



**Australian Government**  
**Australian Industrial Registry**

Level 8, Terrace Towers  
80 William Street, East Sydney, NSW 2011  
Telephone: (02) 8374 6666  
Fax: (02) 9380 6990  
Email: sydney@air.gov.au

Mr Orm Thomas  
Ryan Carlisle Thomas  
Level 30  
80 Collins St  
MELBOURNE VIC 3000

Dear Mr Thomas

**Construction, Forestry, Mining and Energy Union**  
**Forestry, Furnishing, Manufacturing & Building Products Division**

*Workplace Relations Act 1996*

s.245 RAO Schedule - determination of reporting units (FR2008/512)  
s.246(1)(b) RAO Schedule - alterations of rules (R2008/338)

I refer to the above applications which were lodged in the Industrial Registry on 7 August 2008 on behalf of your client, the Forestry, Furnishing, Manufacturing and Building Products Division (FFPD) of the Construction, Forestry, Mining and Energy Union.

I also refer to an email from Ms Jane Calvert of the FFPD dated 22 August 2008 enclosing details of the notification of the application on the FFPD's website.

In accordance with the consent of the organisation advised in a letter dated 22 August 2008 from Mr Michael O'Connor of the FFPD, I have corrected the clerical or typographical errors in the proposed alterations.

I have also had regard to the other proposed rule alterations being sought pursuant to s159 of the RAO Schedule and in accordance with the request at paragraph 4(i) of the above application I have determined that the proposed alteration involving the insertion of a new Schedule 1 to the FFPD's rules is relevant to the certification of alternative reporting units.

I have decided to grant the application and certify the proposed rule alterations with the abovementioned corrections and addition of Schedule 1. My certificate is enclosed.

If you have any questions in relation to this matter please contact Barry Jenkins on (02) 8374 6504.

Yours sincerely



D.S. Williams  
Industrial Registrar

28 August 2008

*Workplace Relations Act 1996*  
s.245 RAO Schedule – determination of reporting units  
s.246(1)(b) RAO Schedule – alterations of rules

**Construction, Forestry, Mining and Energy Union**  
(FR2008/512)  
(R2008/338)

D.S. WILLIAMS  
INDUSTRIAL REGISTRAR

SYDNEY, 28 AUGUST 2008

**CERTIFICATE**

[1] On 7 August 2008, the Forestry, Furnishing, Building Products and Manufacturing Division of the abovementioned organisation lodged in the Industrial Registry an application under s246(1) of Schedule 1 of the *Workplace Relations Act 1996* for a certificate under s245, and an application under s246(1)(b) for such alterations to the rules of the organisation as are required to give effect to the establishment of the proposed reporting units to be certified. The particulars of alterations lodged were to rules 13, 14, 15, 31, 32, 34, 38, 39, and new rule 15A and new Schedule 1.

[2] I am satisfied, pursuant to s246(2), that the application under s246(1) is in accordance with the regulations, and that the level of financial information that would be available to members under the proposed division into reporting units would be adequate and would be relevant to them.

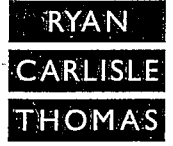
[3] I am further satisfied that the alterations comply with and are not contrary to the Workplace Relations Act, Schedule 1, awards and collective agreements, are not otherwise contrary to law, and have been made under the rules of the organisation. Accordingly, I certify, under subsection 246(2) of Schedule 1 of the Act, the aforesaid alterations, and I further certify that the organisation is, for the purpose of compliance with Part 3 of Schedule 1 of the Act, to be divided into reporting units on an alternative basis.



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IN ASSOCIATION WITH STRINGER CLARK LAWYERS



LAWYERS

Australian Industrial Registrar  
Level 8, Terrace Towers  
80 William Street  
EAST SYDNEY NSW 2011

YOUR REF:  
OUR REF: OT:EF:208/0399  
25 August 2008

Attention: Barry Jenkins

Dear Mr Jenkins,

**Construction Forestry Mining & Energy Union Alterations to Rules  
(R2008/313, FR2008/512)**

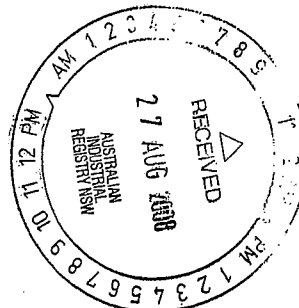
We refer to your letter of 21 August 2008.

We are instructed to consent on behalf of our clients to the clerical and typographically errors being amended pursuant to the legislation.

Yours faithfully,

Orm Thomas  
**RYAN CARLISLE THOMAS**

Direct Line: 9240 1435  
Direct Fax: 9240 1449  
Email: orm.thomas@rct-law.com.au



RONALD PEARCE  
SIMON GUTHRIE  
ANGELA SDRINIS  
JOHN KOTSIFAS  
PHILIP GARDNER  
RICHARD DERKS  
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FRANKSTON  
PAKENHAM  
BAYSWATER  
MELTON  
WERRIBEE  
GEELONG  
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HAMILTON  
HORSHAM  
ARARAT  
COLAC

Associate Firms in:  
SYDNEY  
BRISBANE  
ADELAIDE  
PERTH  
CANBERRA  
HOBART





CONSTRUCTION  
FORESTRY  
MINING  
ENERGY  
UNION

FORESTRY &  
FURNISHING  
PRODUCTS  
DIVISION

National Office  
148 - 152 Miller Street  
WEST MELBOURNE  
VICTORIA 3003

PH: (03) 9274 9215  
FAX: (03) 9274 9284  
Email: [Info@cfmeuforestry.org](mailto:Info@cfmeuforestry.org)

ABN 91 691 430 210

22<sup>nd</sup> August 2008

Barry Jenkins  
Deputy Industrial Registrar  
AIR  
Sent by email: [barry.jenkins@air.gov.au](mailto:barry.jenkins@air.gov.au)



Dear Mr Jenkins,

**Re: Construction Forestry Mining & Energy Union  
Alterations to Rules (R2008/313, FR2008/512)**

We agree to your proposed amendments as outlined in the attached  
correspondence to Orm Thomas dated 21<sup>st</sup> August 2008.

Sincerely

Michael O'Connor  
Divisional Secretary  
CFMEU FFPD



**Australian Government**

**Australian Industrial Registry**

Level 8, Terrace Towers  
80 William Street, East Sydney, NSW 2011  
Telephone: (02) 8374 8868  
Fax: (02) 9380 6990

Mr Orm Thomas  
Ryan Carlisle Thomas, Lawyers  
Level 30, 80 Collins Street  
MELBOURNE VIC 3000

Dear Mr Thomas

**Re: Construction Forestry Mining & Energy Union  
Alterations to Rules (R2008/313, FR2008/512)**

I refer to the applications under s159 and s246 of the RAO Schedule enclosing particulars of alterations to the Rules of the FFPD Division of the CFMEU, which were lodged on 7 August 2008.

I have identified several clerical or typographical errors which I set out in the Attachment to this letter, and accordingly seek the Division's consent to amend the respective alterations for the purpose of correcting typographical, clerical or formal errors.

Please advise the Division's consent or otherwise in writing as soon as possible.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Barry Jenkins'.

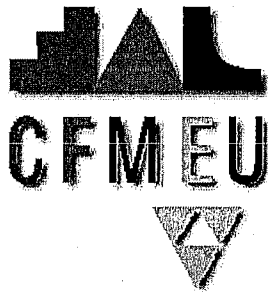
Barry Jenkins  
Deputy Industrial Registrar

21 August 2008

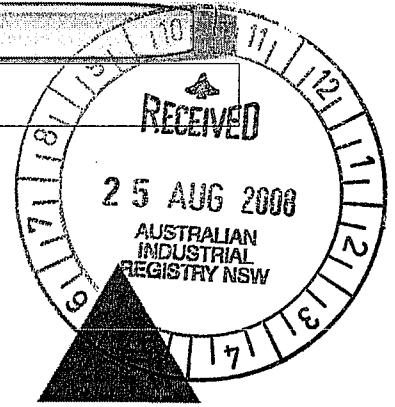
**ATTACHMENT - TYPOGRAPHICAL OR CLERICAL ERRORS**

<b>Rule</b>	<b>Error</b>
8(v)	particulars duplicated: two paragraphs (v) – one should be deleted
9(i)(b)	“Principal Officers” should be “Principal Officer and the National Officers”
9(v)	“an” occurring immediately before “completed in second sentence should be “and”
15(v)	occurrence of “financial members” and “financial member” in second sentence and “financial members” in third sentence should be simply “members”, “member” and “members” respectively [consistent with subrule 15(iv)]
15A(iii)	“than” should be inserted before “5%” and “member” should be “members” in both places where it occurs
15A(vi)	“of” should be inserted before “the No 1 Branch”
21	“sign” should be “signed”
22(3)(a)	“Division Secretary” should be “Divisional Secretary” wherever it occurs.
22(3)(b)	“Division Secretary” should be “Divisional Secretary” wherever it occurs.
33(ii)	“be” should be inserted between “to” and “filled” where it first occurs
35(d)	the words “of the” should be deleted
44(c)(v)	the word “position” should be “positions”
44(d)(v)	“Branch” should possibly be inserted before “Management Committee”
44(d)(vii)	“Branch” should possibly be inserted before “Management Committee”
57(17)(c) and (d)	should be numbered 57(17)(a) and (b)
58(xiii)	“know” should be “known”
Schedule 1	“Fund” should be inserted after “PPW Maryvale Sub Branch”

# National Office Update



CONSTRUCTION  
FORESTRY  
MINING  
ENERGY  
UNION



Forestry and  
Furnishing Products Division

## Rule Changes

**'In accordance with Regulation 126 of the RAO Schedule, the following Rule amendments have been lodged with the Australian Industrial Registry'**

August 2008 - Amended Divisional Rules as requested by the National Office

9th August 2005 - Amended Divisional Rules as requested by the Pulp & Paper Workers' Branch

10th June 2005 - Endorsed Rule changes

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## **NOTICE**

**August 2008**

Notice in accordance with the Workplace Relations Act 1996, Workplace Relations (Registration & Accountability of Organisations) Regulations 2003 Regulation 153(2)

The Division has lodged an application with the Australian Industrial Registrars' Office for the Division to be divided into Reporting Units on an Alternative basis.

The application seeks approval for the Division to have two reporting units, The No 2 Branch (the Victorian FFTS Branch) on behalf of all members of the Division resident in Victoria eligible pursuant to sub-rule 2(F) of Rule 2 of the Rules of the Union, and the Division on behalf of all other members of the Division.





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Mr Orm Thomas  
Ryan Carlisle Thomas, Lawyers  
Level 30, 80 Collins Street  
MELBOURNE VIC 3000

Dear Mr Thomas

**Re: Construction Forestry Mining & Energy Union  
Alterations to Rules (R2008/313, FR2008/512)**

I refer to the applications under s159 and s246 of the RAO Schedule enclosing particulars of alterations to the Rules of the FFPD Division of the CFMEU, which were lodged on 7 August 2008.

I have identified several clerical or typographical errors which I set out in the Attachment to this letter, and accordingly seek the Division's consent to amend the respective alterations for the purpose of correcting typographical, clerical or formal errors.

Please advise the Division's consent or otherwise in writing as soon as possible.

Yours sincerely

A handwritten signature in cursive script that reads "Barry Jenkins".

Barry Jenkins  
Deputy Industrial Registrar

21 August 2008

### ATTACHMENT - TYPOGRAPHICAL OR CLERICAL ERRORS

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IN ASSOCIATION WITH STRINGER CLARK LAWYERS



**RYAN  
CARLISLE  
THOMAS**

LAWYERS

Australian Industrial Registrar  
Level 8, Terrace Towers  
80 William Street  
EAST SYDNEY NSW 2011

YOUR REF:  
OUR REF: OT:EF:208/0399  
5 August 2008

Attention: Barry Jenkins  
Lodged at the Melbourne Office of the Australian Industrial Registrar


Dear Registrar,

**Application for a Certificate to be divided into Reporting Units on alternative basis Regulation 153**

We act on behalf of the Forestry, Furnishing, Building Products and Manufacturing Division of the CFMEU and lodge herewith the following documents:

1. Application for a Certificate to be divided into Reporting Units on an alternative basis pursuant to Regulation 153.
2. Accompanying Declaration and attachments.
3. Copies thereof.

Yours faithfully,

  
Orm Thomas  
**RYAN CARLISLE THOMAS**

Direct Line: 9240 1435  
Direct Fax: 9240 1449  
Email: orm.thomas@rct-law.com.au

Enc.



RONALD PEARCE  
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CANBERRA  
HOBART



**WORKPLACE RELATIONS ACT 1996**  
Workplace Relations Act 1996, Schedule 1 s. 246  
Regulation 153

APPLICATION FOR A CERTIFICATE TO BE DIVIDED INTO REPORTING UNITS ON AN  
ALTERNATIVE BASIS

Schedule 1 – Registration and Accountability of Organisations (RAO) S. 246

1. I am the Divisional Secretary of the Construction, Forestry, Mining and Energy Union, Forestry, Furnishing, Building Products and Manufacturing Division ("FFPD") and the Officer authorised in accordance with the Rules of the Division to make this application.
  
2. I hereby apply for a Certificate pursuant to s. 245 stating that the FFPD is, for the purpose of compliance with the RAO part 3, to be divided into reporting units on the following basis:

That there shall be two reporting units for the members of the FFPD being the Division in relation to the financial affairs of the Division, the No. 1 Branch, its Districts and the PPW sub districts, and the No. 2 Branch on behalf of the members of the No. 2 Branch.

3. The FFPD has the following existing reporting units:

**Divisional Branches/Reporting Units**

New South Wales Branch

Victorian Branch

South Australian Branch

Western Australian Branch

Tasmanian Branch

The Pulp and Paper Workers Branch

FFTS Queensland Branch

Victorian FFTS Branch

and

**Pulp and Paper Workers Branch Sub Branches**

Maryvale

Melbourne

Millicent

Nowra

Sydney

Tasmania

4. A proposed alternative division is sought for the following reasons:
- (a) The FFPD is presently divided for reporting purposes into fourteen reporting Units. Most of the reporting units have small number of members, limited financial affairs, few or no employed staff and limited resources.
  - (b) As a consequence of the many reporting units considerable administrative difficulties have been experienced in complying with the requirements of the RAO. As a consequence officers, employees and the various administrative resources of the Divisional Office have been extensively used to enable these requirements to be met.
  - (c) A large number of reporting units and the need for assistance from the Divisional office has resulted in inefficiencies including delays and duplication of activities.
  - (d) The large number of reporting units has required a large number of separate accounts and signatories to those accounts by honorary officials, as a consequence it has been difficult to meet the needs of the Division to respond promptly and efficiently to the financial demands upon it and for the Divisional Office to maintain a sufficient level of control over the activities of the Division.

- (e) It proposed that the FFPD be substantially restructured. The restructure will lead to the reduction of the number of Branches to two. It is proposed in relation to the restructure that one Branch referred to in the proposed Rules as the No. 1 Branch will not have funds and the funds of that Branch will be consolidated into the Divisional Fund and managed and administered by the Divisional Office. A copy of the proposed Rules relating to the restructure is attached to this application.
- (f) The Divisional Executive and the Management Committees of the existing reporting units have formed the view that the proposed alternative division would greatly increase the efficiency both administratively and financially of the Organisation and assist in providing prompt and accurate responses to the requirements of the RAO.
- (g) It is proposed that the documentation required by the RAO to be presented to membership shall be directly mailed to each member of the FFPD at the members home address in the form of a news letter. The documents will also be published on the Divisional website the address of which will be contained in the news letter mailed to each member.
- (h) The proposed Rules provide for a petition in accordance with ss. 266 (3) of the RAO and for the General Meeting referred to therein to be conducted as a series of meetings at different locations in accordance with ss. 266 (2), those locations to be in the areas provided for in the Rules for each of the Districts and PPW sub branches of the No. 1 Branch and the locality of the No. 2 Branch.
- (i) The proposed Rules represent amendments to the current Rules of the Division made in accordance with Rule 16 of the current Divisional Rules. The Proposed Rules will be lodged with the Industrial Registrar for the purposes of this application and to give effect in other respects to the restructure and to making improvements to the Rules generally.

It is my view the following proposed Rules are relevant to this application:

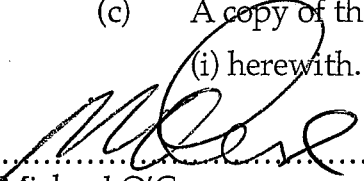
Rules 13,14, 15, 15A, 31, 32, 34, 38, and 39. In this Application I seek certification of the specific Rules enumerated above and of any other of the proposed Rules which are required by Registrar to be altered to give effect to the establishment of the proposed reporting units pursuant to s.246(1)(b).

5. This application is accompanied by the following:

(a) My Statutory Declaration.

