

[128V: Incorporates the alterations certified on 5 March 2021 in matter R2020/226]  
(Replaces 18 June 2020 [R2019/164] version)

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 52 both inclusive contain a true and correct copy of the registered rules of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia

DELEGATE OF THE GENERAL MANAGER

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

**Rules of the Communications, Electrical, Electronic,  
Energy, Information, Postal, Plumbing and Allied  
Services Union of Australia  
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RULES OF THE "CEPU"

Section "A" - National Council

**1 - NAME & ADDRESS OF UNION**

1.1 Name of the Union

The name of the union shall be the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU).

1.2 Registered Address of the Union

The registered address of the Union shall be the office of the National Secretary unless otherwise determined by the National Council.

**2 - CONSTITUTION**

2.1 Without limiting or in any way being limited by any of sub-rules 2.3 to 2.21 inclusive, the Union shall consist of an unlimited number of employees who have been admitted as members in accordance with the Rules of the Union and who are engaged or usually engaged as electrical fitters, armature winders, electrical mechanics, battery fitters, railway electricians, telephone fitters, radio workers, cable jointers, linesmen, arc lamp trimmers, electrical labourers, electric crane attendants, rail welders and their assistants, electric welders whose work is associated with the work of an electrician and electricians engaged or usually engaged or employed in running and maintaining electric plants, dynamo, motor and switchboard attendants, and all employees whose callings are peculiar to the electrical industry. Also all other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof.

2.2 Provided that with respect to sub-rule 2.1, persons employed as Production Team Members by Southern Aluminium Pty. Ltd. at Bell Bay, Tasmania are not eligible for membership of the Union.

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

2.2.2 Sub-rule to reflect orders made under the Industrial Relations Act 1988 (now the Workplace Relations Act 1996) and recorded in Print N2624

Notwithstanding any provision of this rule to the contrary and for the purpose of giving effect to the orders made on 18 June 1996 and recorded in Print N2624, and subject to further order of the Commission to vary or set aside the orders, with effect from 2 May 1997 persons employed by National Rail Corporation Limited shall not be eligible to become members of the union.

2.2A Persons who are employed or usually employed in the State of Queensland engaged in the following:

2.2A.1 All categories of employees who are employed in or in connection with the generation of electricity at Gladstone Power Station, including employees of contractors and/or subcontractors, except for those employees of contractors and subcontractors employed in areas of contract commercial cleaning, contract catering and contract security.

2.3 Without limiting and in any way being limited by any of sub-rules 2.1 to 2.2A and 2.4 to 2.21 inclusive, the following persons in Western Australia shall also be eligible as members of the Union:

2.3.1 Persons who are employed, or usually employed within the area of the State of Western Australia, known as the South West Lands Division, engaged in the following callings or vocations:

Engineers, fitters, coppersmiths, turners, water meter fitters, patternmakers, tool and gauge makers, scale makers and adjusters, safe-makers, pipe fitters, brass finishers (engineering and general), blacksmiths, shipsmiths, toolsmiths, gunsmiths, angle iron smiths, oliversmiths, blacksmiths' strikers, steam and other hammer drivers, spring makers, millwrights, steam and drop hammer forgers, furnacemen (forge, electric and other furnacemen), oxy-acetylene and electric welders and cutter, locksmiths, iron and steel rollers, electrical engineers, electrical fitters, electrical wiremen, electrical linesmen, electrical installers, electrical mechanics, automotive electricians, refrigeration and air conditioning fitters, armature winders, electrical workers generally, battery fitters, mechanical and scientific instrument makers, mechanical draughtsmen, typewriter mechanics, motor mechanics, motor cycle mechanics, aircraft mechanics, cycle (other than motor) mechanics (including filers, assemblers and wheel builders, cycle enamellers, sprayers, liners and writers), machine joiners, die-sinkers, press toolmakers and stampers, wirenetting and link mesh workers, wire drawers, including persons (not being workers eligible for membership of either the Amalgamated Metal Workers' and Shipwrights' Union of Western Australia by virtue of paragraphs (ii) or (iii) of sub-rule (a) of Rule 2 of the Rules of that Union or the Plumbers and Gas Fitters Employees Union of Australia, West Australian Branch, Industrial Union of Workers, engaged in or in connection with the treatment and/or fabrication of copper, brass, aluminium and other non-ferrous metals for the purpose of the production of wire, tubes, rods, bars, sheets, strip sections, angles and other fabricated products) tubular steel and iron gate and fence makers, galvanisers, riggers and splicers belt repairers and oilers, rivet heaters, machine makers, milling machinists, planers, slotters, borers, shapers, machine drillers, all workers engaged in the making of wrought iron and malleable iron pipes, dressers, electroplaters and polishers, grinders and tappers, bolt, nut and screwing machinists, lifters and assemblers and assistants, and all other machine operators and examiners of work prepared by the foregoing classifications and vocations employed in the engineering, locomotive, ship building, rolling stock, aircraft, agricultural implement making and kindred trades, munition and iron trades, boilermaker (Western Power Corporation and Alinta Gas only), or in any other industry whatsoever engaged on the manufacturing of engineering products or in the maintenance of plants.

