED 30 JUNE 2010

	2010 \$	2009 \$
NOTE 5 – TRADE AND OTHER RECEIVABLES		
Rental and other receivables	78,178	24,477
	<u>78,178</u>	<u>24,477</u>

NOTE 6 – OTHER CURRENT ASSETS

Prepayments	136,790	112,357
Special Funds- Trust	280,446	271,558
GST Paid	147,678	134,741
	<u>564,914</u>	<u>518,656</u>

**NOTE 7 (a) – PROPERTY, PLANT AND EQUIPMENT
(AT COST)**

Land & Buildings	10,457,717	9,921,759
Accumulated Depreciation	-	-
	<u>10,457,717</u>	<u>9,921,759</u>
Motor Vehicles	1,503,630	1,609,888
Accumulated Depreciation	(678,930)	(684,399)
	<u>824,700</u>	<u>925,489</u>
Furniture & Fittings	2,224,452	2,648,795
Accumulated Depreciation	(1,931,588)	(1,980,064)
	<u>292,864</u>	<u>668,731</u>
Other Assets		
Website	7,160	7,160
Accumulated Amortisation	(4,813)	(4,228)
	<u>2,347</u>	<u>2,932</u>
	<u>11,577,628</u>	<u>11,518,911</u>

(b) MOVEMENTS IN PROPERTY PLANT AND EQUIPMENT

	Land & Buildings	Motor Vehicles	Furniture & Fittings & Other Assets	Total
Balance at the beginning of year	9,921,759	1,609,888	2,655,955	14,187,602
Opening balance adjustments	-	(21,449)	(67,987)	(89,436)
Additions	751,669	214,861	37,787	1,004,317
Reallocation of Assets	347,234	-	(347,234)	-
Disposals	(562,945)	(299,670)	(46,909)	(909,524)
Closing cost balance	<u>10,457,717</u>	<u>1,503,630</u>	<u>2,231,612</u>	<u>14,192,959</u>
Opening accumulated depreciation	-	684,399	1,984,292	2,668,691
Adjustments	-	(21,449)	(67,987)	(89,436)
Depreciation expense	-	215,888	61,980	277,868
Disposals	-	(199,908)	(41,884)	(241,792)
Closing accumulated depreciation	<u>-</u>	<u>678,930</u>	<u>1,936,401</u>	<u>2,615,331</u>
Carrying amount at the end of year	<u>10,457,717</u>	<u>824,700</u>	<u>295,211</u>	<u>11,577,628</u>

THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND
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NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
FOR THE YEAR ENDED 30 JUNE 2010

2010
\$

2009
\$

NOTE 8 – TRADE AND OTHER PAYABLES

Trade Payables and Accruals	413,478	616,659
Monies held in trust	280,446	271,558
GST Collected	407,947	311,172
	<u>1,101,871</u>	<u>1,199,389</u>

NOTE 9 – FINANCIAL LIABILITIES

The Commonwealth Bank of Australia has provided finance facilities to:
Assist in the purchase of 333 Adelaide Street;
Assist in the Refurbishment of 333 Adelaide Street;
Assist in the purchase of a new computer and updated programs;
Assist in the purchase of units (now sold) and car parks at Spring Hill; and
Assist with working capital.

These advances have been in the form of a Bill Discount facility of \$Nil (2009: \$607,935), overdraft facility and Commonwealth Bank Investment Home Loan. All finance has been secured by a Registered First Mortgage over:
Land & Buildings at 333 Adelaide Street, Brisbane; and
The car parks at Spring Hill Gardens, Brisbane.

Commonwealth Bank of Australia		
Bank Loan	-	207,001
Investment Home Loan	254,471	313,084
Hire Purchase	171,644	87,280
	<u>426,115</u>	<u>607,365</u>
Current	145,460	321,512
Non-Current	280,655	285,853
Total Current and Non-Current	<u>426,115</u>	<u>607,365</u>

NOTE 10 – SHORT TERM PROVISIONS

Provision for Annual Leave	581,603	560,417
Provision for Long Service Leave - clerical	432,272	416,990
- officials	1,318,342	1,350,490
Provision for Sick Leave	95,478	79,242
	<u>2,427,695</u>	<u>2,407,139</u>

THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND
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NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)
FOR THE YEAR ENDED 30 JUNE 2010