(b) Copies of Resolutions of the respective Committees of Management of each of the existing reporting units of the FFPD and of each Branch affected by the proposed division.

(c) A copy of the proposed Rules including those Rules enumerated in paragraph 4 (i) herewith.

  
.....  
Michael O'Connor  
Divisional Secretary  
CFMEU  
Forestry, Furnishing, Building Products and Manufacturing Division

DATED: 5<sup>th</sup> August 2008

**DECLARATION  
WORKPLACE RELATIONS ACT 1996**

Schedule 1 – Registration and Accountability of Organisations (RAO)

S. 246 RAO Regulation 153

I MICHAEL O'CONNOR of 148 – 152 Miller Street West Melbourne Victoria 3003 solemnly and sincerely declare as follows:

1. I am the Divisional Secretary of the CFMEU Forestry Furnishing, Building Products and Manufacturing Division (FFPD) the officer authorised by the Rules of the Division to make this declaration.
2. I refer to my application pursuant to s. 246 RAO and Regulation 153 which accompanies this Declaration the contents of which are true and correct.
3. Attached to the application and marked with the letter "A" is a copy of Resolutions in favour of the proposed division made by the Divisional Executive and by the respective Committees of Management of the FFPD and each Divisional Branch/Reporting Unit affected by the proposed division.
4. Attached to the application and marked with the letter "C" is a copy of Rules of the FFPD as amended by the Divisional Executive and submitted to the Australian Industrial Registry for certification pursuant to s. 159 of the RAO. In my view the following Rules so amended are relevant to this Application:

Rules 13,14, 15, 15A, 31, 32, 34, 38, and 39.

I therefore seek in this application certification pursuant to ss. 246 (1)(b) of the RAO of the Rules enumerated above and of any other of the proposed Rules attached to this application which the Registrar may require to give effect to the establishment of the proposed reporting units.



To the best of my knowledge and belief the contents of this declaration are true and correct.

DECLARED at *MELBOURNE*  
in the State of Victoria this *5<sup>th</sup>* )  
day of *August* 2008 )



BEFORE ME:  .....

ORMOND THOMAS  
RYAN CARLISLE THOMAS  
80 Collins Street, Melbourne 3000  
an Australian Legal Practitioner  
(within the meaning of the  
*Legal Profession Act 2004*)

**MINUTES**

Minutes of the FFPD Divisional Executive Meeting  
held on Tuesday, 5 August 2008  
by teleconference  
commencing at 9.00am

**Members in Attendance:** Jane Calvert (President).  
Michael O'Connor (National Secretary), Brad Coates, Dave Kirner, Scott McLean, Alex Millar, Ken Miller, Leo Skourdoumbis, Craig Smith, Frank Vari.  
**Minutes:** Jane Calvert

1. **Apologies:** Vincent Breen
2. **FFPD Divisional Rules**

The National Secretary reported that all Committees of Management and PPW Sub-Branches had passed the appropriate resolutions.

**RESOLUTION**

The Divisional Executive resolved:

1. That all of the Divisions Rules be rescinded and that all of the Rules and sub-rules contained in the document entitled "2008 Rule Changes" be made.
2. That the Divisional Secretary make application to the Australian Industrial Register for a Certificate for the Division to be divided into reporting units on an alternative basis as set in the draft Application and draft Statutory Declaration attached to these Resolutions.

**MOVED:** Leo Skourdoumbis

**SECONDED:** Michael O'Connor **CARRIED Unanimously**

Ken Miller commented on the assistance needed in NSW and the National Secretary confirmed that this issue would be included on the agenda for the next FFPD Executive meeting.

The National Secretary commended the effort of all officers in ensuring timely progress of these rule change resolutions without compromising proper process. He hoped that the goodwill that has been shown continues as we implement the changes.

**Close:** The meeting closed at 9.15am

**Next Meeting:** Wednesday, 13 August 2008

**FFPD Divisional Executive Dates 2008**

- Tuesday, 21 October
- Tuesday, 2 December

**Minutes of the Committee of Management Meeting of the  
Construction Forestry Mining & Energy Union, Forestry, Furnishing, Building Products  
and Manufacturing Division, NSW Divisional Branch  
(CFMEU FFPD Division NSW Branch)**

Held on  
Wednesday 23 July 2008

Venue  
CFMEU C&G National Office  
Level 11 Meeting Room  
276 Pitt Street, Sydney

<b><u>Present:</u></b>	Bevan Anderson Bruce Campbell Craig Smith Gerald Tory Eileen (Maria) Anderson Sala Taalili Barry Barrakett Kenneth (Dusty) Miller Anthony (Tony) Ovington Ernest Skennerton Peter Harvey Andrew Conway Michael O'Connor	President (Honorary) (Chair) Snr Vice President Secretary Trustee Trustee Trustee Trustee Trustee Trustee Committee Member Committee Member Committee Member Committee Member Ex Officio Member
<b><u>Apologies:</u></b>	Jayne Willett Ronnie Watson Michael Hurst Cheryl Hampton Michael Schuppan Ray Houncell Des West	Jnr Vice President (AA) Jnr Vice President Committee Member Committee Member Committee Member Committee Member Committee Member
<b><u>Absent:</u></b>	Nil	
<b><u>Observer's:</u></b>	Phil Davies Arturo (Bluey) Menon Gavin Playford	Sydney Metropolitan Organiser North Coast NSW Organiser Furniture & Furnishing Sector & Central West Organiser

**Motion:** *That the CFMEU FFPD NSW Branch Committee of Management notes the following documentation received from the Divisional Secretary;*

1. *Draft proposed Rules for the restructure of the Division (2008 Rule changes)*
2. *an application for a Certificate for the Division to be divided into reporting units on an alternative basis; and*
3. *a draft Statutory Declaration by the Divisional Secretary in support of that Application.*

*And resolves as follows:*

1. *That the 2008 Rule changes be supported and endorsed; and*
2. *that the application be supported and endorsed on the basis as set out in the accompanying Statutory Declaration and in the Application.*

**Moved:** Ernest Skennerton  
**CARRIED (unanimously)**

**Seconded:** Barry Barrakett

**Meeting adjourned at 12.50pm for the 45 minute lunch break**

**Meeting reconvened at 1.40pm**

DLD  
4/8

RESOLUTION OF EACH DIVISIONAL BRANCH MANAGEMENT COMMITTEE AND  
OF THE MANAGEMENT COMMITTEES OF THE PULP AND PAPER WORKERS SUB  
BRANCHES

MANAGEMENT COMMITTEE NOTES the following documentation received from the  
Divisional Secretary:

1. Draft proposed Rules for the restructure of the Division (2008 Rule changes);
2. an Application for a Certificate for the Division to be divided into reporting units on  
an alternative basis; and
3. a draft Statutory Declaration by the Divisional Secretary in support of that Application.

AND RESOLVES AS FOLLOWS:

1. That the 2008 Rule changes be supported and endorsed; and
2. that the Application be supported and endorsed on the basis as set out in the  
accompanying Statutory Declaration and in the Application.

MOVED: STEPHEN WILLIAMS

SECONDED: ROD BLACK

CARRIED

**MINUTES****CFMEU F&FP DIVISION  
TASMANIAN BRANCH  
BRANCH MANAGEMENT COMMITTEE  
Telephone Conference  
Tuesday 15 July 2008**

The President Colin Butler assumed the Chair and declared the meeting open at 5.30pm and called the Roll.

**CONFERENCE PARTICIPANTS:**

Colin Butler, Scott McLean, Martin Clifford, Margaret Watson, Bob Bowen, Danny Murphy, Mark Blackwell and Shiralee Powell.

**APOLOGIES:**

Paul Worker, Barry Summers.

**2008 RULE CHANGES**

The Secretary Scott McLean asked if all DBMC had received the information pack on the proposed restructuring of our Division and proposed rule changes. All members acknowledged they had and that they understood the proposed changes.

Discussion took place on the proposed changes and it was *moved Bob Bowen and seconded Shiralee Powell* that

*"This Divisional Branch Management Committee of the Tasmanian Branch notes the following documentation received from the Divisional Secretary:*

1. *Draft proposed Rules for the restructure of the Division (2008 Rule changes).*
2. *An Application for a Certificate for the Division to be divided into reporting units on an alternative basis; and*
3. *A draft Statutory Declaration by the Divisional Secretary in support of that Application*

*and resolves as follows:*

1. *That the 2008 Rule changes be supported and endorsed; and*
2. *That the Application be supported and endorsed on the basis as set out in the accompanying Statutory Declaration and in the Application.*

**RESOLVED UNANIMOUSLY**

EXTRACT OF THE CFMEU – FFPD – W.A. BRANCH  
COMMITTEE OF MANAGEMENT MEETING  
HELD ON THURSDAY, 24 JULY 2008 AT 5:00PM

**NATIONAL RULE CHANGES**

Assistant National Secretary L. Skourdombis explained the contents of the Rule changes to the COM members.

After the report he opened it up to questions.

Assistant National Secretary L. Skourdombis explained that as a result of the Rule changes all existing State Branches, including W.A. would cease to exist and would instead roll into the National Office. He further explained that each State would cease to have a State Secretary and would instead have a National Organiser.

Assistant National Secretary L. Skourdombis then asked the COM members individually if they had any further questions.

Each of the COM members stated that they were happy about the changes.

**Moved:** P. Robson

**Seconded:** G. Jaeschke

*"That the Committee of Management notes the following documentation received from the Divisional Secretary*

1. *Draft proposal rules for the restructure of the Division (2008 Rule changes).*
2. *an application for a Certificate for the Division to be divided into reporting units on an alternative basis; and*
3. *a draft statutory declaration by the Divisional Secretary in support of that Application*

*And resolves as follows:*

1. *That the 2008 Rule changes be supported and endorsed; and*
2. *That the Application be supported and endorsed on the basis as set out in accompanying Statutory Declaration and in the Application."*

The motion was put and

**CARRIED**

MINUTES  
CFMEU FFPD Vic Forestry Branch

Committee of Management Meeting  
By Teleconference  
31<sup>st</sup> July 2008

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Start 5.35 pm

**1. Attendance & Apologies**

**Present**

**Committee Members:**

Jane Calvert, Kim Mason, Kim Shepherd, Ken Tonkin, Ian Mullen, Steven Lohse, Ian Fullerton, Victor Iluk, Heather Rillo, Danny Maynard

**Apologies**

Craig Power, Neil Saunders Willie Kaiwai, Darren Morris, Bert Standaar, Ricky Ownes

**3. Rule Changes**

The Secretary summarised the background to the proposed rule changes. COM discussed and clarified various matters.

*Motion*

*Committee of Management notes the following documentation received from the Divisional Secretary:*

1. *Draft proposed Rules for the restructure of the Division (2008 Rule changes);*
2. *an application for a Certificate for the Division to be divided into reporting units on an alternative basis; and*



13  
6

3. *a draft statutory declaration by the Divisional Secretary in support of that Application and resolves as follows:*

1. *That the 2008 Rule changes be supported and endorsed; and*
2. *That the Application be supported and endorsed on the basis as set out in accompanying Statutory Declaration and in the Application.*

*Moved: Steve Lohse*

*Seconded: Kim Mason*

*Carried.*

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION - FFPD  
VICTORIAN FFTS BRANCH

THE MINUTES OF THE ORDINARY MEETING OF  
THE COMMITTEE OF MANAGEMENT

Held on Tuesday, 29 July 2008

**PRESENT:** D. Cooke, B. Ross, G. Wheeler, A. Vendramini, P. Lintzos,  
C. Palmer, K. Parker, J. Patti, F. Vari and L. Skourdoumbis

**CHAIRPERSON:** J. Patti, in the Chair, declared the meeting open at 2.30pm.

**APOLOGIES:** J. Pepas, A. Seneviratne and J. Cockerell

**Moved:** A. Vendramini

**Seconded:** B. Ross

*"That the apologies be accepted."*

The motion was put and

**CARRIED**

**MINUTES OF  
PREVIOUS  
ORDINARY  
MEETING:**

**Moved:** G. Wheeler

**Seconded:** D. Cooke

*"That the Minutes of the previous Ordinary Meeting of the  
C.O.M. held on 13 May 2008, be received and confirmed."*

The motion was put and

**CARRIED**

**BUSINESS ARISING  
OUT OF THE  
MINUTES:** There was no business arising.

**Moved:** D. Cooke

**Seconded:** B. Ross

*“That the Committee of Management notes the following documentation received from the Divisional Secretary*

- 1. Draft proposal rules for the restructure of the Division (2008 Rule changes).*
- 2. an application for a Certificate for the Division to be divided into reporting units on an alternative basis; and*
- 3. a draft statutory declaration by the Divisional Secretary in support of that Application*

*And resolves as follows:*

- 1. That the 2008 Rule changes be supported and endorsed;  
and*
- 2. That the Application be supported and endorsed on the basis  
as set out in accompanying Statutory Declaration and in the  
Application."*

The motion was put and

**CARRIED**

24/7/2008

**SA BRANCH COMMITTEE OF MANAGEMENT SPECIAL MEETING**

**Present:**

Brad Coates, Dave Kirner, Travis Lawson, Andrew Sampson, Terry Bennier, Marie Gale, Les Birch, Peter Simmonds

**Apologies:**

Tom Kenny, Kylie Little, Greg Muhovics, Mike Muhovics

The meeting was declared open at 5.30pm.

**1/. RESOLUTION**

*"BCOM notes the following documentation received from the National Secretary:*

- 1. Draft rules proposed for the restructure of the Division (2008 Rule changes);*
- 2. An Application for the Certificate for the Division to be divided into reporting units on an alternative basis; and:*
- 3. A draft Statutory Declaration by the Divisional Secretary in support of the Application*

**AND RESOLVES AS FOLLOWS:**

- 1. That the 2008 Rule changes be supported and endorsed; and:*
- 2. That the Application be supported and endorsed on the basis as set out in the accompanying Statutory Declaration and in the Application."*

Moved: Terry Bennier  
Seconded: Peter Simmonds

Unanimous

PPW

**EXTRACT FROM THE PULP & PAPER WORKERS COMMITTEE OF MANAGEMENT MEETING – 30/31 July 2008**

**5. Finance, Governance, Management and Administration**

5.2 FFPD Divisional rules changes

The sub branch secretaries reported on discussions regarding the proposed divisional rule changes and subsequent resolution/s passed at sub branch committee of management meetings. The following sub branch committee of management meetings were held to consider the rule changes

- Maryvale Sub Branch 16<sup>th</sup> July 2008
- Nowra Sub Branch 17<sup>th</sup> July 2008
- Botany Sub Branch 18<sup>th</sup> July 2008
- Tasmanian Sub Branch 22<sup>nd</sup> July 2008
- Millicent sub Branch 23<sup>rd</sup> July 2008
- Melbourne Sub Branch 24<sup>th</sup> July 2008
- Petrie Sub Branch 25<sup>th</sup> July 2008

It was reported that the following resolution was passed by the Relevant sub branch committee at each meeting

Management Committee notes the following documentation received from the Divisional Secretary:

- 1. Draft proposed Rules for the restructure of the Division (2008 Rule changes);
- 2. an application for a Certificate for the Division to be divided into reporting units on an alternative basis; and
- 3. a draft statutory declaration by the Divisional Secretary in support of that Application

and resolves as follows:

- 1. That the 2008 Rule changes be supported and endorsed; and
- 2. That the Application be supported and endorsed on the basis as set out in accompanying Statutory Declaration and in the Application.

Discussion ensued regarding the proposed rule changes, noting in particular those rules most affecting the pulp & paper branch including rule 57 the Special Rule –Pulp & Paper District

**Resolution 1**

Management Committee notes the following documentation received from the Divisional Secretary:

- 1. Draft proposed Rules for the restructure of the Division (2008 Rule changes);
- 2. an application for a Certificate for the Division to be divided into reporting units on an alternative basis; and
- 3. a draft statutory declaration by the Divisional Secretary in support of that Application

and resolves as follows:

- 3. That the 2008 Rule changes be supported and endorsed; and
- 4. That the Application be supported and endorsed on the basis as set out in accompanying Statutory Declaration and in the Application.

Moved Ian Moule / Seconded Craig Walters  
**CARRIED**

**Resolution 2**

**MANAGEMENT COMMITTEE NOTES:**

That the 2008 Rule changes involve amendments to Rule 72 which in those Rule changes has been renumbered Rule 57 and amended to reflect to the purposes of the proposed restructure.

**AND RESOLVES:**

In accordance with current Divisional Rule 16 to endorse the alterations and amendments contained in that Rule.

Moved Jack Evans/ seconded Kevin Riordan  
**CARRIED**

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Division  
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#### 4 - DEFINITIONS

### THE FORESTRY, FURNISHING, BUILDING PRODUCTS AND MANUFACTURING DIVISION RULES

#### 1 - NAME

The name of the Division shall be "The Forestry, Furnishing, Building Products and Manufacturing Division". (FFPD)

#### 2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-Rule (C) and (F) of the National Rules shall belong to this Division.