- 2.3.2 Persons who are employed or usually employed in the State of Western Australia, except that portion comprised in the South West Lands Division, engaged in the following vocations:

Engineers, coppersmiths, fitters, turners, die-sinkers, pattern-makers, brass finishers (engineering and general), blacksmiths, shipsmiths, toolsmiths, gunsmiths, angle iron smiths, spring makers, millwrights, oxy-acetylene and electric welders, cycle and motor mechanics, mechanical draughtsmen, milling machinists, planers, slotters, shapers, borers, machine drillers, iron and steel rollers, grinders, and other machinemen, mechanics, lifters and assemblers, machine makers, mechanical and scientific instrument makers, steam and drop hammer forgers, electroplaters, metal

polishers, typewriter mechanics and pipe fitters employed in the engineering, locomotive, shipbuilding, rolling stock, aircraft, agricultural implement making and kindred trades, or in any other industry whatsoever, engaged on the manufacturing of engineering products or in the maintenance of plant.

- 2.3.3 Persons engaged in the following trades or branches of the Coal Mining Industry:

Engineers, coppersmiths, fitters, turners, pattern-makers, brass finishers (engineering and general), blacksmiths, angle iron smiths, toolsmiths, steam and drop hammer forgers, blacksmiths' strikers, steam and other hammer drivers, electrical engineers, electrical workers, mechanical draughtsmen, millwrights, milling machinists, planers, slotters, borers, shapers, machine drillers and other machine men and assistants to the above Trades or Callings, engaged in the Coal Mining Industry.

- 2.3.4 Persons engaged by B.P. (Fremantle) Limited as bunkering operators, and bunkering attendants.

Provided that such persons referred to in this sub-rule 2.3.4 are those who by custom and practice would have industrial coverage under the terms of the Oil Bunkering B.P. (Fremantle) Limited Worker's Agreement No. 9 of 1979 as amended.

- 2.3.5 Persons employed or usually employed in the manufacture and/or distribution of natural and/or fuel gas in the callings of gas fitters, gas meter and/or appliance testers, gas meter repairers, gas holder attendants, gas plant operators, gas mainlayers and assistants in the area and operations under the State Energy Commission Act, the Perth Gas Act and the Fremantle Gas and Coke Company Act.

- 2.3.6 Persons employed or usually employed by the Western Power Corporation and Alinta Gas in any calling or vocation mentioned in sub-rule 2.3.1 of this Rule.

2.3.7 Persons employed or usually employed as Moulders and/or Coremakers, or apprentices or juniors (who when so employed) are engaged in any class of moulding and/or coremaking for the production of castings from molten metal of any kind, or making moulds (from) other materials in any industry, or branch of industry together with any foundry workers being moulders and/or coremakers, assistants, furnacemen and assistants, fettlers and grinders who are solely employed or are usually solely employed in a moulders shop or section and any cast bank and cast spun pipe makers moulders and/or coremakers and their assistants, die casters and smelters of scrap metals and their assistants. Provided always that no person referred to in this sub-rule shall be eligible for membership by reason of anything contained in this sub-rule merely because he or she is employed or usually employed in work of such kind as would had he or she been employed in such work on the first day of July 1961, have then qualified him or her for membership of any one of the following named Industrial Unions:-

Australian Railway Union of Workers, West Australian Branch.