2010
\$

2009
\$

NOTE 11 – CASH FLOW INFORMATION

(a) Reconciliation of Cash

For the purposes of the statement of cash flows, cash includes cash on hand, at banks and term deposits. Cash at the end of the financial year as shown in the statement of cash flows is reconciled to the related items in the statement of financial position as follows:

Cash on Hand	5,777	5,777
Cash at Bank	627,567	1,051,796
	<u>633,344</u>	<u>1,057,573</u>
Cash excludes Term Deposits held in Trust	<u>280,446</u>	<u>271,558</u>

(b) Reconciliation of Net Cash Provided by Operating Activities to Profit after Income Tax

Profit after income tax	<u>(7,341)</u>	<u>609,599</u>
Add/(Subtract) Non-Cash flows in profit		
Depreciation	278,868	290,010
Loss on disposal of property, plant & equipment	557,678	36,921
Donation – Building to AWHC	20,000	-
	<u>856,546</u>	<u>326,301</u>
Changes in Assets and Liabilities		
Receivables	(53,701)	167,669
Prepayments	(24,433)	(24,999)
Trade Payables & Accruals	(203,181)	64,797
Provisions	20,556	69,505
GST Paid	(12,937)	(8,698)
GST Collected	96,775	7,564
	<u>(176,921)</u>	<u>275,838</u>
Net Cash provided by Operating Activities	<u>672,284</u>	<u>1,211,738</u>

(c) Credit Stand by Arrangements with Banks

Credit Facility	220,000	226,500
Amount Utilised	-	-
	<u>220,000</u>	<u>226,500</u>

The major facility available to the Union is a bank overdraft facility with a limit of \$700,000. The facility is subject to annual review with interest payable monthly at the variable rate. The amount of facility unused as at 30 June 2010 is \$668,113.91

THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND
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NOTES TO THE FINANCIAL STATEMENTS (CONTINUED)

FOR THE YEAR ENDED 30 JUNE 2010

	2010 \$	2009 \$
NOTE 12 – COMMITMENTS AND CONTINGENT LIABILITIES		
(a) Commitments		
Capital		
Lifts	207,020	-
Leases		
(i) Finance Lease		
• Not longer than 1 year	68,744	54,196
• Greater than 1 year but not longer than 5 years	102,900	33,184
(ii) Operating Lease		
• Not longer than 1 year	92,154	84,994
• Greater than 1 year but not longer than 5 years	58,622	150,332
	<u>529,440</u>	<u>322,706</u>
Rental Receivable		
• Not longer than 1 year	1,552,843	1,514,759
• Greater than 1 year but not longer than 5 years	1,819,783	2,765,214
	<u>3,372,626</u>	<u>4,279,973</u>

(b) Contingent Liabilities

The Union provides assets as securities in support of any bank overdrafts of The Theodore Club Inc. As at balance date, these facilities were unused. In addition, the Union has contingent liabilities for autopay facilities of \$200,000 and direct debit facilities at the Commonwealth Bank.

(c) Other Commitments

NIL

NOTE 13 – UNION DETAILS

The principal place of business is:

333 Adelaide Street
Brisbane Qld 4000

NOTE 14 - INFORMATION TO BE PROVIDED TO MEMBERS OR REGISTRAR

In accordance with the requirements of the Industrial Relations Act 1999 the attention of members is drawn to the following provisions:

Industrial Relations Act 1999 – Section 556

Sub Section (1) A member of an organisation may apply to the organisation for information that it must, under a regulation, give its members.

Sub-Section (2) An application may be made by the registrar for a member.

Sub-Section (3) The organisation must give the member or, if the registrar applied for a member, the registrar, the information applied for in a way prescribed under a regulation.

**AUDITOR'S INDEPENDENCE DECLARATION TO THE COMMITTEE OF MANAGEMENT OF THE
AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND
AND
THE AUSTRALIAN WORKERS' UNION, QUEENSLAND BRANCH**

As lead auditor of the audit of the Australian Workers' union of employees, Queensland and the Australian Workers' Union Queensland Branch for the year ended 30 June 2010, I declare that to the best of my knowledge and belief, there have been:

- i. no contraventions of any applicable code of professional conduct in relation to the audit.