#### 3 - SIGNING OF DOCUMENTATION

Any document required or permitted by the Workplace Relations Act or any document required to be executed on behalf of the Division shall be signed by the Divisional Secretary, or, in the absence of the Divisional Secretary, either the Divisional President or Divisional Assistant Secretary.

#### 4 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

"DISTRICT" shall mean a District of the National Divisional Branch set up in accordance with the Rules of the Union.

"FFPD DIVISIONAL BRANCH" or "DIVISIONAL BRANCH" shall mean a branch of this division established in accordance with these rules.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the rules of the Union and in relation to FFPD Division is a member of this Division.

"MEMBER" shall mean a member of FFPD Division and membership shall have a corresponding meaning.

"NATIONAL OFFICERS" shall mean the Divisional President, the Divisional Assistant Secretary and the Divisional Senior Vice President (who shall be the person holding the office of PPW District Secretary).

"NO. 1 BRANCH" shall mean the National Branch.

"NO. 2 BRANCH" shall mean the Victorian FFTS Branch of the Division.

"PPW SUB BRANCH" shall mean a sub branch of the PPW District.

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

## 5 - MEMBERSHIP

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then the candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"PRINCIPAL OFFICER" shall mean the Divisional Secretary.

"RAO" shall mean the Workplace Relations Act 1996 Schedule 1 – Registration and Accountability of organisations.

"THE 2008 RULE CHANGES" shall mean the amendments made to the Rules of the Division in 2008 providing for the substantial restructure of the Division.

## 5 - MEMBERSHIP

- (i) A candidate for membership of the Division in the No.1 Branch may make application to the Divisional Secretary or the District Secretary covering the area in which the candidate resides or is employed and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the Rules of the Division.
- (ii) A candidate for membership of the No.2 Branch may make application to the Divisional Branch Secretary of the No.2 Branch and such application shall be made and dealt with in the manner and subject to conditions including conditions as to any probationary period required by the Rules of the Division.
- (iii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Executive may require, and shall, when requested, fill in and sign such application form as may be provided.
- (iv) An application for membership of the No.1 Branch may be referred by the Secretary of the relevant District to the Divisional Branch Executive for consideration or decision. Where in any case the admission to membership of any

## 7 - SPECIAL MEMBERS

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person applying is rejected such person shall have the right to appeal to the Divisional Executive the decision of which shall be final.

- (v) An application for membership of the No.2 Branch may be referred by the Divisional Branch Secretary to the Divisional Branch Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right of appeal to the Divisional Executive the decision of which shall be final.
- (vi) A member who is eligible for membership of the Division pursuant to Sub Rule 2(F) of National Rule 2 Constitution who are resident in the State of Victoria shall be deemed to be attached to the No. 2 Branch. All other members shall be deemed to be attached to the No. 1 Branch and to the District covering the locality in which the member resides or where the member is eligible for membership of the Division pursuant to Sub Rule 2 (C) of National Rule 2 Constitution to the PPW District.

## 6 - ENTRANCE FEES AND CONTRIBUTIONS

- (i) Applicants for membership of the FFPD Division shall pay on application an entrance fee in accordance with these rules. Such entrance fee if applicable shall not exceed \$300.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.
- (ii) The contribution payable by each member shall be fixed by the Divisional Executive subject to the processes provided for in Rule 14
- (iii) The Divisional Executive may if, in its opinion it is desirable or necessary for financial or any other reason that the aforesaid entrance fees or contributions should be altered, waived or suspended, make such decision as it deems desirable or necessary, and the altered, waived or suspended entrance fee and /or contribution payable shall be applicable to the member(s), group or class of members concerned.
- (iv) Any member who has failed to pay the entrance fee, all contributions, levies and fines imposed in accordance with these rules, shall be deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.
- (v) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.
- (vi) Contributions shall be paid to and collected by the Divisional Secretary, Divisional Branch Secretary, or an authorised agent of the Division or Divisional Branch.

Provided that notwithstanding the foregoing provisions of this Rule, members of the No.2 Branch shall pay contributions to the Divisional Secretary of that Branch and such funds may be retained by that Branch except for such sum as is fixed by the Divisional Conference from time to time.

## 7 - SPECIAL MEMBERS

The Divisional Executive may fix a special or different rate of contribution and/or entrance fee for any class of members and any member within that class shall, on

## 8 - SUPREME GOVERNING BODY OF THE DIVISION

compliance with those conditions and subject to any rule, other than rule 6 be entitled to all the benefits of membership.

### 8 - SUPREME GOVERNING BODY OF THE DIVISION

- (i) The supreme governing body of the Division shall be the Divisional Conference which shall meet at least every two (2) years.
- (ii) The Divisional Conference shall consist of the following:
  - (a) the Principal Officer of the Division;
  - (b) the National Officers of the Division; and
  - (c) delegations from each Divisional Branch calculated in accordance with (iii) hereof.
- (iii) Each Divisional Branch shall be entitled to one (1) representative up to 500 members, one (1) additional representative between 500 members and 1,000 members and one representative for each additional 1,000 members, based, on in the case of the No. 1 Branch, the aggregate income received by the Division in relation to members of that Branch (Union contributions only) and in the case of the No. 2 Branch based on the aggregate income received by that Branch, (Union contributions only) divided by the amount of the yearly contribution fixed by the Rules from time to time, for the financial year ending on the 31st December in the year preceding the quadrennial election of representatives to act as its representatives at the Divisional Conference.

The number of representatives to which each Divisional Branch is entitled shall remain unaltered throughout the period between the quadrennial elections provided that prior to each Divisional Conference meeting the Divisional Executive may review the delegations to Divisional Conference in the event that as a result of growth or decline in membership the formula set out in this sub rule should be adjusted.

Provided further that the delegation from the No. 1 Divisional Branch will include the following officers of that Branch ex officio: the Divisional Branch Secretary, the District Secretaries of each District other than the PPW District and such other delegates to which the Branch is entitled as a consequence of the formula in this sub rule and also provided that the delegation from the No. 2 Branch shall include ex officio the Divisional Branch Secretary and such other delegates as the Branch is entitled to pursuant to the formula in this sub rule.

For the avoidance of doubt the Officers referred to in the above proviso as being ex officio members of the delegation from each Divisional Branch will be counted as representatives in calculating the entitlement of each Divisional Branch in accordance with this sub clause.

- (iv) Representatives of the Branches other than those ex officio representatives as provided for in sub-rule (iii) hereof shall be elected by secret postal ballot of all members of the Branch eligible to vote every four (4) years in accordance with the provisions of Rule 44 of these Rules.
- (v) In the event of a circumstance leading to a casual vacancy in a position of a Divisional Conference Delegate that vacancy shall be filled in accordance with the provisions of Rule 46.

- (v) In the event of a circumstance leading to a casual vacancy in a position of a Divisional Conference Delegate that vacancy shall be filled in accordance with the provisions of Rule 46.
- (vi) Divisional Branches, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialed and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.
- (vii) Where one or more representatives of a Divisional Branch is or are unable to attend a meeting of the Divisional Conference the Divisional Branch Executive of that Divisional Branch itself select a proxy representative or representatives to act on its behalf at that meeting. Such representative or representatives shall vote in accordance with the instructions of the Executive Committee of the Divisional Branch Executive.
- (viii) The method of calling nominations and the election of Divisional Branch delegates to Divisional Conference shall be under the provisions of Rule 44 of these Rules.
- (ix) A majority of delegates eligible to attend the Divisional Conference shall form a quorum.
- (x) All expenses of representatives to the Divisional Conference shall be borne by the Divisional Branch by which the representatives are elected unless otherwise determined by the Divisional Conference.
- (xi) No alteration of the personnel of the representatives at a meeting of the Divisional Conference shall be permitted after the credentials of the representatives have been received and accepted by the Divisional Conference, unless such alteration is rendered necessary by death or serious illness.
- (xii) The Divisional Conference shall have power:
  - (a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.
  - (b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.
  - (c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of \$100, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members, organisers or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive, Divisional Branch Management Committee or District Management Committee relevant to such person.

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Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive relevant Divisional Branch or District Management Committees are available to members at each Divisional Branch office or District Office.

No penalty shall be imposed unless -

- (i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;
- (ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;
- (iii) The officer, member, representative, committee member, organiser or delegate concerned has been afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

A period of suspension imposed under this rule shall not exceed six (6) months.

- (d) To hear and decide any appeal from the Branch on an issue concerned solely with a matter affecting this Division, from a District or Sub-Branch or member. Any appeal from a member must be forwarded through the Divisional Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

Provided that in the case of an appeal from a Branch of the Union, the Branch shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

- (e) To settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.
- (f) To deal with and decide any matter submitted to it by any Divisional Branch of the Division or Divisional Executive.
- (g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive or Divisional Branches, Districts or PPW Sub Branches of this Division.
- (h) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.
- (i) To establish new Divisional Branches or Districts and amalgamate existing Divisional Branches or Districts, to close or disband Divisional Branches or Districts in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the PPW District without its consent), and generally to control Divisional Branches including Districts and the members thereof.
- (j) When establishing a new Divisional Branch or District the Divisional Conference shall have power to make rules providing for the admission of members of that new Divisional Branch or District, the establishment of a Management Committee of that new Divisional Branch or District, the



## 8 - SUPREME GOVERNING BODY OF THE DIVISION

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election of officers of that new Divisional Branch or District and all such matters as may be necessary.

- (k) To make, alter and rescind rules of this Division.
  - (l) To deal with any Divisional Branch or District not working in conformity with the Rules and policy of the Union.
  - (m) To appoint and remove organisers.
  - (n) To vote moneys and pass accounts.
  - (o) To fix salaries and allowances for all Officers and employees of the Division and of all Conference delegates and representatives.
  - (p) To appoint a Returning Officer, who shall conduct any plebiscite upon any question submitted to the whole of the membership for determination, and who shall have power to appoint Deputy Returning Officers.
  - (q) To elect, appoint and remove officers and members of the Divisional Executive of the Union.
  - (r) To establish any special fund to achieve any of the objects of the Union.
  - (s) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.
- (xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.
- (xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted by the Divisional Secretary to each Divisional Branch Secretary and District Secretary at least one(1) week before the date of such meeting but no failure to notify will of itself vitiate a meeting. Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.
- (xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each Divisional Branch Secretary and District Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the Divisional Branch Secretary or District Secretary, inspect a copy of the minutes of each Divisional Conference at the Divisional Branch Office or District Office during the ordinary hours in which the Divisional Branch Office or District Office is open.
- (xvi) The Divisional Secretary on receipt of resolutions from a majority of Divisional Branches or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, email, telegram or telex and/or any other form of communications.

## 9 - DIVISIONAL EXECUTIVE

The Divisional Secretary may at any time thought fit by the Divisional Secretary conduct a postal, telephonic, telegraphic, facsimile, email and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter.

- (xvii) All meetings of the Divisional Conference shall be held at such time and place as the Conference shall from time to time determine, and in case of default, or of special meetings, as the Divisional Executive shall determine.
- (xiii) A loan, grant or donation of an amount exceeding \$1,000 shall not be made by this Division unless the Divisional Conference -
  - (i) has satisfied itself -
    - (a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and
    - (b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
  - (ii) has approved the making of the loan, grant or donation.

## 9 - DIVISIONAL EXECUTIVE

- i). The Divisional Executive shall consist of the following:
  - (a) the Divisional Principal Officer ie: the Divisional Secretary, the Divisional National Officers ie: the Divisional President, Divisional Assistant Secretary and the Divisional Senior Vice President (which office shall be held by the District Secretary of the PPW District of the No 1 Branch);
  - (b) two further Vice Presidents and four Trustees (who shall be titled Divisional Executive Officers) who shall be elected by Conference from the members of Conference other than the Principal Officers; and
  - (c) Divisional Executive members being no less than 3 and no more than 5 such number to be determined by Divisional Conference prior to the calling of nominations who shall be elected by the conference from Conference Delegates other than the Principal Officer and the National Officers.
- ii). Except for the filling of extraordinary vacancies Divisional Executive Officers and Divisional Executive members shall be elected by and from the Divisional Conference held in 2009 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.
- iii). Preceding such conferences the Divisional Executive shall appoint a Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Divisional Branch, District, sub-Branch or section of the Union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and Divisional Officers in accordance with these Rules.
- iv). Nominations unless otherwise determined by the Divisional Executive shall be called for on the second day of the Divisional Conference. Where practicable the

## 9 - DIVISIONAL EXECUTIVE

ballot shall be conducted on that day. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Returning Officer rejects any nominations the following provisions shall have effect -

- (a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and
  - (b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.
- v). The ballot for Divisional Vice Presidents other than the Divisional Senior Vice President (who is the person holding the office of District Secretary of the PPW District of the No. 1 Branch) shall be dealt with and completed. The ballot for the Divisional Trustees shall be dealt with and completed. The ballot for the Divisional Executive Members shall be dealt with and completed.
- vi). If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Executive that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive.
- vii). If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.
- viii). The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Returning Officer may proceed nonetheless.
- ix). Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where the delegate can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until the Returning Officer has given such delegates a reasonable opportunity to vote.
- x). The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

- xi). Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly holding such office.
- xii). A Divisional Executive member shall hold office until a successor is elected.
- xiii). The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, powers, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may
  - (a) Interpret and enforce the general policy of the Division.
  - (b) Control and conduct the business and affairs of the Division.
  - (c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.
  - (d) Hear and decide any appeal from any Divisional Branch or member. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.
  - (e) Settle disputes between Divisional Branches. Any Divisional Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.
  - (f) To deal with any Divisional Branch not working in conformity with the Rules, Decisions and policy of the Division.
  - (g) To deal with and decide any matter submitted to it by any Divisional Branch of the Division.
  - (h) To confirm, over-rule or otherwise deal with decisions of the Divisional Branches of this Division.
  - (i) To make, alter and rescind any of the rules of this Division including any rules relating to Divisional Branches or Districts subject to Rule 16 of these Rules.
  - (j) To appoint and remove organisers or specialist officers.
  - (k) To select persons as delegates to represent the Division at meetings, committees or to affiliated organisations.
  - (l) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.
  - (m) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.
  - (n) Submit any matter to the members for decision by ballot.

- (o) Ensure that officers, committee members, organisers, delegates or members of the Division and Divisional Branches including Districts and PPW Sub Branches comply with the rules, policies and decisions of the union and subject to Rule 11 impose penalties [i.e., fines not exceeding the sum of \$100, suspension, expulsion or dismissal from office,] on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules, policies or the decisions of the Divisional Executive. Provided that the rules, policies or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each Divisional Branch Office and District Office. No penalty shall be imposed unless -
- (i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;
  - (ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;
  - (iii) The officer, member, representative, committee member, organiser or delegate is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

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

- (p) Take such action as may be necessary to secure the satisfactory working of any Divisional Branch including any Districts of this Division, take such action as may be necessary to ensure the adherence to the rules of the Union and decisions and policies of the Divisional Conference and/or Divisional Executive by any Divisional Branch including any District and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a Divisional Branch including any District and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such Divisional Branch or District. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the Divisional Branch and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

- (q) Control and supervise the work of the Divisional Officers.
- (r) To establish new Divisional Branches or Districts and amalgamate existing Divisional Branches or Districts, to close or disband Divisional Branches or Districts in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the PPW District without its consent), and generally to control Divisional Branches including Districts and the members thereof.
- (s) All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these Rules.

- xiv). The Divisional Executive shall meet at least six (6) times in each calendar year. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, telegram, telex, facsimile, email or otherwise in writing, telephone or verbally, provided that in the latter two instances such is confirmed by letter, telegram, facsimile, email or other writing.

#### 10 - REFERENDA

- (a) (i) On receipt of a petition signed by not less than 10 per cent of the financial members of the Division, the Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Divisional Branches or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference, Divisional Executive and the members of the Division.

Divisional Conference or Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

- (ii) The referendum referred to in this rule shall be conducted as follows:

Divisional Executive shall:

- (a) Determine the question to be submitted to the members and the form of the ballot paper.
- (b) Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.
- (c) Appoint a Divisional Returning Officer and Divisional Scrutineer to conduct the ballot.
- (d) No material other than that authorised by the Divisional Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.
- (b) (i) On receipt of a petition signed by not less than 10% financial members of a Divisional Branch, the Divisional Branch Management Committee shall take a referendum of the whole of the financial members of the Divisional Branch in respect of any matter determined by the Divisional Branch Management Committee and/or Executive.
- (ii) The petition shall have set out the member's full name, address, signature and the date the said petition was signed by the member. In determining the 10% requirement of financial members for a referendum to be conducted, the petition shall be presented to the Divisional Branch Secretary within 30 days of the first financial member signing the aforesaid petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 10% financial members.