Federated Miscellaneous Workers' Union of Australia, West Australian Branch, Union of Workers.

The United Furniture Trades Industrial Union of Workers, W.A.

2.3.8 The Union may admit to membership any person who is eligible in accordance with the aforesaid provisions of this Rule and who exercises his calling or vocation or who resides within the State of Western Australia, but excluding that portion of the State comprised within the area bounded by a line drawn from the intersection of the 20th parallel of latitude and the 125th meridian of longitude to the intersection of the 20th parallel of latitude and the 129th meridian of longitude then south along the 129th meridian of longitude to the intersection of that meridian of longitude with the 24th parallel of latitude; thence West along the 24th parallel of latitude to the intersection of that parallel of latitude with the 125th meridian of longitude; thence North along the 125th meridian of longitude to the intersection of that meridian of longitude with the 20th parallel of latitude.

2.3.9 The Union shall also consist of an unlimited number of workers engaged or usually engaged:

As electrical fitters, armature winders, electrical installers, automotive electrical fitters, battery fitters, cable jointers, electrical welders, linesmen refrigeration fitters or electrical labourers;

As electricians employed in running and maintaining electrical plants and installations;

As electricians employed as dynamo, motor or switchboard attendants;

On radio, television or electronic work as servicemen, repairers, wiremen, installers, set testers, coil winders, technicians, operators, assemblers, cabinet fitters and/or radio workers, television workers and electronic workers generally;

All electrical workers (except engine drivers employed by other than Western Power Corporation and Alinta Gas) associated with the generation and/or distribution of electricity and maintenance and repair of any electrical motor;

Without in any way limiting any of the foregoing shall also include all workers whose callings are peculiar to the electrical industry.

PROVIDED THAT no person who is eligible to be a member of the State Electricity Commission Salaried Officers' Union of Workers under its constitution as registered and subsisting on the first day of November 1956 shall be eligible to be admitted a member of this Union by reason of anything contained in sub-rule 2.3.9 hereof.

PROVIDED FURTHER that no person (other than a tradesperson) who is eligible to be a member of the West Australian Amalgamated Society of Railway Employees Union of Workers under its constitution as registered shall be eligible to be admitted as a member of this Union by reason of anything contained in sub-rule 2.3.9 hereof.

- 2.3.10 The Union shall also consist of those persons who were, immediately prior to the registration of this Union, duly elected officers of the Australasian Society of Engineers, Moulders and Foundry Workers, Industrial Union of Workers Western Australian Branch or appointed officers and admitted as members of the Electrical Trades Union of Workers of Australia (Western Australian Branch, Perth).
- 2.3.11 Elected officers and employees of the Union shall be eligible for membership thereof except such persons who are eligible for membership of the Federated Clerks' Union of Australia Industrial Union of Workers, W.A. Branch as at the date of registration of the Union and whose major and substantial duties are clerical.
- 2.4 Without limiting or in any way being limited by sub rules 2.1 to 2.3 inclusive and sub rules 2.5 to 2.21 inclusive, the Union shall also consist of an unlimited number of persons who have been admitted as members in accordance with the Rules of the Union and:
- 2.4.1 who are bona fide workers employed or usually employed in executing any plumbing, gasfitting, pipe-fitting, or domestic engineering work, whether prefabricated or not, or who execute any work in or in connection with:
- 2.4.1.1 Sheet lead, galvanised iron, or other classes of sheet metal, or any other materials which supercede the materials fixed by plumbers;
- 2.4.1.2 lead, wrought, cast or sheet iron, copper, brass or other classes of pipe work;
- 2.4.1.3 Water (hot or cold), steam, gas, air, vacuum, heating or ventilating appliances, fittings, services or installations;
- 2.4.1.4 house, ship, sanitary, chemical or general plumbing and drainage; or