MGI Assurance (Brisbane) Pty Ltd



A D Fraser
Lead Auditor

Brisbane

6 October 2010



STRONGER TOGETHER

NEWSLETTER OF THE AUSTRALIAN WORKERS' UNION OF EMPLOYEES, QUEENSLAND

MEMBERS EQUITY BANK: LOOKING FOR LOW FEE, STRAIGHTFORWARD BANKING?

Everyone knows that if you're looking for low fee, straightforward banking products, Members Equity Bank (ME) is a great place to start. ME have built a reputation for providing working Australians with a fair deal and because of its history, it's easy to understand why.

In a positive and market leading step, ME Bank will increase home loan interest rates by only 0.25%, in line with the Reserve Bank's official increase in the cash.

This announcement ensures ME Bank continues to offer one of the best value for money home loans in the Australian market. This promotes ME Bank as a genuine banking alternative and highlights the value we provide to our members.

At 7.24% p.a. for members of Industry Super Funds, Unions with no application or ongoing monthly fees, our customers continue to enjoy the benefits of being a member.

ME also boasts the Members Equity MasterCard, a low fixed rate personal loan

and fee-free, high interest savings products plus term deposits.

Hundreds of AWU members are discovering the benefits of banking with ME. Make the most of your AWU membership and call 1300 309 374 or visit www.membersequitybank.com.au today.

BUY IT NOW WITH UNION SHOPPER!

Union Shopper members can now view super-hot deals with price tags to match. Buy It Now products are available for a strictly limited time, and are exclusive to members only. To discover a bargain visit: www.unionshopper.com.au/buyitnow

WIN BACK YOUR UNION FEES WITH UNION SHOPPER

Register your union membership and sign up for regular eNewsletters on Union Shopper's website or make a purchase with Union Shoppers' electrical or Motor Market services and you'll automatically be in the running.

Find out more at www.unionshopper.com.au/feesrefund

AWU FINANCIAL REPORT AVAILABLE ONLINE

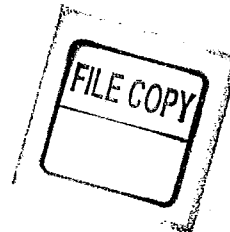
AWU members can access the financial report of the AWU for the year ending 30 June 2010 via the AWU webpage. Just go to www.awu.org.au

27 July 2010

Mr William Ludwig
Secretary, Queensland Branch
The Australian Workers' Union
Level 12, 333 Adelaide Street
BRISBANE QLD 4000



FAIR WORK
AUSTRALIA



Dear Mr Ludwig,

**Re: Lodgement of Financial Statements and Accounts – The Australian Workers' Union,
Queensland Branch – for year ending 30 June 2010 (FR2010/2682)**

The financial year of the Branch has recently ended. This is a courtesy letter to remind you of the obligation to prepare the reporting unit's financial documents and to lodge audited financial accounts and statements with Fair Work Australia within the prescribed time frame unless a 1 month extension or an application for a certificate of exemption under the *Fair Work (Registered Organisations) Act 2009* ('the RO Act') is applied for and granted.

The documents you must lodge include:

- (i) A *general purpose financial report* [see section 253(2)] including a separate Statement of Changes in Equity or its accepted equivalent; (ii) A *Committee of Management statement* (see the General Manager's Reporting Guidelines); (iii) An *operating report* [see section 254(2)]; (iv) An *auditor's report* [see sections 257(5) to 257(11)]; and (v) A *certificate* of the *secretary or other designated officer* signed after all the prescribed events have taken place [see section 268(c)].

I draw your particular attention to

- (a) s237 which requires you to prepare and lodge *a separate statement* providing the prescribed particulars of any loan, grant or donation made during the year which exceeds \$1,000;
- (b) s265(5) which requires you to publish or otherwise *provide your members with completed/signed copies* of the audited accounts, report and statements before final presentation and lodgment; and
- (c) s266 which requires you to *present the completed documents to an eligible meeting(s)* (either of the members or of the committee of management). Note that this meeting is distinct from any initial committee meeting convened to prepare, sign or otherwise approve pre-audited documents.

Relevant references may be found at <http://www.fwa.gov.au/index.cfm?pagename=regorgsfrguidelines> and <http://www.fwa.gov.au/index.cfm?pagename=legislationfwroact>. If you are in any doubt as to the requirements or anticipate any difficulty in complying with the requirements, do not hesitate to contact Fair Work Australia.

Yours sincerely,

Stephen Kellett

Statutory Services Branch