## 11 - REMOVAL OF OFFICERS

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- (iii) Such referendum shall take place within 2 months of the receipt of the petition.
- (iv) The decision reached by a majority of the actual votes recorded shall be binding on the Divisional Branch Management Committee and the members of the Divisional Branch and on the Divisional Branch Executive.
- (c) The Divisional Branch Management or Executive Committee may at any time, by its own motion, take a referendum of the whole of the financial members of the Divisional Branch upon any matter it thinks fit.
- (d) The referendum referred to in this rule shall be conducted as follows:
  - (i) Divisional referendum:

The Divisional Executive shall:

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

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

Appoint a Divisional Returning Officer and Divisional Scrutineer to conduct the ballot.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Officers.
  - (ii) Divisional Branch referendum shall be conducted as in (i) with reference to the Divisional Executive being a reference to the Divisional Branch Management Committee and other references to the Division being references to the Divisional Branch.

## 11 - REMOVAL OF OFFICERS

- (a) Any Divisional or Divisional Branch Officer including any District Officer may be removed from office by majority decision of the Divisional Executive, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union, or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.
- (b) Should any officer be removed from office the Divisional Executive shall appoint a member to fill the vacancy until the next elections are held in accordance with the rules, but no person shall be appointed to an office, otherwise than temporarily, where the remainder of the term of office is twelve (12) months or three quarters of the term whichever is the greater.
- (c) Any officer so removed from office shall have the right of appeal to the Divisional Conference and therefrom to the National Executive. In the event of the appeal being upheld the Divisional Conference or National Executive may order

### 13 - DUTIES OF DIVISIONAL OFFICERS

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reinstatement to apply on such conditions as it considers the circumstances warrant.

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

### 12 - VACANCIES IN OFFICE

Subject to the Act and other rules dealing with this subject, if any vacancy shall occur by death, resignation or otherwise in any Divisional or Divisional Branch office including any District Office such office may be filled by the Divisional Executive until a ballot can be held to fill the vacancy.

### 13 - DUTIES OF DIVISIONAL OFFICERS

- (i) Divisional President:

The Divisional President shall preside at meetings of the Divisional Conference, Executive and meetings convened by the Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where the Divisional President is a full time officer the Divisional President shall be under the control of the Divisional Secretary.

- (ii) Divisional Secretary:

The Divisional Secretary shall summon all meetings of the Divisional Conference and Divisional Executive, issue all necessary notices to members of the Divisional Conference or Divisional Executive or to Divisional Branches in connection with such meetings.

The Divisional Secretary shall sign all cheques or any other type of instrument for the withdrawal of any funds of the Division from any financial institution or other account together with one Divisional Trustee or other person authorised for this purpose by the Divisional Executive. In the event that the Divisional Secretary is absent the Divisional Assistant Secretary or the Divisional President and one Divisional Trustee or a person authorised for this purpose by the Divisional Executive shall sign cheques or any other type of instrument for the withdrawal of any funds of the Division from any financial institution or other account.

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the implementation and compliance by the Division, Divisional Branches, Districts and PPW Sub Branches of the decisions, rules and policies made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.



### 13 - DUTIES OF DIVISIONAL OFFICERS

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The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive or Divisional Conference, to appoint, control and dismiss the staff of the Divisional Office and of the No.1 Branch including its Districts and PPW District Sub Branches.

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

Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Divisional Branches, Districts and PPW Sub Branches of this Division.

The Divisional Secretary shall have the authority to initiate any proceedings and/or actions to advance or defend the interests or objectives of the Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive or Divisional Conference and allocate the duties of Officers.

The Divisional Secretary shall be an ex officio member of all Divisional Branch Committees, including Districts and PPW Sub Branches, but shall not be entitled to vote in respect of the decisions of those committees.

(iii) Divisional Assistant Secretary(s):

The Divisional Assistant Secretary(s) shall perform all duties assigned by the Divisional Executive. The Divisional Assistant Secretary(s) shall be under the control of the Divisional Secretary and shall attend all meetings of Divisional Executive, Divisional Conference and National Executive.

The Divisional Assistant Secretary may exercise any and all of the powers and duties of the Divisional Secretary in the absence of the Divisional Secretary.

(iv) Divisional Senior Vice-President:

The Divisional Senior Vice-President shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(v) Divisional Vice-President(s):

The Divisional Vice-President(s) shall assist the Divisional President or Senior Vice-President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice-President(s) shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Trustees:

The Divisional Trustees shall, subject to control by the Divisional Executive, be responsible, together with the Divisional Secretary, for the finance, property and investments of the Division.

(vii) Members of Divisional Executive:

Other members of the Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

**14 - FUNDS AND PROPERTY**

- A (i) The Divisional Office shall collect all entrance fees, contributions, levies and fines and all other monies relating to the membership of the No 1 Branch, its Districts and the PPW sub branches. The No. 2 Branch shall forward to the Divisional Office such percentage of the Branch income as may be determined from time to time by the Divisional Executive.

At the commencement of the financial year 2009 the funds of each of the Branches of the Division other than the funds of the Victorian FFTS Branch shall become part of the Divisional funds and thereafter the Divisional Office shall administer such funds. The funds of the Victorian FFTS Branch shall become the funds of the No. 2 Branch.

- (ii) All monies received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. Cheques or other types of instruments for the withdrawal of any funds of the Division shall be signed by the Divisional Secretary and one Divisional Trustee or person authorised for that purpose by the Divisional Executive. In the event of the absence of the Divisional Secretary all cheques and other instruments for the withdrawal of any funds of the Division shall be signed by an Assistant Secretary or the Divisional President, one Divisional Trustee or a person authorised for that purpose by the Divisional Executive.
- (iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the Divisional Office, may be disbursed by decision of the Divisional Secretary.

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

- (iv) Investment of Funds: The funds of the Division shall be invested wherever possible in the name of the Division. Where this is not possible, investments shall be made in the name of the Divisional Trustees. The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.
- (v) The Divisional Executive shall have the authority to hold, purchase, lease, sell, mortgage or otherwise deal in property on behalf of the Division and/or Branches which shall be executed on the Divisional Executive's behalf by the Divisional Secretary.
- (vi) The property of the Division shall be under the control of the Divisional Executive.

B. Divisional Budget and Administrative Committee

- i) There shall be a National Administrative and Budget Committee of the Divisional Executive composed of a minimum of four members who shall be Divisional Secretary, the PPW District Secretary and a representative from each Divisional Branch together with such other persons if any as the Divisional Executive may determine.
- ii) Meetings of the Divisional Administrative and Budget Committee shall be conducted at a time and place and in a manner determined by the Divisional Secretary or the Divisional Executive.
- iii) The Divisional Administrative and Budget Committee shall subject to the directions of the Divisional Executive have the following duties and responsibilities:
  - a) to oversee financial, membership and other relevant data and the administrative affairs of the Division;
  - b) to conduct income and expenditure reviews to advise the Divisional Executive on the most effective use of the Divisional funds;
  - c) in consultation with the Divisional Officers and where relevant with each constituent part of the Division including its Divisional Branches, Districts of the No. 1 Divisional Branch and the PPW Sub Branches assist in the development of draft budgets for consideration by the Divisional Executive;
  - d) to monitor, administer and report on the implementation of budgets adopted by the Divisional Executive:

Provided that the Divisional Budget and Administrative Committee shall not have any policy making powers but shall act in an advisory capacity only.

C. Budget/s

- i) At the first meeting of the Divisional Executive at the commencement of each financial year the Divisional Executive shall, upon considering advice and recommendations from the Divisional Budget and Administrative Committee and the No. 2 Branch approve a budget/s for the Division including the Divisional Branches and each constituent part of the No. 1 Divisional Branch.
- ii) To ensure the equitable distribution of resources amongst members throughout the Division budgets will take into account clear and consistent criteria including the following:
  - a) the percentage of membership income contributed;
  - b) appropriate financial support and underpinning for Divisional operations;
  - c) any cross subsidies between funds as may be necessary to provide and maintain effective operations throughout the Division for appropriate coverage and representation for all members of the Division.

- d) the provision of ongoing funding for core union activities including growth recruitment, face to face organising, and campaigns in support of Divisional activities, industrial disputes, legal representation and advice, development of delegate and member involvement and activities, publications including newsletters and similar communications with members, member benefits and associated matters.
- e) nationally consistent levels of contributions and costs structures including wage levels and employment standards for employees of the Division and each part of the Division.
- f) as far as possible provide adequate funds for the purpose of continuing to build an appropriate asset base to both for the financial survival growth of the Division and where possible to house the operations of the Division and its various constituent parts.
- g) where appropriate to support and continue to build specific member support funds and provident funds.

D. Special Funds

The Divisional Branches of the Division as constituted prior to the 2008 Rules Changes and the PPW Sub Branches have administered specific funds on behalf of the members of those Divisional Branches or Sub Branches. Schedule 1 to these Rules refers to these specific funds. These funds from the commencement of the 2008 Rule changes shall be managed and maintained by the Divisional Executive on behalf of, in the interests of and for the benefit of those groups of members for whom without the 2008 Rule changes those funds would otherwise be applied. Those funds will be expended to members of those groups of members in a manner consistent with the purposes for which the funds were established and that manner shall not be changed without consultation and agreement with the relevant District Committee of Management.

15 - AUDITOR AND AUDITOR'S REPORT

- (i) The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same.
- (ii) The auditor shall, in the auditor's report, draw attention of the Divisional Executive, Divisional Conference to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.
- (iii) For the purpose of this Rule a competent person shall have the same meaning as in the Registration and Accountability of Organisations schedule to the Workplace Relations Act ("RAO") and any Regulations may thereunder or any successor legislation thereto.
- (iv) On receipt of a petition signed by not less than 5% of the members of the Division, the Divisional Secretary shall convene a general meeting of members to present the Auditor's Report, the general purpose financial report and the operating report.

## 16 - ALTERATION OF RULES

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- (v) The petition shall have set out the members full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of financial members for a general meeting to be held, the petition shall be presented to the Divisional Secretary within 30 days of the first financial member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% financial members.
- (vi) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.
- (vii) For the purposes of sub rules (iv), (v), (vi) the general meeting shall be conducted as a series of meetings in the localities of each District of the No. 1 Branch including the localities of the PPW sub branches and of the No. 2 Branch.

### 15A REPORTING UNITS

The Division shall be divided into reporting units on an alternative basis as provided for in the RAO as follows:

- (i)
  - (a) The Division on behalf of all members of the Division including the members of the No. 1 Branch and its Districts and the PPW sub districts other than the members of the No. 2 Branch.
  - (b) The No. 2 Branch on behalf of the members of the No. 2 Branch.
- (ii) The Divisional Secretary shall be the designated officer for the purposes of the RAO for the Division and the Secretary of the No. 2 Branch shall be the designated officer for the purpose of the RAO for the No. 2 Branch.
- (iii) On receipt of a petition signed by not less 5% of the member of the Division the Divisional Secretary shall convene a general meeting of member to present the auditors report, the general purpose financial report and the operating report.
- (iv) The petition shall have set out the member's full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of members for a general meeting to be held, the petition shall be presented to the Divisional Branch Secretary within 30 days of the first member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% members.
- (v) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.
- (vi) The General Meeting shall be conducted as a series of meetings in localities of each of the Districts the No. 1 Branch and each of the PPW Sub Branches.

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## 16 - ALTERATION OF RULES

These Divisional Rules including any Rules relating to Divisional Branches or Districts of this Division may be altered or rescinded or new rules made by the Divisional Executive.

## 19 – DISTRICTS OF THE NO. 1 BRANCH

Proposals for alterations of such rules may also be proposed by Divisional Branches and shall be forwarded with the notice to the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

Provided that any such rescission, alteration or amendment which affects in any way the existence, structure or position under these rules of the PPW District, shall be of no effect unless endorsed by a resolution of the District Management Committee of that PPW District.

## 17 - RULES BINDING ON MEMBERS AND DIVISIONAL BRANCHES

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

## 18 - DIVISIONAL BRANCHES

- (i) The following Divisional branches of the Union are hereby constituted:
  - (a) The No. 1 Branch known as the National Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members of the Division other than those persons who are eligible for membership of the No.2 Branch of the Division.
  - (b) The No. 2 Branch known as the Victorian FFTS Branch of the Forestry, Furnishing, Building Products and Manufacturing Division consisting of all members resident in the State of Victoria who are eligible for membership of the Division pursuant to Sub Rule 2(F) of Rule 2 Constitution of the Rules of the Union.
- (ii) The Divisional Conference or Divisional Executive shall have the power to constitute such other Divisional Branches, Districts or Sub Branches as it may determine appropriate from time to time.
- (iii) Divisional Executive or Divisional Branch Management Committee shall determine the location of the Divisional Branch office.
- (iv) Unless otherwise determined by the Divisional Conference or Divisional Executive, a Divisional Branch shall have autonomy in matters affecting members of the Divisional Branch only subject to the provisions of these Rules.

## 19 – DISTRICTS OF THE NO. 1 BRANCH

- i. For the purposes of organisation of the members of the No. 1 Branch and for provision of services to members of that Branch each member of that Branch shall be allocated to a District as follows:
  - (a) the NSW District which shall consist of all members resident in that State of NSW and the Australian Capital Territory other than those persons who are

## 21 - INDUSTRIAL AGREEMENTS

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eligible for membership of the PPW District as provided for in (f) of this Sub Rule;

- (b) the Victorian District consisting of all members resident in the State of Victoria other than those persons who are eligible for membership of the No. 2 Branch and those persons who are eligible for membership of the PPW District pursuant to (f) of this Sub Rule;
  - (c) the South Australian District consisting of all members resident in the State of South Australia other than those persons who are eligible for membership of the PPW District pursuant to (f) of this Sub Rule;
  - (d) the Tasmanian District consisting of all members resident in the State of Tasmania other than those persons who are eligible for membership of the PPW Branch pursuant to (f) of this Sub Rule.
  - (e) the Queensland Northern Territory Western Australian District consisting of all members resident in the States of Queensland, Western Australia and the Territory of the Northern Territory other than those persons who are eligible for membership of the PPW Branch pursuant to (f) of this Sub Rule;
  - (f) the PPW District consisting of all members eligible for membership of the Union pursuant to Sub Rule 2 (C) (ii) of Rule 2 Constitution of the Rules of the Union.
- ii. The Divisional Conference or Divisional Executive shall have power to constitute such other Districts and allocate members thereto as it may determine appropriate from time to time.
  - iii. The Divisional Executive or Divisional Branch Management Committee shall determine the location of each District Office.

## 20 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute may be submitted to the appropriate industrial Tribunal, Court or Commission, upon a resolution in favour of so submitting such dispute carried by a majority of the members of the Divisional Executive.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such submission.

In the case of an emergency or necessity however, such proceedings may be initiated and matters may be submitted by the authority of the Divisional Secretary, who may also authorise a Divisional Branch Secretary or a District Secretary to initiate such proceedings and submit such matters on behalf of the Division.

The aforesaid power shall extend to cases of defending and/or responding to any proceedings or matters instituted or submitted by any other person, corporation, association or organisation. The Divisional Secretary and Divisional Branch Secretary or District Secretary shall be subject to the control of the Divisional Executive on all matters connected with such legal proceedings and matters.

## 21 - INDUSTRIAL AGREEMENTS

## 24 – THE PRINCIPAL OFFICER OF THE DIVISION

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Industrial agreements and other related instruments required to be sign or executed on behalf of the Division shall be signed or executed by the Divisional Secretary provided that the Divisional Secretary may delegate this power to the Divisional Branch Secretary or a District Secretary.

## 22 - INDUSTRIAL DISPUTES

- (1) In the event of an Industrial dispute taking place in any Divisional Branch the officers of such Divisional Branch shall try, by conciliation to settle the dispute. In the event of the Divisional Branch officers concerned being unable to secure a satisfactory settlement the matter may be referred to the Divisional Branch Executive who shall seek to resolve the dispute.
- (2) In the event of no satisfactory settlement of such dispute being secured the Divisional Branch Secretary shall immediately report the matter to the Divisional Secretary who shall on behalf of the Division take charge of such dispute and shall consult with the Divisional President and shall if necessary convene a meeting of the Divisional Executive to deal with the matter.
- (3) (a) The Divisional Secretary or a person authorised to act on behalf of the Division Secretary shall make any submission to a tribunal.  
  
The Divisional Secretary or a person authorised to act on behalf of the Division Secretary shall be the person to sign or issue any document necessary for such submission.
- (b) The Division may be represented in any proceedings before any Commonwealth or State Industrial Tribunal by the Division Secretary or by such other officers or persons authorised by the Division Secretary and subject to any authorisation vested by State Legislation.
- (4) Notwithstanding anything contained elsewhere in this Rule, PPW District shall have autonomy in industrial matters affecting its members only and no action will be taken in relation to such matters by the Divisional Conference or Divisional Executive unless authorised and requested by the PPW District Management Committee.
- (5) Where the Divisional Branch Secretary of the No. 1 Branch considers it appropriate the powers and functions of that Divisional Branch Secretary may be delegated to a District Secretary.