- 2.4.2 who are independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the Union under Rule 2.4.1, provided that they:
- 2.4.2.1 are natural persons; and
  - 2.4.2.2 provide services for another person or body where the main object of the arrangement is to obtain their labour; and
  - 2.4.2.3 are not employers or usually employers.
- 2.4.3 together with such other persons, whether employed in the industry or not, as have been appointed officers of the Union and admitted as members thereof.
- 2.4.5 Without limiting the generality of the foregoing or being limited by the foregoing, the Union shall also consist of an unlimited number of persons who are employed or usually employed by CCA Beverages (Brisbane) Limited trading as Coca-Cola Bottlers, Brisbane in its operations at Richlands in the State of Queensland (including sales, marketing and services therefrom).
- 2.5 Without in any way limiting or being limited by the provisions of sub-rules 2.1 to 2.4 inclusive and 2.6 to 2.21 inclusive, the Union shall consist of an unlimited number of persons employed in or in connection with the installation, maintenance or provision of:
- 2.5.1 postal services as provided by the Australian Postal Corporation (or any successor thereto or a body corporate related to the Australian Postal Corporation (or any successor thereto) being a related body corporate within the meaning of the Corporations Law);
    - 2.5.1 (a) And further, without limiting the generality of the foregoing, the union shall also consist of independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the union pursuant to this sub-rule; or
  - 2.5.2 telecommunications as provided by:
    - 2.5.2.1 the Australian Telecommunications Corporation (or any successor thereto);  
or
    - 2.5.2.2 the Australian Overseas Telecommunications Corporation (or any successor thereto); or
    - 2.5.2.3 a body corporate related to either the Australian Telecommunications Corporation (or any successor thereto), or the Australian Overseas Telecommunications Corporation (or any successor thereto), being a related body corporate within the meaning of the Corporations Law; or
    - 2.5.2.4 Aussat Pty Limited and/or Optus Communications Pty Limited (either jointly or separately) or a body corporate related to either or both companies (being a related body corporate within the meaning of the Corporations Law)
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including all persons so employed or engaged who:

- \* in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act, 1940 of New South Wales, or as may be amended from time to time or any Act replacing that Act and, persons who are, or are able to become, members of an industrial union of employees within the meaning of the Industrial Arbitration Act, 1940 of New South Wales;
- \* in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961 of that State or that Act as amended from time to time or any Act replacing that Act;
- \* in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972 of that State or that Act as amended from time to time or any Act replacing that Act; or
- \* in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Relations Act 1979 of that State or that Act as amended from time to time or any Act replacing that Act.

2.6 Further, without limiting the generality of the foregoing, the Union shall also consist of persons employed or otherwise engaged in the functions of sorting, delivery or transportation in or in connection with mailing houses, provided that:

2.6.1 Any persons employed in communications grades by a railway or tramway operator, performing functions concerned directly and solely with such a railway or tramway operation, and who is eligible for membership of the Australian Railways Union as at 2 August 1991, shall not be eligible for membership.

2.6.2 Any person eligible for membership of the Australian Public Sector and Broadcasting Union, Australian Government Employment, in accordance with its conditions of eligibility for membership as at 18 October 1991 shall not be eligible for membership unless that person was also eligible for membership of the Australian Postal and Telecommunications Union in accordance with its conditions of eligibility for membership rule as at 18 October 1991.

2.6.3 Any persons engaged in:

2.6.3.1 clerical and/or administrative duties;

2.6.3.2 managerial duties;

2.6.3.3 executive duties;

2.6.3.4 computer software development, programming, systems analysis, computer hardware maintenance and operation;

2.6.3.5 sales and marketing duties;

2.6.3.6 storing goods and materials, driving motor vehicles, and/or patrolling;

2.6.3.7 fire safety duties;

shall not be eligible for membership unless that person is performing tasks which if performed by that person in employment with either the Australian Telecommunications Corporation or the Australian Postal Corporation (or any successors thereto) as at 18 October 1991 would make that person eligible for membership of the Australian Postal and Telecommunications Union.

2.6.4 Persons employed directly in supervising and or operating and or installing and or maintaining and or servicing an internal telecommunications system and who are eligible for membership of the Australian Municipal, Transport, Energy, Water, Ports, Community and Information Services Union (the "ASU") pursuant to Rule 5, part I of the ASU's Rules as at 10 October 1991 shall not be eligible for membership.

2.6.5 Persons employed to service, repair, maintain, structurally alter and/or assemble business equipment shall not be eligible for membership. Without limiting the generality of the foregoing, the term "business equipment" shall be deemed to include inter alia, cash registers, accounting machines, adding machines, calculators, computers and peripheral equipment.

2.6.6 Any person eligible for membership of the Metals and Engineering Workers' Union as at 1 October 1991 shall not be eligible for membership unless such a person:

2.6.6.1 was eligible for membership of the Australian Postal and Telecommunications Union as at 1 October 1991, or

2.6.6.2 is employed by a competitor to the Australian Telecommunications Corporation (or any successor thereto) licensed or permitted under Commonwealth legislation who performs tasks which if they had been performed in the employment of the Australian Telecommunications Corporation (or any successor thereto) would have made that person eligible for membership of the Australian Postal and Telecommunications Union as at 1 October 1991.

2.6.7 Any persons eligible for membership of the ATEA/ATPOA in accordance with its conditions of eligibility for membership rules as at 31 March 1991 shall not be eligible for membership unless that person was also eligible for membership of the APTU in accordance with its conditions of eligibility for membership rules as at 31 March 1991.

2.6.8 Any person employed in operating, providing, installing or maintaining telecommunications services and performing the functions (including employees performing supervisory and managerial duties which are directly related to those functions) specified in the:

2.6.8.1 Telecommunications Technical Officer Structure, Electrical Officer Structure, Production Officer Structure and Tradesperson Structure as set out in sub-clauses 8B 1-4 inclusive of the Australian Telecommunications Commission Telecommunications Technical and Trades Staff (Salaries and Specific Conditions of Employment) Award 1975 as at 31 March 1991; and

- 2.6.8.2 the Operator Assisted Services Structure in Clause 24 of the Australian Telecommunications Commission Telephone and Phonogram Staff (Salaries and Specific Conditions of Employment) Award 1978 as at 31 March 1991 shall not be eligible for membership except persons performing functions in common with functions specified in Clause 51 of the Telecom/APTU Award 1989 as at 31 March 1991.
- 2.6.9 Any person eligible for membership of the Professional Radio and Electronics Institute of Australasia in accordance with its eligibility rules as at 3 December 1991 employed by the Australian Overseas Telecommunications Corporation, being a person whose work functions are substantially the same as and broadly correspond with functions performed for the Overseas Telecommunications Corporation by a classification used by the Overseas Telecommunications Corporation and within the Professional Radio and Electronics Institute of Australasia, OTC Limited Consolidated Award 1990 as at 3 December 1991; or employed by Aussat Pty Ltd and/or Optus Communications Pty Ltd (either jointly or separately) or by a body corporate related to either or both companies (being a related body corporate within the meaning of the Corporations Law), being a person whose work functions are substantially the same as and broadly correspond with functions performed for Aussat Pty Ltd by a classification used by that employer and within the Professional Radio and Electronics Institute of Australia's Aussat Pty. Ltd. (Technical and Operational Employees) Award 1984 as at 3 December 1991, shall not be eligible for membership.
- 2.6.10 Any person eligible for membership of the Federated Clerks Union of Australia in accordance with its eligibility rule as at 3 December 1991 and employed by Aussat Pty Ltd and/or Optus Communications Pty Ltd (either jointly or separately) or by a body corporate related to either or both companies, being a person whose work functions and tasks are substantially the same as and broadly correspond with functions and tasks performed for Aussat by a classification used by Aussat and within clause 25 of the Aussat Pty. Ltd. (Clerical Employees) Award 1983 as at 3 December 1991, shall not be eligible for membership.
- 2.7 Without in any way limiting or being limited by the provisions of sub-rules 2.1 to 2.6 inclusive and 2.8 to 2.21 inclusive, the Union is open to:
- 2.7.1 Telegraphists, Phonogram Operators (VDU) and Message Bureau Operators (who immediately prior to selection for training as Message Bureau Operators were designated Telegraphist) employed in the Australian Telecommunications Commission.
- 2.7.2 All Postal Clerks, Senior Postal Clerks, Officer-in-Charge Grade 1, Officer-in-Charge Grade 2, Officer-in-Charge Grade 3, employed in the Australian Postal Commission.
- 2.7.3 All Postmasters who are not qualified to be promoted to, or transferred to, positions classified as being within the Third Division of the Public Service.
- 2.7.4 All instructors, Postal Training Schools, employed in the Australian Postal Commission.