## 23 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 148 – 152 Miller Street West Melbourne, or such other place as the Divisional Executive shall decide.

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## 24 – THE PRINCIPAL OFFICER OF THE DIVISION

- (i) The Divisional Secretary shall be the Principal Officer of the Division for all purposes of the RAO regulations and any successor legislation or regulations.
- (ii) In the case of a breach of Award or Agreement or other matter affecting a member of the Division, the Divisional Secretary or any Divisional Branch Secretary or



## 28 - VOTING OTHER THAN AT MEETINGS

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other person or body authorised by these Rules shall have the power to take such legal proceedings as are necessary to enforce the Award or Agreement, or to seek penalties against an employer for a breach of an Award or Agreement.

## 25 - RECOVERY OF DUES

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

## 26 - LEVIES

- (i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Division or body having objects similar in whole or in part to those of this Division.
- (ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed \$10.00 per week and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.
- (iii) A Divisional Branch may impose a levy on its members, which shall not exceed \$10.00 per week.
- (iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

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

- (v) In no circumstances shall any levy or levies amounting to more than \$10.00 per week in any calendar year be imposed on any member or members.

## 27 - LIFE MEMBERSHIP

The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may, at their entire discretion, constitute a member a Life Member, provided that the member has been a member for a period of at least 20 years, has retired from the industry, and was financial at the time of retirement. Life members shall not be liable to pay dues of any kind to the Division, and shall not be entitled to nominate for or to hold any office, but shall be entitled to vote at the Division elections. The Divisional Branch Management Committee, Divisional Conference or Divisional Executive may reduce the qualifying period of membership in special circumstances.

## 28 - VOTING OTHER THAN AT MEETINGS

- (a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time the Divisional Secretary may submit a resolution dealing with such matter to the members by letter, facsimile, email, telephone, telegram, verbally and/or any other means of communications or any combination thereof.
- (b) A copy of such resolution shall be sent at the same time to each Divisional Branch Secretary.

### 30 - UNEMPLOYED MEMBERS

- (c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.
- (d) No amendment shall be allowed on any such resolution, but if it is negative any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in the Divisional Secretary's absolute discretion.
- (e) The Divisional Secretary shall keep a register of names and addresses of delegates to Divisional Conference.
- (f) Divisional Branch Secretaries shall within fourteen days of the election of delegates to Divisional Conference notify the Divisional Secretary of their names and addresses.

### 29 - BRANCH INFORMATION

It shall be the duty of the Divisional Branch Secretary of each Divisional Branch to transmit to the Divisional Secretary, on written request from the Divisional Secretary, a true copy of the minutes of each meeting of the Divisional Management Committee or Executive of such Divisional Branch or of any special meeting thereof.

### 30 - UNEMPLOYED MEMBERS

- (i) When, in the opinion of the Divisional Branch Management Committee, a condition of unemployment in the industry exists the following conditions may be applied:
- (ii) Members becoming unemployed, ie, being employed under the terms of the Award or Agreement covered by this Division for less than one month in any quarter, may apply to be placed on an unemployed members list if any.
- (iii) This list shall be kept at the Divisional Branch office under the control and supervision of the Divisional Branch Management Committee.
- (iv) Members wishing to be placed on the unemployed list must apply in writing to the Divisional Branch Secretary, and shall attend at the Divisional Branch Office or such place as may be decided by the Divisional Branch Management Committee, or give satisfactory proof of their inability to attend.
- (v) All applications for inclusion on the unemployed members' list shall be dealt with by the Divisional Branch Management Committee Executive Committee or other authorised committee who shall, if satisfied that the application is genuine, include them on the list.
- (vi) Members placed on the list shall be exempt from the payment of contributions for the period specified in this Rule. They shall be entitled to all rights under these rules, but shall only qualify for funeral benefit applicable at the discretion, or upon conditions determined by the Divisional Branch Management Committee.

### 31 - FUNDS OF THE NO. 2 BRANCH

- (vii) Exemption from payment of contributions shall operate for a period of twelve months from the date of inclusion on the unemployed members' list, or until again employed, whichever is the lesser.
- (viii) On expiration of the 12 months' period, unemployed members may make further application to be again placed on the unemployed list. Each further application may be approved by the Divisional Branch Management Committee who may require payment of such amount of contributions as may be considered reasonable.
- (ix) Any member commencing employment without notifying the Divisional Branch Secretary and continuing to receive the benefits of this unemployed clause while in employment shall be deemed to have committed a breach of the Rules. Such member(s) shall be required to pay full contributions for the period of employment and in addition, may be dealt with under the provisions relating to misconduct.
- (x) Continuous membership for the purpose of this Rule, and wherever encountered in these Rules, means continuous membership without any break in the continuity of membership from the last date of acceptance into the Branch.

### 31 - FUNDS OF THE NO. 2 BRANCH

- (i) The No. 2 Branch funds by entrance fees, contributions, levies and fines, together with any other monies received, shall be applied for the following purposes:-
  - (a) Defraying the cost of administering the affairs of the No. 2 Branch;
  - (b) Subscribing on a pro rata basis to any organisation or Labor Council with which the Union may become affiliated and to which affiliation the No. 2 Branch agrees;
  - (c) Defraying any expenses incurred in any legal proceedings;
  - (d) Assisting any members out of work through any trade dispute;
  - (e) Making all necessary payments as determined by the No. 2 Branch Management Committee in connection with any matters affecting members in regard to:-
    - (i) Preservation of life and limb;
    - (ii) Compensation for injuries and death;
    - (iii) The hours of labour;
    - (iv) The remuneration of labour;
    - (v) Protection of salaries and wages;
    - (vi) Other conditions affecting employment of members;
    - (vii) For the furtherance of any of the matters as set forth in the objects of the Union;
    - ~~(viii) And any other matters when the Divisional Executive or No. 2 Branch Management Committee determines the best interests of members require it.~~
- (ii) The No. 2 Branch Fund which shall be managed and controlled by each No. 2 Branch Management Committee shall consist of:-

## 32 - AUDIT OF ACCOUNTS

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- (a) Any real or personal property of which the No. 2 Branch by the Rules or by any established practice not inconsistent with the Rules has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;
- (b) All entrance fees and all contributions collected in accordance with the Rules save and except such part of the contributions as are fixed by the Divisional Conference from time to time and are Divisional Funds.
- (c) All fines and levies raised pursuant to No. 2 Branch Rules;
- (d) Any interest, rents or dividends derived from the investment of the Fund;
- (e) Any superannuation or long service leave fund operated or controlled by the No. 2 Branch for the benefit of its officers or employees;
- (f) Any sick pay fund, accident pay fund, mortuary or funeral fund, tool benefit fund or like fund operated or controlled by the No. 2 Branch for the benefit of its members;
- (g) Any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and
- (h) The proceeds of any disposal of parts of the Fund.

## 32 - AUDIT OF ACCOUNTS

- (a) The accounts of the No. 2 Branch shall be audited yearly by a competent person appointed by the No. 2 Branch Management Committee who shall produce and certify a financial statement and report setting out the financial position of the No. 2 Branch every year to and including the last day of December of each year. Such competent person shall also produce and certify a yearly balance sheet.

A competent person, within the meaning of this rule shall be a person other than a member of the organisation or No. 2 Branch, who is registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants or a person who is licensed or registered as an auditor under the law of a State or Territory of the Commonwealth relating to Companies.

- (b) The auditor shall have full and complete access to the books and documents of the No. 2 Branch.
- (c) On receipt of a petition signed by not less than 5% of members of the Branch, the No. 2 Branch Secretary shall convene a general meeting of members to present the Auditor's Report, the general purpose financial report and the operating report.
- (d) The petition shall have set out the member's full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of members for a general meeting to be held, the petition shall be presented to the No. 2 Branch Secretary within 30 days of the first member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% members.

### 34 - DUTIES OF MANAGEMENT COMMITTEE

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- (e) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

### 33 - DIVISIONAL BRANCH MANAGEMENT COMMITTEE AND OFFICERS

Each Divisional Branch shall have a Management Committee consisting of:

- (i) in the No. 1 Branch a President, a Secretary, an Assistant Secretary (if any) who shall form the Executive and the Secretaries of each District;
- (ii) the No. 2 Branch a President, a Senior Vice President, two (2) Vice Presidents – one of whom will be designated an affirmative action position to be filled by a female member, Secretary, Assistant Secretary/ies (number, if any, to be decided by the Divisional Branch Management Committee prior to the calling of nominations), and four (4) Trustees – one of whom will be designated an affirmative action position to be filled by a female member, who shall be the officers of the Management Committee and who shall form the Executive, elected organisers (if any) and not more than ten (10) other members – two (2) of whom will be designated affirmative action positions to be filled by female members, who shall with the Executive, form the Management Committee.

Nominations for the designated affirmative action positions will be called from female members only, although this does not preclude female members from holding any other Management Committee, Executive or Officer positions.

The failure to fill the designated affirmative action positions shall not prevent a Divisional Branch carrying out or conducting the business of a Divisional Branch.

### 34 - DUTIES OF MANAGEMENT COMMITTEE

- (i) The Divisional Branch Management Committee shall be the highest deliberative body of the Divisional Branch and shall subject to the Rules, Policies and Decisions of the Divisional Conference and/or Divisional Executive, manage and superintend the affairs of the Divisional Branch protect the funds and perform all the duties allotted to them by the Rules. The Divisional Branch Management Committee shall have the power subject to these Rules and to the proviso (s) to this sub rule relating to the No. 1 Branch to:-
- (a) Take such steps as it shall consider necessary to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects of the Union and to employ such assistance as it may deem necessary.
- (b) Direct the policy of the Divisional Branch.
- (c) Hear and determine all appeals that are submitted in accordance with the Rules.
- (d) Fix the salaries, allowances, conditions of employment and/or entitlements of the Divisional Branch Officers, employees, delegates and members as it deems to be appropriate and to appoint and/or remove and/or suspend officers, organisers and employees of the Divisional Branch.
- (e) Fine, suspend or expel Divisional Management Committee members, delegates and/or members for knowingly refusing to comply with the

34 - DUTIES OF MANAGEMENT COMMITTEE

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Rules or the decisions or policy of the Divisional Conference, Divisional Branch Management Committee or Divisional Branch Executive.

- (f) All Divisional Branch Officials and assistants shall be under the control of the Management Committee and Executive, subject to the Rules.
- (g) Investigate, report and take such action in accordance with these Rules upon all grievances and disputes of officials, officers and members that are placed before them.
- (h) Appoint delegates to organisations or bodies to which the Divisional Branch is affiliated and to select persons as delegates to represent the Divisional Branch at meetings and committees.
- (i) Receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the Divisional Branch.
- (j) Impose levies not exceeding \$10.00 per week provided that in no circumstances shall any levy or levies amounting to more than \$10.00 per week in any calendar year be imposed on any member or members.
- (k) Subject to Rule 32 appoint a Public Accountant to audit the accounts of the Divisional Branch.
- (l) Institute and/or defend legal proceedings in matters affecting the affairs of the Divisional Branch.
- (m) Issue instructions regarding the registration of members desiring employment.
- (n) Direct the Divisional Branch Executive Committee to carry out any of the provisions of the Rules or the performance of any duties that may be considered necessary.
- (o) Issue instructions for the holding of meetings of members at any time to discuss important matters.
- (p) Decide the number of Organisers (if any) under the provisions of the Rules.
- (q) Appoint Temporary Organisers under the provisions of the Rules.
- (r) Appoint a Divisional Branch Returning Officer for the conduct of any elections as may be necessary.
  - (1) The Divisional Branch Returning Officer shall have absolute control of any election or appointment.
  - (2) The Divisional Branch Returning Officer so appointed:
    - (i) may not be a member of the Union; and
    - (ii) shall not be the holder of any office in, or an employee of, the organization or a branch, section, or division of the organisation.

### 36 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

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- (s) Provided that as the No. 1 Branch shall not have funds, the No. 1 Branch Management Committee shall not have the powers set out in (d) (i) (j) (k) of this sub rule. Such powers in relation to the membership of the No. 1 Branch shall be held by the Divisional Executive.
- (ii) The Management Committee shall meet at least four times per annum, five (5) members shall form a quorum. Subject to (i) (s) here of the Executive Officers shall pass accounts, subject to the review of the Management Committee and deal with applications for membership.
- (iii) Each member of the Committee shall be paid other than the full time paid officers the sum of not less than \$4.00 or the expenses and loss of time for each meeting the Committee member attends.
- (iv) Each Divisional Branch shall hold such General Meetings as may be deemed necessary.
- (v) The Divisional Branch Management Committee shall ensure the Divisional Branch and its officers and members carry out the decisions and policies determined by the Divisional Conference and/or Divisional Executive and the rules of the Union are complied with.
- (vi) A Divisional Branch Management Committee member shall have the powers of a Shop Steward.

### 35 - DIVISIONAL BRANCH EXECUTIVE

- (a) The Divisional Branch Executive shall meet at least six (6) times in a calendar year and subject to a review of their actions by the Divisional Branch Management Committee, shall have the care, control, superintendence, management, administration, powers and responsibility in all respects of the affairs, funds and property of the Divisional Branch in between meetings of the Divisional Branch Management Committee, subject to the proviso contained in sub rule 34 (i) (s).
- (b) A quorum for any meeting shall be a majority of the Executive Officers as set out in Rule 33 hereof.
- (c) The Divisional Branch Executive shall meet at a time and place determined by the Executive or between members of the Executive by the Divisional Branch Secretary who shall notify the members of the Divisional Branch Executives of such time and place as soon as is convenient.
- (d) The Divisional Branch Executive of the shall carry out any duties which they have been directed to perform by the Divisional Branch Management Committee.

### 36 - DUTIES OF DIVISIONAL BRANCH PRESIDENT

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- (a) The Divisional Branch President shall preside at meetings of the Divisional Branch Management Committee or Divisional Branch Executive and meetings convened by the Divisional Branch Management Committee or Divisional Branch Executive.
- (b) The Divisional Branch President shall carry out such duties as may be assigned from time to time by the Divisional Branch Management Committee or Divisional Branch Executive.

- (c) The Divisional Branch President shall conduct business in accordance with Rules laid down for guidance. The President shall not enter debate on any question, but shall endeavour to bring the business to a satisfactory conclusion, and shall have a deliberative vote only.
- (d) The Divisional Branch President shall sign the minutes of proceedings of all meetings convened by the Divisional Branch Management Committee or Divisional Branch Executive when same have been duly confirmed.
- (e) The Divisional Branch President may be required by resolution of the Divisional Branch Management Committee or Divisional Branch Executive to attend to any business concerning the finances and administration of the Divisional Branch either in connection with the Divisional Branch Management Committee, Divisional Branch Executive or any Committees established in accordance with these Rules and shall if so required submit a report in writing of the findings to the Divisional Branch Management Committee or Divisional Branch Executive members.
- (f) The Divisional Branch President shall be an ex-officio member of all Committees.

### 37 - DUTIES OF DIVISIONAL BRANCH VICE PRESIDENTS

The Divisional Branch Vice Presidents shall attend all meetings of the Divisional Branch, and assist the Divisional Branch President in the duties of the Divisional Branch President's office. The Divisional Branch Senior Vice President shall officiate in the Divisional Branch President's absence, with all the powers conferred on the chair. In the absence of both the Divisional Branch President and the Divisional Branch Senior Vice President, a Divisional Branch Vice President shall officiate, with all the powers conferred on the chair. In the absence of the Divisional Branch President and Divisional Branch Vice Presidents the meeting shall elect one of its number to preside.

### 38 - TRUSTEES OF THE NO. 2 BRANCH

- (i) No. 2 Branch Trustees shall be elected in accordance with Rule 44.
- (ii) The No. 2 Branch Trustees shall:-
  - (a) Be responsible for the safe custody of the documents and securities of the No. 2 Branch of the Union. Documents and securities shall be deposited in the name of the No. 2 Branch, countersigned by the No. 2 Branch Trustees on behalf of the No. 2 Branch;
  - (b) act only on resolution of the No. 2 Branch Management Committee or Executive, certified under the hands of the No. 2 Branch Secretary;
  - (c) subject to the directions of the No. 2 Branch Management Committee or Executive, have custody of all property of the No. 2 Branch;
  - (d) be signatory for any accumulated funds invested in securities allowed by law as the No. 2 Branch Management Committee or Executive may direct;
  - (e) sign cheques or warrant for the withdrawal of funds which shall be countersigned by the No. 2 Branch Secretary.