- 2.7.5 All Trainee Telegraphists employed in the Australian Telecommunications Commission.
- 2.7.6 All Trainee Postal Clerks and all Assistant Postal Officers selected for training as Postal Clerk employed in the Australian Postal Commission.
- 2.7.7 All persons employed as paid Officials of the Union.
- 2.7.8 Trainee Postal Services Officers, Postal Services Officers, Postal Service Controllers and Postal Managers employed in the Australian Postal Commission.
- 2.7.9 And further without limiting the generality of the foregoing, the union shall also consist of independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the union pursuant to this sub-rule.
- 2.8 Without in any way limiting or being limited by the provisions of sub rules 2.1 to 2.7 inclusive and 2.9 to 2.21 inclusive, the Union is open to an unlimited number of persons employed or usually employed as officers in charge of an official post office.
- And further without limiting the generality of the foregoing, the union shall also consist of independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the union pursuant to this sub-rule.
- 2.9 Without in any way limiting or being limited by the provisions of sub rules 2.1 to 2.8 inclusive and 2.10 to 2.21 inclusive, the Union is open to all Officers of the Australian Postal Commission employed as Senior Postal Officer Grade 1 and Grade 2, Supervisor (Postal) Grade 1, 2, 3 and Senior Transport Officer, Transport Officer Grade 1 and Grade 2 and Transport Overseer in either the Australian Postal Commission and/or in the Australian Telecommunications Commission.
- And further without limiting the generality of the foregoing, the union shall also consist of independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the union pursuant to this sub-rule.
- 2.10 Without in any way limiting or being limited by the provisions of sub rules 2.1 to 2.9 inclusive and 2.11 to 2.21 inclusive, membership of the Union is open to all persons employed by the first licensed carriers as defined hereunder, in or in connection with the telecommunications industry.

"First Licensed carriers" means the holders for the time being of:

- 2.10.1 the licence to operate as a general telecommunications carrier and/or the licence to operate as a mobile carrier, both granted under the Telecommunications Act 1991 and both published in Commonwealth of Australia Gazette No. 323 dated 26 November 1991, and any body corporate that is related to either of those licence holders within the meaning of the Corporations Law; or