39 - DUTIES OF DIVISIONAL BRANCH SECRETARY

- (i) The Divisional Branch Secretary shall:
  - (a) be under the control of the Divisional Branch Management Committee and the Divisional Branch Executive and shall be employed in a full time capacity (unless otherwise determined by the Divisional Executive) and shall among other things conduct correspondence in connection with all industrial matters and in general administration of the Divisional Branch;
  - (b) be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Management Committee or Divisional Branch Executive;
  - (c) prepare and forward to the Industrial Registrar returns as required by law;
  - (d) prepare the agenda for and minutes of each Divisional Branch Management Committee and Executive meeting; and shall attend meetings of the Divisional Branch Management Committee, Divisional Branch Executive and other meetings called by the Divisional Branch Management Committee or Divisional Branch Executive;
  - (e) be in charge of the office and subject to Rule 34 shall direct the labours of the officials and employees of the Division;
  - (f) keep a correct account of all monies received and expended;
  - (g) sign all cheques in addition to one of the Trustees and shall be the signatory to all documents on behalf of the Divisional Branch;
  - (h) be permitted to hold petty cash to the amount of \$500.00;
  - (i) be paid incidental and travelling expenses;
  - (j) generally conduct all financial transactions of the Branch;
  - (k) draw up a report and balance sheet, to be submitted to the Divisional Branch Management Committee as directed, and submit the books and accounts annually to the auditors;
  - (l) keep a record of the names and addresses of all members of the Divisional Branch, the names, addresses and occupations of all officers of the Branch, with the dates when they were admitted, died or left, their financial position in the Divisional Branch and all other particulars necessary to enable the Rules to be enforced;
- (m) receive all monies, and pay same into such Bank as the Divisional Branch Management Committee may direct, to the credit of the Union within seven (7) days after the receipt of same;
- (n) when vacating office, deliver to the successor in office, in the presence of the Divisional Branch Management Committee or Executive, all books,

documents and other property of the Divisional Branch in the Divisional Branch Secretary's possession;

- (o) produce for audit at least once a year, and at such other times as the Divisional Branch Management Committee may direct, all books and documents of the Divisional Branch appertaining to finance;
  - (p) forward to the Divisional Secretary when requested a true copy of the minutes of each meeting of the Divisional Branch Management Committee or Executive or any special meeting thereof;
  - (q) summon all meetings of the Divisional Branch Management Committee and Divisional Branch Executive, issue all necessary notices to members of the Divisional Branch Management Committee or Divisional Branch Executive in connection with such meetings. In consultation with the Divisional Branch President the Divisional Branch Secretary shall be authorised to convene any extraordinary meeting as deemed necessary;
  - (r) be ex officio member of all committees of the Divisional Branch;
  - (s) be responsible for the implementation and compliance with the decisions, rules and policies determined by the Divisional Conference or Divisional Executive by the Divisional Branch of which the Divisional Branch Secretary was elected.
- (ii) Notwithstanding anything elsewhere contained in these Rule the Branch Secretary of the No. 1 Branch will not have the duties set out in (i)(f) (g) (m) (o) as the No. 1 Branch will not have funds.

#### **40 - DUTIES OF DIVISIONAL BRANCH ASSISTANT SECRETARY/IES**

(If Required)

- (a) The Divisional Branch Assistant Secretary/ies shall be under the control of the Divisional Branch Management Committee and the Divisional Branch Executive Committee and shall, under the direction and authority of the Divisional Branch Secretary, carry out all responsibilities allocated to the position.
- (b) The Assistant Secretary shall in the absence of the Divisional Branch Secretary, fulfil the office and perform the duties of the Divisional Branch Secretary.
- (c) The Assistant Secretary shall attend meetings of the Divisional Branch Management Committee, Divisional Branch Executive Committee and other meetings called by the Divisional Branch Management Committee or Divisional Branch Executive Committee.

#### **41 - DUTIES OF ORGANISERS**

The Divisional Branch Management Committee may determine the number (if any) of Organisers of the Divisional Branch or District and the number (if any) to be appointed by it or elected pursuant to Rule 44 and shall determine the duties to be performed by any such Organisers.

- (i) Each District shall have a Management Committee that shall consist of a President, Secretary, a Vice President, elected organisers (if any) and no less than three Management Committee members. Prior to the calling of nominations the District Management Committee may determine that the Management Committee shall also consist of any of the following further members: (up to two further Vice Presidents, and Assistant Secretary/ies, and no more than fourteen further Management Committee members.)

Where prior to the calling of nominations a District Management Committee determines that the Management Committee shall have two Vice Presidents one of those positions will be designated an affirmative action position to be filled by a female member. Where the District Management Committee determines that the Management Committee shall also consist of 14 further Management Committee members two of those positions will be designated affirmative action positions to be filled by female members.

Nominations for the designated affirmative action positions will be called from female members only, although this does not preclude female members from holding any other District Management Committee positions.

The failure to fill a designated affirmative action position shall not prevent a District carrying out or conducting the business of the District.

- (ii). The District Management Committee shall, subject to these Rules, be the highest deliberative body of the District and shall subject to the Rules, policies and decisions of the Divisional Conference and/or Divisional Executive, manage and superintend the affairs of the District and perform all the duties allotted to them by the Rules. The District Management Committee shall, subject to these Rules, have the following responsibilities, functions, powers and duties:
- (a) to take such steps as it shall consider necessary to carry out all or any of the objects of the Union in a manner consistent with the decisions of Divisional Conference and the No. 1 Branch Management Committee;
  - (b) to maintain close liaison with the Divisional Executive and the Divisional Branch Management Committee;
  - (c) to ascertain and identify the concerns, ideas and interests of members allocated to that District;
  - (d) to actively contribute to the development, implementation of the strategies and plans of the Division;
  - (e) to ensure that the Divisional Conference, Divisional Executive, and the No. 1 Branch Management Committee are fully informed of the concerns, ideas and interests of the members in its District;
  - (f) to establish such Committees or sub committees as it may from time to time determine;

- (iii). The District Management Committee shall meet as required and at least twice per annum. A quorum for any meeting shall be a majority of its members.

- (iv). The District Management Committee may determine that there shall be a District Executive. In the event of such a determination the District Executive shall

include the President and Secretary and such other members of the District Management Committee as it may determine appropriate.

In the event that the District Management Committee makes such a determination the District Executive shall carry out any duties which they have been directed to perform by the Divisional Branch Management Committee and shall meet as frequently as is necessary to do so.

(v). Duties of District Officers shall be as follows:

- (a) The District President shall preside at all meetings of the District Management Committee, carry out such duties as may be assigned from time to time by the District Management Committee, and shall have a deliberative vote only, shall sign the minutes of proceedings of all meetings convened by the District Management Committee.
- (b) The District Vice President/s shall attend all meetings of the District Management Committee, and assist the District President in the conduct of the duties of that office, shall officiate in the absence of the District President with all of the powers of the District President.
- (c) The District Secretary shall:
  1. be under the control of the District Management Committee and shall conduct correspondence in connection with all matters relating to the business of the District;
  2. be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Management Committee in the District;
  3. prepare the agenda for and minutes of each District Management Committee; and shall attend meetings of the District Management Committee and other meetings of members of the District;
  4. be in charge of the District Office/s and subject to the directions of the Divisional Branch Management Committee and the Divisional Executive shall direct those activities carried out on behalf of the District by any officials or employees including organisers through the District office/s;
  5. when vacating office, deliver to the successor in office, in the presence of the District Management Committee, all books, documents and other property of the Divisional Branch including the District in the District Secretary's possession;
  6. forward to the Divisional Secretary when requested a true copy of the minutes of each meeting of the District Management Committee or any special meeting thereof;
  7. summon all meetings of the District Management Committee, issue all necessary notices to members of the District Management Committee in connection with such meetings. In consultation with

#### 43 - FULL TIME PAID OFFICERS

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the District President the District Secretary shall be authorised to convene any extraordinary meeting as deemed necessary;

8. attend and participate in any meeting of members of the District;
  9. be a member of Divisional Conference pursuant to Rule 8;
  10. be responsible for the implementation and compliance with of the decisions, rules and policies determined by the Divisional Conference or Divisional Executive by the District of which the District Secretary was elected.
- (d). The District Assistant Secretary /ies (if any) shall:
1. be under the control of the District Management Committee and shall under the direction and authority of the District Secretary, carry out all responsibilities allocated to the position;
  2. the Assistant Secretary /ies (if any) shall in the absence of the District Secretary fulfil the office and perform the duties of the District Secretary;
  3. the Assistant Secretary /ies shall attend meetings of the District Management Committee and other meetings of members of the District.
- (e). The Officers of the PPW District and of the PPW Sub Branches shall have the duties and carry out the functions as provided for in Rule 57 of these Rules.
- (f) District Management Committee members shall have the powers of a Shop Steward.

#### 43 - FULL TIME PAID OFFICERS

- (a) A member who has been elected to any position in a full-time capacity shall be employed full time in the service of the No. 2 Divisional Branch and be paid such weekly wages and conditions as shall be determined at a properly constituted meeting of the No. 2 Divisional Branch Management Committee / Executive Committee.
- (b) Full-time officers of the No. 1 Branch including any full time paid District or PPW sub branch officers shall be paid from the Divisional Fund.
- (c) Full-time paid officers shall be under the control of the Divisional Branch Executive between Divisional Branch Management Committee meetings and shall carry out all instructions of the Divisional Branch Management Committee or Divisional Branch Executive in accordance with the Rules.
- (d) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of the intention so to do to the Divisional Branch Management Committee.
- (e) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Branch Management Committee first being obtained.

- (f) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Branch Executive within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Branch Executive a medical certificate setting out that the officer has recovered and is capable to carry out the duties in accordance with the Rules.

**44 - ELECTIONS**

- (a) (i) Any member of the Division who is financial as provided for in Rule 6, at the time of nominations and has three years financial membership, may nominate for the following positions:
  - Divisional Secretary
  - Divisional President
  - Divisional Assistant Secretary
- (ii) Provided further that no member shall be entitled to nominate for more than one Divisional full time office.
- (iii) Where a member nominates for more than one Divisional full time office the Divisional Returning Officer shall seek from the member a decision as to which position the member wishes to contest.
- (iv) Where no decision is made by the member the Divisional Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:

Divisional Secretary, Divisional President, Divisional Assistant Secretary.
- (v) The Office of the Divisional Senior Vice President shall be held by the District Secretary of the PPW District of the No. 1 Branch.
- (vi) The term of office for the above positions shall be four (4) years such term shall commence from 2 January following the election.
- (b) (i) Any member of the Divisional Branch who is financial as provided for in Rule 6, at the time of nominations and has financial membership of the Divisional Branch in accordance with the scale set out in this rule, may nominate for such positions according to this scale.
- (ii) Provided further that no member shall be entitled to nominate for more than one Divisional Branch full-time office.
- (iii) Where a member nominates for more than one Divisional Branch full-time position the Divisional Branch Returning Officer shall seek from the member a decision as to which position the member wishes to contest.
- (iv) Where no decision is made by the member the Divisional Branch Returning Officer shall treat as valid only the nomination for the more senior position.

Seniority shall be determined in the following order:-

Secretary, Assistant Secretary, President, Organiser (if any).

- (v) The scale of financial membership of the Divisional Branch necessary for members to be qualified to nominate for the following positions, is as follows:

Divisional Branch Secretary - 3 years financial membership  
Divisional Branch Assistant Secretary/ies - 3 years financial membership  
Divisional Branch President(s) - 3 years financial membership  
Divisional Branch Delegate to  
Divisional Conference - 3 years financial membership  
Divisional Branch Senior Vice President - 1 year financial membership  
Divisional Branch Vice Presidents - 1 year financial membership  
Divisional Branch Trustees - 1 year financial membership  
Divisional Branch Management Committee - 1 year financial membership  
and  
Organiser (if any)- 1 year financial membership

Provided that for the purposes of this sub-rule financial membership of the State Registered Union being the United Timber Yards, Sawmills and Woodworkers Employees' Union of Western Australia or its successor shall be for all purposes continuous with and counted as financial membership of this Division.

- (vi) The term of office for the above positions shall be four years and such term shall commence from the 2nd January, following the election.
- (c)(i) Any member of the No. 1 Branch who is financial as provided for in Rule 6 at the time of nominations and has financial membership in accordance with the scale set out in this Sub Rule, may nominate for such positions according to this scale.
- (ii) The No.1 Branch Divisional Management Committee shall determine prior to the calling of nominations whether a position of District Secretary in any District is to be a full time paid Office.
- (iii) No member shall be entitled to nominate for both the position of District Secretary and District Assistant Secretary (if any)
- (iv) The scale of financial membership of the Divisional Branch necessary for members to nominate for the following positions is as follows:
- District Secretary – 3 years financial membership  
District President – 1 year financial membership  
District Vice President - 1 year financial membership  
District Assistant Secretary/ies (if any) - 1 year financial membership  
District Management Committee Members – 1 year financial membership  
PPW Sub Branch Secretary-1 year financial membership  
PPW Sub Branch Senior Vice President - 1 year financial membership  
PPW Sub Branch Junior Vice President -1 year financial membership  
PPW Sub Branch Committee of Management Members -1 year financial membership
- (v) The term of office for the above position shall be four years and such term shall commence from the 2<sup>nd</sup> of January following the election.

- (d)(i) Nominations for the above positions, shall be called by the Divisional Returning Officer by notification in the union journal if one is due to be published and in one daily newspaper circulating in all of the areas in which members of the Division are Resident on or before the last day of August of every fourth year commencing on and from the last day of August, 1996.
- (ii) Nominations shall open on the second Monday in September. Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and by at least two financial members of the Divisional Branch and forwarded by certified post to the Divisional Returning Officer or handed personally at the Divisional Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.
- (iii) Nominations shall be closed at 4 pm on the last Friday of September, 1996 and each four years thereafter following that date. Nominations must be received by the Divisional Returning Officer by that time on the date to be eligible.
- (iv) A member having nominated for any office in accordance with these Rules may withdraw the nomination by notifying the returning officer in writing of an intention to do so at any time up to 14 days after the closing of nominations. The returning officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the members name from the ballot papers prior to their distribution.
- (v) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of Divisional Management Committee member 50 words, containing only the candidate's personal history and only the candidate's policy statement.
- (vi) The Divisional Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.
- (vii) If at the closing date for nominations only sufficient nominations have been received by the Divisional Returning Officer to fill any vacancy or vacancies the Divisional Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Management Committee and candidates by submitting a Divisional Returning Officers report to the Divisional Secretary.
- (viii) If all nominations are received and there are more nominations than there are vacancies the Divisional Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or a nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.
- (ix) The Divisional Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable the supply of a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.



- (x) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.
- (xi) Where a ballot is required, the Divisional Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Returning Officer.
- (xii) The Divisional Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by prepaid post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Returning Officer by the Divisional Secretary and that envelope shall contain only the following documents -
- (a) a ballot paper initialled by the Divisional Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;
  - (b) a declaration envelope and an empty unsealed pre-paid post envelope addressed to the Divisional Returning Officer, c/- the numbered mail box referred to in this rule;
  - (c) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Returning Officer may consider necessary;
  - (d) the candidates statement provided for in accordance with sub-rule (d)(v) of this rule.
  - (e) provided that the Divisional Returning Officer shall post to each member eligible to vote by mail each relevant ballot paper.
- (xiii) For the purpose of the election the books of the Divisional Branches shall be deemed to have closed as at 1st September in the year of the election. Only members who are shown in the records at the office of the Divisional Branch as having paid all contributions, levies and fines prior to the 1st September shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Returning Officer that they have paid all contributions, levies and fines prior to the 1st September in the year of the election shall be entitled to receive a ballot paper and the Divisional Returning Officer shall send by post, a ballot paper in accordance with sub-rule (d)(xii) a of this rule.
- (xiv) The opening date of the ballot shall be the 2nd day of November and the closing date shall be noon on the 16th day of November in each year in which the ballot is held. All ballot papers shall be returned to the Divisional Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed

- (xv) The Divisional Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box until the commencement of the count of the ballot which will take place no later than the first working day following the closing of the ballot and shall be completed as soon as is practicable.
- (xvi) Any candidate at their own expense, may appoint a financial member of the union to act as their scrutineer by notification in writing to the Divisional Returning Officer. Any scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present.
- (xvii) The Divisional Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 4, Definitions, and the candidate or candidates receiving the necessary votes shall be deemed elected.
- (xviii) In the case of equality of votes for any 2 or more candidates the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.
- (xix) The Divisional Returning Officer shall declare the successful candidates elected and notify the Divisional Secretary of the result of the ballot and the Divisional Management Committee or Divisional Executive shall issue instructions for the publication of same in their minutes. The Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional area.
- (xx) The Divisional Returning Officer's report to the Divisional Secretary shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.
- (xxi) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.
- (xxii) In any election the Divisional Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Returning Officer may proceed nonetheless.
- (xxiii) Where a casual vacancy occurs in any office under these Rules such vacancy shall be filled in accordance with the provisions of Rule 46. As a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Management Committee provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -
  - (1) 12 months or
  - (2) three quarters of the term of the office, whichever is the greater.

#### 47 - REMOVAL OF OFFICERS AND MANAGEMENT COMMITTEE MEMBERS

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Where the unexpired part of the term of office exceeds that specified in this sub-clause, the Divisional Returning Officer shall conduct an election in accordance with this rule with any necessary modifications to fill the vacant position, the person elected shall hold office for the remaining term of office.

- e. The elections for each of the offices provided for in Sub Rules (b) and (c) of this Rule shall be conducted with the necessary changes in accordance with the provisions of Sub Rule (d) shall be a reference to a Divisional Office or body shall be references to the corresponding Divisional Branch, District or PPW Sub Branch Office or body for the purposes of this Rule.

#### 45 - PLACE OF MEETING OF THE DIVISIONAL BRANCH

The Divisional Branch Management Committee shall determine the place and time of any meetings of that Committee or the Divisional Branch.

#### 46 - CASUAL VACANCIES

- (i) Where a casual vacancy occurs in any office under these rules as a result of death, resignation, retirement, dismissal or for any other reason, such vacancy may be filled by appointment by the Divisional Executive provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed -
  - (1) 12 months or
  - (2) three quarters of the term of the office whichever is the greater.
- (ii) Where the unexpired part of the term of office exceeds that specified in (i) of this rule, the Divisional Returning Officer shall conduct an election of Divisional Conference delegates to fill the vacant position, the person elected shall hold office for the remaining term of office.

The Divisional Executive may decide that where this sub-rule (ii) applies such an election be conducted at a Special Divisional Conference or by a secret postal ballot of delegates to Divisional Conference in terms of Rule 44 of these Rules of the Union as modified to suit the requirements of the election.

- (iii) Any extraordinary vacancy which occurs in the office of any Divisional Branch or District or PPW Sub Branch including any member of a Divisional Branch Management Committee, District Management Committee or PPW Sub Branch Management Committee shall be filled in the manner provided in (i) and (ii) of this sub rule with necessary changes and for that purpose by the Divisional Branch Management Committee, District Management Committee or PPW sub Branch Management Committee respectively.

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#### 47 - REMOVAL OF OFFICERS AND MANAGEMENT COMMITTEE MEMBERS

- (a) Any officer/member of a Divisional Branch or District may be removed from office by a two-thirds majority of that Divisional Branch Management Committee or District Management Committee at a special meeting of the Divisional Branch

#### 48 - DUTIES OF MEMBERS AND OFFENCES

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Management Committee or District Management Committee called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Division of misappropriation of the funds of the Divisional Branch or a substantial breach of the rules of the Division or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

- (b) Any officer/member of the Divisional Branch Management Committee or District Management Committee charged may be suspended immediately by decision of the Divisional Branch Management Committee or District Management Committee respectively pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of the rules. The officer or Divisional Branch Management Committee or District Management Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in their defence, or if the officer prefers, may answer the charges in writing.

In the case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to the Divisional Conference or Executive whichever is appropriate as soon as it is conveniently possible from the date of the decision. Rule 58 - Appeals of Members shall apply.

#### 48 - DUTIES OF MEMBERS AND OFFENCES

##### A. DUTIES

- (a) To adhere strictly to the Rules of the Union and Division including any Rules relating to its Divisional Branches or Districts.
- (b) To promote the industrial welfare of every other member.
- (c) To attend the meetings of the Divisional Branch or District as often as possible and to assist the Officers to the best of the members' ability.
- (d) To supply the Divisional Branch Secretary or District Secretary with information as to where work is procurable for members.
- (e) Not to knowingly divulge any portion of the Union's business to any non-member or to discuss it with members in the presence or within the hearing of non-members.
- (f) When joining the Union to furnish the Divisional Branch Secretary or District Secretary with an address and notify any change of address within fourteen (14) days of such change.
- (g) Not to defraud other members.
- (h) To render every assistance to Shop Stewards/Job Delegates in their respective work places in the carrying out of their duties.
- (i) To answer or cause to answer any correspondence received from the Divisional Branch Secretary or District Secretary and to supply any information that may be required.

- (j) To report to the Divisional Branch Secretary or District Branch Secretary or the Divisional Secretary any member believed to be guilty of a breach of the Rules.

B. OFFENCES

- (1) Any member may charge any other member with;
  - (a) Committing any breach of the Rules.
  - (b) Failing to comply with any lawful resolution or direction passed or given under any Rule of the Union after having been given notice thereof.
  - (c) Committing any fraudulent act or unlawful act in relation to funds or property of the Union or in relation to any election held under its Rules.
  - (d) Wrongfully holding themselves out as occupying any office or position in the Union or any Divisional Branch or District thereof, as being entitled to represent the Union or any Divisional Branch or District in any capacity.
  - (e) Behaving in a drunken, disorderly or offensive manner towards an officer of the union or at any meeting held under the Rules of the Union or in the office of the Union Divisional Branch or District.
  - (f) Knowingly giving false information to any officer, representative or employee of the Union or any person acting as or on behalf of a Returning Officer conducting any election under its Rules relating to any Union business or election or any matter affecting the interest of the Union or its members, or refusing to give information to such persons when reasonably requested to do so.
  - (g) Aiding or encouraging any other member in any offence under these Rules.
  - (h) Doing any act calculated to injure or destroy the Union or making any wilful false statement concerning the administration of its affairs.
  - (i) Failing to report to the Divisional Branch Management Committee or the Divisional Conference a member believed to be guilty of a breach of the Rules.
  - (j) any of the following, the member so charged being the holder of any office within the Union:
    - (i) misappropriation of the funds of the Union;
    - (ii) a substantial breach of the Rules of the Union; or
    - (iii) gross misbehaviour or gross neglect of duty.
- (2) Any charge must be made in writing and shall be made to the Divisional Secretary or the Divisional Branch Secretary. Such Officer shall, if directed

#### 49 - PAYMENT OF FINES

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by the Divisional Branch Management or Executive Committee or the Divisional Conference or the Divisional Executive, summon the member charged. Such summons shall be in writing and shall state the time and place of the hearing and the substance of the charge. The member's fares to and from the place of the meeting shall be paid. The member shall on written request, be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is charged.

- (3) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be investigated, whether or not the person charged is present, unless a satisfactory explanation of the absence has been received.
- (4) At the hearing the member charged must be given a reasonable opportunity to present a defence to the charges including a reasonable opportunity to call any witness upon whose evidence the member wishes to rely, and if necessary to tender a written submission.
- (5) If the Divisional Conference or the Divisional Executive or Divisional Branch Management Committee or Divisional Branch Executive finds the member concerned so charged guilty it may:
  - (a) Impose a fine of a sum not exceeding \$100.00, and/or
  - (b) Suspend the member from membership; and/or
  - (c) Remove the member from any office or position; and/or
  - (d) Expel the member from membership of the Union.
- (6) Suspension from membership shall deprive a member of the rights and benefits of membership, but shall not relieve the member of the obligations of membership and shall not exceed six months for any one offence.
- (7) An appeal under this Rule shall lie in respect of any decision from a Divisional Branch to the Divisional Conference, or the Divisional Executive, provided that Notice of Appeal shall be given in writing to the Divisional Secretary within twenty-one days from the date of the member being notified of the Divisional Branch decision and shall set forth in full all matters which the appellant desires to be considered.
- (8) The Divisional Conference or the Divisional Executive shall decide the appeal at its next meeting after the appeal is made and the appellant shall have the right to attend the meeting and state a case on the appeal.
- (9) Notwithstanding anything to the contrary in these Rules a person elected to any office within the Union shall not be dismissed from office unless found guilty of misappropriation of the funds of the Union a substantial breach of the Rules of the Union or of gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold the office.

## 50 - SHOP STEWARDS/JOB DELEGATES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's union subscriptions.

## 50 - SHOP STEWARDS/JOB DELEGATES

- (1) A majority of members in each workplace or where appropriate department of the workplace present may select from amongst their number a person or persons to act as Steward or Stewards, Job Delegate or Job Delegates who shall as far as possible perform the following duties:-
  - (a) To see that these Rules are strictly adhered to.
  - (b) To investigate and if possible rectify any complaints or disputes and if unsuccessful to refer any such matters to the Divisional Branch Secretary for resolution.
  - (c) To report any infringement of any award or agreement affecting the Union to the Divisional Branch Secretary at once.
  - (d) To attend all meetings as regularly as possible.
  - (e) To notify the Divisional Branch Secretary when possible within twenty-four hours, of all accidents to members of the Union. All such information shall be supplied where possible on a form furnished by the Divisional Branch Secretary.
  - (g) It shall be the duty of all Shop Stewards/Job Delegates to endeavour to enrol appropriate workers in their respective workplace or jobs into the Union.
  - (h) On the start of every job where two or more workers are working there shall be a show of cards and also at any time the Shop Steward/Job Delegate may determine.
  - (i) Any member refusing to show their card when required by a Shop Steward/Job Delegate shall be liable to be fined up to \$100 by the Divisional Branch Management Committee.
  - (j) It shall be the duty of Shop Stewards/Job Delegates to interest themselves in the welfare of the worker probationers, indentured apprentices and trainees.
  - (k) On direction of the Divisional Branch Management Committee or at the request of one third of the members on the job, they shall be required to call a meeting as soon as convenient.
- (2) The Divisional Branch Secretary shall be advised of the appointment of Shop Stewards/Job Delegates in accordance with paragraph (1) and approved by the Divisional Branch Management Committee or Executive. In the event of failure of the members to appoint a Steward/Job Delegate in accordance with paragraph (1) the Divisional Branch Secretary or an officer authorised by the Divisional Branch Secretary shall have the power to appoint a Steward/Job Delegate or Stewards/Job Delegates.

## 55 - INSPECTION OF BOOKS

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- (3) Where no alternative arrangements for the payment of Union contributions have been determined by the Union, the Steward/Job Delegate shall collect all contributions, fines and levies due to the Union by members in the work place where the Steward/Job Delegate is employed, the same to be paid to the Secretary within 14 days. The Steward/Job Delegate may be paid a Commission to be fixed by the Divisional Branch Management Committee on all monies (except levies) collected, and shall be paid quarterly.
- (4) If the Divisional Branch Secretary is advised by members in any work place of their dissatisfaction with the performance of a Shop Steward/Job Delegate then a meeting of members will be convened to consider the complaints.
- (5) In relation to the No. 1 Branch a reference to the Divisional Branch Secretary shall include for all purposes of this Rule a reference to the relevant District Branch Secretary.

## 51 - VICTIMISATION

Should any Shop Steward or Job Delegate be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the Divisional Branch Management Committee/Executive Committee shall take all necessary steps to see that the Shop Steward/Job Delegate interests are protected.

## 52 - ALLOWANCES

The Divisional Branch Management Committee/Executive may determine in any year the allowances, if any, to be paid to persons representing the Divisional Branch or District for attending meetings at the request of the Divisional Branch or for its purposes.

## 53 - LOANS, GRANTS AND DONATIONS

A loan, grant or donation of an amount exceeding \$1,000.00 shall not be made by any Divisional Branch, unless the Divisional Branch Management Committee or the Divisional Branch Executive, as the case may be:

- (a) has satisfied itself -
  - (i) that the making of the loan, grant or donation would be in accordance with the other Rules of the Union; and
  - (ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory, and
- (b) has approved the making of the loan, grant or donation.

## 54 - CHANGE OF RESIDENCE

Any member changing residence shall report the same to the Divisional Branch Secretary within fourteen (14) days and in default shall be liable to a fine of up to \$100.

## 55 - INSPECTION OF BOOKS



## 57 - SPECIAL RULE – THE PULP AND PAPER WORKERS DISTRICT

The books of the Divisional Branch shall be available for inspection at any reasonable time by any member having an interest in the funds of the Divisional Branch on application being made to the Divisional Branch Secretary.

## 56 - APPEALS OF MEMBERS

- (a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Divisional Branch including any District may make a written appeal to the Divisional Branch Executive for redress, who shall in the case of appeals on any matter that does not relate to the Divisional Branch Executive forward the appeal to the Divisional Branch Executive within one (1) month.
- (b) Any members dissatisfied with the decision of the Divisional Branch Executive may appeal to the Divisional Branch Management Committee within one (1) month of the decision being given.
- (c) Any member dissatisfied with the decision of the Divisional Branch Management Committee may appeal against the decision to the Divisional Executive within one (1) month after the hearing of the case by the Divisional Branch Management Committee.
- (d) An appeal shall be in writing and shall be lodged with the Divisional Branch Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Branch Management Committee or Divisional Branch Executive or Divisional Executive may confirm, annul or modify the penalty or finding. Should the appellant desire to appear in person the appellant member shall be afforded the opportunity to do so.

## 57 - SPECIAL RULE – THE PULP AND PAPER WORKERS DISTRICT

The following provisions shall apply in respect of the Pulp and Paper Workers' District of the No.1 Branch of the Division (in this Rule called "the PPW District")

- (1) Nothing in this Rule shall affect the application of the Rules to the PPW District and to the holders of offices within and to the members of that District except insofar as this Rule may be inconsistent with another rule in which event the provisions of this Rule shall prevail to the extent of such inconsistency.

### PPW DISTRICT PROVISIONS

- (2) The business of the PPW District shall be conducted by the District Management Committee which shall consist of the District Secretary and Sub-Branch Delegates.
- (3) The powers of the District Management Committee shall include the following powers:-
  - (a) To establish new Sub-Branchees and amalgamate existing Sub-Branchees, to close or disband Sub-Branchees in accordance with the Rules, and generally to control Sub-Branchees and the members thereof including the power to disallow By-Laws made by any Sub-Branch in conflict with the Rules.
  - (b) When establishing a new Sub-Branch to make Rules providing for the admission of members to that new Sub-Branch, the establishment of a

Management Committee of that new Sub-Branch, the election of officers of that new Sub-Branch and all such matters as may be necessary.

- (c) To fix the amount of per capita payments by the Sub-Branches to the Divisional Executive - such payments not to exceed 75% of the members' contributions unless agreed by a majority of the Sub-Branches.
  - (d) To establish and or operate a Superannuation Fund for the benefit of the members of the District and others.
- (4A) The District shall hold an Annual General Meeting and such other meetings as may be necessary. Such meetings shall consist of a series of meetings of the members of each Sub-Branch held at times, places and dates to be decided by the District Management Committee. Members entitled to attend the meetings shall be notified thereof by circular or advertisement, or by printed notices or by such other similar means as the District Management Committee may deem reasonable. Any proposed resolution put to the series of meetings shall have been passed if it receives on the aggregate of all meetings held in the series, the majority of votes.
- (5) The Divisional Conference or District Management Committee shall have the power to suspend any Sub-Branch Management Committee and/or all or any officers, committee members and delegates of a Sub-Branch if it is satisfied after due enquiry and after giving it or them the opportunity of being heard:-
- (a) That the Rules of the District or Sub-Branch have not been bona fide observed or enforced by the Sub-Branch.
  - (b) That any lawful decision of the District Management Committee has not, after notification, been bona fide observed and enforced by the Sub-Branch.
  - (c) That the Sub-Branch is wilfully neglecting to provide for the collection of fees, levies, fines or contributions.
  - (d) That the accounts of the Sub-Branch have not been duly audited or that the accounts of the Sub-Branch or the Auditor do not disclose the true financial position of the Sub-Branch.
  - (e) That for any reason the Sub-Branch cannot or fails to meet in accordance with the Rules.
  - (f) That the officers of the Management Committee of the Sub-Branch refuse to disclose to the District Management Committee information concerning the Sub-Branch or the Management Committee.
- (6) If a Sub-Branch or a Sub-Branch Management Committee fails to comply with any lawful direction of the District Branch and incurs legal costs or has imposed upon it a fine and/or legal costs arising from the conduct of the Sub-Branch, the Sub-Branch Management Committee or members of the Sub-Branch, which conduct is in contravention of the lawful direction of the District Management Committee then the District Conference or District Management Committee shall have the power to direct that the amount of legal costs, fine and/or legal costs so incurred by and/or imposed upon the District shall be paid to the District Management Committee from the funds of the Sub-Branch.
- (7) The District Management Committee shall call a meeting upon the requisition of three (3) Sub-Branches.

- (8) The Sub-Branch Delegates to the District Management Committee shall be the Sub-Branch Secretary together with the additional Delegates who shall be elected quadrennially by the membership of each Sub-Branch in accordance with Rule 44. The additional Delegates shall be elected on the following basis:-
- (a) Each Sub-Branch with a membership of less than 100 members - the Sub-Branch Secretary only.
  - (b) Each Sub-Branch with a membership of 100 members or more but less than 400 members - the Sub-Branch Secretary together with one (1) additional Delegate.
  - (c) Each Sub-Branch with a membership of 400 members or more but less than 1,000 members - the Sub-Branch Secretary together with two (2) additional Delegates.
  - (d) Each Sub-Branch with a membership of 1,000 members or more but less than 2,000 - the Sub-Branch Secretary together with three (3) additional Delegates.
  - (e) Each Sub-Branch with a membership of 2,000 members or more but less than 3,000 members - the Sub-Branch Secretary together with four (4) additional delegates.
  - (f) Each Sub-Branch with a membership of 3,000 members or more - the Sub-Branch Secretary together with five (5) additional Delegates.
- (9) The Sub-Branch Management Committee may appoint a proxy delegate to any meeting of the District Management Committee when the delegate or delegates of the Sub-Branch to the District Management Committee (being either the Sub-Branch Secretary or additional Delegate or Delegates) is or are unable to attend that meeting: Provided that such proxy delegate shall be entitled to speak and vote on any matter except that such proxy delegate shall not participate in any step in any election for an office conducted amongst members of the District Management Committee.
- (10) The District Secretary and Divisional Conference Delegates shall be elected quadrennially by the members of the District in accordance with the provisions of Rule 44.
- (11) The District President, Senior District Vice President, Junior District Vice President and three (3) Trustees shall be elected by secret ballot after nominations have been called for by the Returning Officer at the meeting of the District Management Committee held next after the declaration of the quadrennial elections by and from the members of the District Management Committee in accordance with the provisions of Rule 44 with the necessary changes.
- (12) In the event of a member being elected to the office of District Secretary and as an Additional Delegate of a Sub-Branch to the District Management Committee such position of Additional Delegate shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 44 with the necessary changes.
- (13) In the event of a member being elected to the offices of District Secretary and Sub-Branch Secretary the office of Sub-Branch Secretary shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 44.

- (14) (a) In the event of an industrial dispute taking place in any Sub-Branch the officers of such Sub-Branch shall try, by conciliation, to settle the dispute. In the event of the Sub-Branch officers concerned being unable to secure a satisfactory settlement the matter shall be referred to the District Secretary who shall, on behalf of the District Management Committee take charge of such dispute and shall consult with the District President and shall, if necessary, convene a meeting of the District Management Committee to deal with the matter.
- (b) (i) A majority of the Sub-Branches shall, at special meetings of the Sub-Branch Management Committees called for that purpose, decide whether an industrial dispute affecting members of the Divisional Branch is to be submitted by the District to the appropriate tribunal established under the Workplace Relations Act 1996.
- (ii) The District President and District Secretary or such other person or persons as the District Management Committee may decide shall be empowered to make submissions on behalf of and represent the District before a Federal or State Industrial Tribunal and to sign or issue any document including any agreement for the District which is necessary in respect of any such submission or presentation.
- (15) Any delegates representing the District or a Sub-Branch on the Australian Labor Party shall be a member of that party.
- (15A) The District Secretary shall be ex-officio a member of all committees of the Sub-Branches but shall not be entitled to exercise a vote on matters appertaining exclusively to only one Sub-Branch.

#### PPW SUB-BRANCH PROVISIONS

- (16) (a) The following Sub-Branches are and shall be deemed to have been established as from the several dates on which they began to function:-
- Melbourne, Maryvale, Millicent, Sydney, Nowra, Tasmania, Tumut and, Petrie.
- (b) The Sub-Branches shall consist of members of the District as follows:-
- (i) The Melbourne Sub-Branch shall consist of members who are employed within a radius of forty (40) kilometres of the General Post Office.
- (ii) The Maryvale Sub-Branch shall consist of members employed within a radius of forty (40) kilometres from either the Traralgon or the Morwell Post Office.
- (iii) the Millicent Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Millicent Post Office.
- (iv) The Sydney Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Sydney Post Office.
- (v) The Nowra Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Nowra Post Office.

- (vi) The Tumut Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Tumut Post Office.
  - (vii) The Petrie Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Petrie Post Office.
  - (viii) The Tasmanian Sub-Branch shall consist of members employed in the State of Tasmania.
- (17) (c) Additional Sub-Branches may be established by resolution of the District of Management.
- (d) Any member not employed within a Sub-Branch area shall be attached to the Sub-Branch nearest to where he is employed.
- (18) (a) Officers of the Sub-Branches shall be the President, two (2) Vice-Presidents (a Senior and Junior Vice President) and a Secretary such officers shall also be officers of the Union. These officers together with such number of other members which shall not be less than three (3) or exceed ten (10) as the Sub-Branch shall determine shall form the Sub-Branch Committee of Management. The Sub-Branch Secretary shall also mean the Sub-Branch Secretary-Treasurer.
- (b) Delegates to the District Committee of Management shall be ex-officio members of all Committees and Sub-Committees of the Sub-Branch to which they belong.
- (c) The Officers of the Sub-Branch together with the other members of the Sub-Branch Committee of Management shall be elected quadrennially by the members of the Sub-Branch in accordance with the provisions of Rule 44.
- (19) (a) No member shall hold more than one of the offices of Sub-Branch President, Sub-Branch Senior Vice-President, Sub-Branch Junior Vice-President, Sub-Branch Committeeman, or Sub-Branch Secretary. If a member is elected to any two or more of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch Secretary signify which one of the said offices such member elects to hold. The member shall thereupon be deemed to have resigned from the other office or offices and the vacancy shall be filled in accordance with the provisions of Rule 44 mutatis mutandis.
- (b) No member shall hold the office of Sub-Branch Secretary and Sub-Branch Additional Delegate from the Sub-Branch to the District Committee of Management. If a member is elected to each of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch President signify which one of the said offices such member elects to hold and shall thereupon be deemed to have resigned from the other office. The vacancy so occurring in the other office shall be filled in accordance with the provisions of Rule 44 mutatis mutandis.
- (20) Each Sub-Branch shall elect delegates to represent it on any body with which the Sub-Branch is affiliated. The election shall be conducted amongst members of the Sub-Branch Management Committee and be held at the next Sub-Branch

## 58 – TRANSITIONAL PROVISIONS

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Management Committee meeting following Sub-Branch elections. Nominees are required to be a member of the Sub-Branch Management Committee.

- (21) Times and places of meetings of a Sub-Branch shall be fixed by the Sub-Branch Management Committee and shall be notified to members by being posted on work place notice boards at least three (3) days prior to the date of such meetings. At least one meeting shall be carried quarterly.
- (22) Each Sub-Branch shall decide the starting and finishing times of its meetings and no extension shall exceed thirty (30) minutes beyond the time of normal finishing.
- (23) The Sub-Branch President and Sub-Branch Secretary may call a meeting of the Sub-Branch Management Committee at any time by giving the membership of such Committee three (3) days notice in writing of the date, time and place of such meeting. The Sub-Branch President and Sub-Branch Secretary shall call a meeting of the Sub-Branch Management Committee. The Sub-Branch Management Committee if required to do so, by a written request of a majority of members of the Sub-Branch Management Committee may, at any meeting held of such Management Committee, decide the date, time and place of future meetings.
- (24) A quorum for a Sub-Branch meeting shall consist of five (5) members (not including officers or members of the Management Committee) where the Sub-Branch has a membership of 100 or less members; a quorum for a Sub-Branch meeting shall consist of ten (10) members (not including officers or members of the Sub-Branch Management Committee) where the Sub-Branch has a membership of over 100 members. If no such quorum is present at a meeting of a Sub-Branch thirty (30) minutes after the normal starting time of such meeting that meeting shall lapse.
- (25) If due to the absence of a quorum at a meeting, a Sub-Branch is unable to conduct its business, the Sub-Branch Management Committee shall conduct such business with the full authority of a properly constituted Sub-Branch meeting.

## 58 – TRANSITIONAL PROVISIONS

- (i) The purpose of this Rule is to provide for the commencement of the operation of amendments made to the Rules of the Division in 2008 which provide for the substantial restructure of the Division including the creation of new Divisional Branches and Districts, and of new Offices (the new Offices) and for various other additions, amendments, rescissions and other alterations (the 2008 Rule changes).
- (ii) The provisions of this Rule and of all the Rules referred to in sub rule (i) (the new Rules or new sub rules) shall take effect on and from the day the Industrial Registrar certifies them (the Rule 58 commencement date). The Division and its members shall comply with them severally as provided for in this Rule.
- (iii) Subject to the provisions of this Rule and after the Rule 58 commencement date, the Division and its members shall continue to comply with the Rules in operation immediately prior to that date (the unamended Rules).
- (iv) As soon as practicably possible after the Rule 58 commencement date, after receiving advice from the Divisional Secretary, the Divisional Executive in office in accordance with the unamended Rules, shall in accordance with the relevant provisions of the new Rules determine to which Divisional Branch of the Division each member of the Division is to be attached and to which District (if applicable) or PPW sub branch to which each member is to be attached.

- (v) On or before the last day of August 2008 or as soon as practicable thereafter the Divisional Returning Officer shall conduct an election for each of the following new offices in accordance with the new Rule 44:

**Divisional Offices:**

Divisional Secretary  
Divisional President  
Divisional Assistant Secretary

**No 1 Branch Offices:**

Divisional Branch President  
Divisional Branch Secretary  
Divisional Branch Assistant Secretary (if any)  
District Secretaries of each District  
District President  
District Vice President  
District Committee of Management Members

(the Divisional Senior Vice President is the PPW District Secretary and a National Officer by virtue of that office.)

**No 2 Branch Offices:**

Divisional Branch President  
Divisional Branch Senior Vice President  
Divisional Branch Two Vice President – one of whom will be designated in an affirmative action position to be filled by a female member  
Secretary  
Divisional Branch Assistant Secretary (if any)  
Four Divisional Branch Trustees – one of whom will be designated in an affirmative action position to be filled by a female member  
Ten other members of the Divisional Branch Management Committee two of whom will be designated in an affirmative action position to be filled by female members

- (vi) The persons elected to the new Offices as set out in sub rule (v) hereof shall assume office on 2 January 2009. Until the declaration of the ballot in the election to be conducted by the members of the Divisional Conference as provided for in this Rule the Divisional Executive shall consist of the Principal Officers of the Division and the Divisional Secretary of the No. 2 Branch.
- (vii) As soon as is practicable after the declaration of the ballot as provided for in (v) the Divisional Secretary shall summon a meeting of the Divisional Executive as constituted pursuant to sub rule (vi) hereof at which meeting the Divisional Executive shall determine a time and place for meeting of the Divisional Conference to be held.
- (viii) The Divisional Secretary shall give members of the Divisional Conference at least 7 days notice of the date of the Conference meeting.
- (ix) The Divisional Conference called in accordance with (viii) shall elect the Divisional Executive Officers and the Divisional Executive members in the manner provided for in new Rule 9.

- (x) The meeting of Divisional Conference shall be conducted in accordance with the provisions of the new Rules.
- (xi) Upon the declaration of the ballot in the election conducted at the Divisional Conference as provided for in (x) the Divisional Executive shall be constituted in accordance with the new Rules. As soon as is practicable thereafter the Divisional Secretary shall call a meeting of the Divisional Executive.
- (xii) The terms of office of each of the offices elected in accordance with sub rules (v) and (ix) shall be 4 years commencing on 2 January 2009, thereafter elections shall be conducted for all offices in accordance with the new Rules.
- (xiii) For all of the purposes of this Rule and of these new Rules the financial membership of those persons who are financial members of the Reporting Units know as Victorian FFTS Divisional Branch or the Queensland FFTS Union Divisional Branch, Reporting Units pursuant to the RAO shall be financial membership for the purposes of all elections relating to the Division or any part of the Division.
- (xiv) For the avoidance of doubt all persons elected to full time office in the elections conducted in 2004 in the Victorian FFTS Divisional Branch and any successors thereto shall be eligible for election in the elections to be conducted in accordance with this Rule.
- (xv) For the avoidance of doubt at the election to be conducted in accordance with this Rule 58 the following offices of District Secretary as provided for in Sub Rule 58 (v) shall be full time paid offices:  
  
NSW District Secretary, Victorian District Secretary, SA District Secretary, Tasmanian District Secretary and PPW District Secretary.
- (xiv) Upon the declaration of the ballot in the election for the new offices as set out in Sub Rule (v) hereof the unamended Rules shall cease to have any further operation.



**SCHEDULE 1 –SPECIAL FUNDS**

The following are special funds as provided for in sub rule 14D and such funds will be managed and maintained by the Divisional Executive on behalf of and in the interest of and for the benefit of those groups of members for whom the funds were collected, as set out hereunder:

**No 1 Branch Districts**

**Victorian District**

The John Curtin Fund – for members of the Victorian District.

**South Australian District:**

South Australian Glaziers Fund – Flat Glass and Glazing members in the South Australian District.

Metro and Country Fund – for members of specific Worksites in the South Australian District.

South East Welfare Fund – for members in the South East Region of the South Australian District

**PPW District:**

PPW Support Fund - for members of the PPW District

PPW Maryvale Sub Branch – for members of the PPW Maryvale Sub Branch

PPW Millicent Sub Branch Fund - for members of the PPW Millicent Sub Branch

PPW Melbourne Sub Branch Fund – for members of the PPW Melbourne Branch

**NSW District**

Member Support Fund – members of NSW District

**MOTIONS, HOW DEALT WITH:**

- (a) All motions shall be of an affirmative character and must be moved and seconded by members. Such motions become the property of the Union, and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless two-thirds of the members present agree to an extension of time.
- (b) Unless a member opposes the motion or proposes an amendment thereto, the motion shall be immediately put to the meeting for decision.
- (c) A motion may be superseded at any time by another motion "that it be discharged from the notice paper" or "that the next business be proceeded with" being resolved in the affirmative.
- (d) A motion may be amended at any time during the debate thereon by -
  - (i) striking out certain words
  - (ii) adding certain words, or
  - (iii) striking out certain words and inserting others in their place.

Always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

- (e) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.
- (f)
  - (i) At meetings other than meetings of the membership of a Branch or of a sub-branch all motions shall be put to the meeting by the chairperson in a clear manner. Any member present may demand that the vote be by ballot and the Chairperson shall thereupon conduct a ballot. In the absence of such a demand all motions shall be put to the meeting by the Chairperson by asking for the "ayes" to vote first and then the "noes". The Chairperson's decision as to which has the majority will be final unless any member present demands a show of hands. Upon such a demand being made the chairperson shall ask "those in favour" to raise one hand then "those against" to raise one hand.
  - (ii) At meetings of the membership of a Branch or of a Sub-Branch all motions shall be put to the meeting by the Chairperson in a clear manner by asking "ayes" to vote first and then the "noes".

The Chairperson's decision as to which has the majority will be final unless a member supported by one quarter of the number of members present demands a show of hands.

Upon such a demand being made the Chairperson shall appoint tellers to count the votes and shall ask "those in favour" to raise one hand then "those against" to raise one hand.

- (iii) If the votes are equal the question is resolved in the negative.

## SCHEDULE 2 - RULES OF DEBATE

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- (g) No member shall be allowed to vote who was not present when the question was first put.
- (h) A mover of a motion to be allowed 10 minutes to introduce and 5 minutes to reply. Other speakers 5 minutes unless two-thirds of the members present agree to an extension of time.
- (i) Any member desiring to move to change a decision of the Union or of a Branch must submit notice in writing of such intention to the Divisional Secretary or the Divisional Branch Secretary of the Union as the case may be fourteen (14) days prior to the date of the meeting at which they will move for such change.
- (j) During the course of a meeting any resolution which has been the business of that meeting may be recommitted at the hearing.

### RIGHT TO SPEAK

- (a) Any member desiring to speak shall rise and address the chairperson. If two (2) or more delegates begin to address the chairperson at the same time, the Chairperson shall call upon the one who, in the Chairpersons opinion, began to speak first. Provided that no member can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -
  - (i) In reply as the mover of the original motion.
  - (ii) In explanation or correction of some matter during the debate.
  - (iii) Upon a point of order raised during the debate.
  - (iv) Upon a resolution being carried "that a member be now heard".
- (b) A member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by the member.
- (c) Not more than two members shall be allowed to speak in succession for or against any question. If at the conclusion of the second speaker's remarks no member speaks on the other side, the motion or amendment shall be put to the vote.
- (d) Any member speaking shall at once stop:-
  - (i) If the chairperson begins to speak; or
  - (b) If a point of order is raised;and shall not resume speaking until the point of order is decided.
- (e) No member may speak to any question after it has been put by the chairperson, or during a division.

### REPORTS

## SCHEDULE 2 - RULES OF DEBATE

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- (a) A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of the Conference/Executive thereon.
- (b) If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

### ADJOURNMENT OF MEETING OR DEBATE

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

### ADJOURNMENT OF STATED TIME

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

### SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

### SITTING AS A COMMITTEE

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

### DEFINITION

In this rule "member" shall include any person attending a meeting.

### CHAIRPERSON'S RULING

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