- 2.10.2 any licence granted following the revocation of either of the licences referred to in 2.10.1 above and any body corporate that is related to the holder of any such licence within the meaning of the Corporations Law.
- 2.11 Without in any way limiting or being limited by the provisions of sub rules 2.1 to 2.4, 2.5 to 2.10 and 2.17 to 2.21 and subject to sub rules 2.12, 2.13, 2.14, 2.15 and 2.16 the following persons shall be eligible for membership of the Union:
- 2.11.1 Any person employed in or in connection with telecommunications by:
- 2.11.1.1 the Crown in right of the Commonwealth;
- 2.11.1.2 any body established or incorporated under any act of Parliament of the Commonwealth or acting under the control of or for or on behalf of or in the interests of the Crown in the right of the Commonwealth other than the Commonwealth Scientific and Industrial Research Organisation or its successors, the Overseas Telecommunications Commission, the Australian National Railways Commission or the Snowy Mountains Hydro-Electricity Authority; or
- 2.11.1.3 any company (other than Aussat Pty Ltd., Qantas Airways Ltd. and its related companies and Australian Airlines Ltd.) any of the shares of which are held by or on behalf of the Crown in the right of the Commonwealth or any body of the kind described in the previous sub-paragraph.
- 2.11.2 Without limiting the generality of sub rule 2.11.1, any person employed by the Australian Postal Corporation who:
- 2.11.2.1 is employed in or in connection with:
- \* the manufacture, fabrication, modification, installation, maintenance or repair (including fault identification and location) of mail handling or post office plant, equipment and facilities; or
  - \* the provision of engineering services in relation to buildings, plant, equipment and facilities; and is required to have technical skills or to have mechanical, electrical or electronic trade based skills; or
- 2.11.2.2 is employed as a switchboard operator or telephonist.
- 2.11.3 Any person employed by the Union as an industrial officer or holding an elected office within the Union.
- 2.12 A person is not eligible for membership of the Union pursuant to sub rule 2.11 if that person is engaged in any clerical, professional, academic, nursing or catering capacity or is engaged in external plant line work associated with a telecommunications system.
- 2.13 A person is not engaged in a clerical capacity for the purposes of sub rule 2.12 by reason that the person is employed to:
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- 2.13.1 undertake supervisory or managerial duties or to assist persons undertaking supervisory or managerial duties in relation to persons employed in a Manual Assistance Centre Bureau;
  - 2.13.2 undertake supervisory or managerial duties in relation to persons engaged in technical, trades or production functions in or in connection with Telecommunications;
  - 2.13.3 train staff employed in a Manual Assistance Centre/Bureau (or any place established in the future to carry out the functions of a Manual Assistance Centre/Bureau);
  - 2.13.4 disseminate traffic or monitor systems tapes; or
  - 2.13.5 provide training in the use of telecommunications equipment purchased from the Australian Telecommunications Corporation.
- 2.14 For the purposes of determining eligibility for membership of the Union under sub rule 2.11.1 sub rule 2.11.2, other than in respect of a body corporate that is related within the meaning of the Corporations Law to either the Australian and Overseas Telecommunications Corporation Limited or the Australian Postal Corporation, any person eligible for membership of the Australian Public Sector, Professional and Broadcasting Union, Australian Government Employment, in accordance with its conditions of eligibility for membership as at 27 March, 1992, shall not be eligible for membership unless that person was also eligible for membership of the Australian Telecommunications Employees' Association/Australian Telephone and Phonogram Officers' Association (hereinafter referred to as the "ATEA/ATPOA") in accordance with Rule 3 as at 27 March, 1992 provided that any reference to Australian Telecommunications Commission in Rule 3 as at 27 March, 1992 shall be taken to include a reference to the Australian and Overseas Telecommunications Corporation Limited other than the International Business Unit of the Corporation.
- 2.15 For the purposes of determining eligibility for membership of the union in respect of bodies corporate which are related within the meaning of the Corporations Law to the Australian and Overseas Telecommunications Corporation Limited or the Australian Postal Corporation, a person shall not be eligible for membership unless that person is performing tasks which, if performed by that person in employment with the Australian and Overseas Telecommunications Corporation Limited as at 27 March, 1992 (or with its predecessor bodies being the Australian Telecommunications Commission and the Australian Telecommunications Corporation) or in employment with the Australian Postal Corporation as at 27 March, 1992 (or its predecessor body being the Australian Postal Commission), would make or would have made that person eligible for membership of the ATEA/ATPOA.
- 2.16 The following persons are not eligible for membership of the Union pursuant to sub-rule 2.11:
- 2.16.1 any person eligible for membership of the APTU in accordance with its Conditions of Eligibility for Membership as at 31 March, 1991 unless that person was also eligible for membership of the ATEA/ATPOA in accordance with its Conditions of Eligibility for membership as at 31 March, 1991.

2.16.2 Persons employed in any of the following:

- 2.16.2.1 Providing postal services with the exception of persons engaged in technical and/or trades postal functions; and/or
- 2.16.2.2 receiving, sorting, despatching, processing or delivering mail; and/or
- 2.16.2.3 providing, operating, installing or maintaining telecommunications services and performing the functions which are specified in the Communications Officer Structure as set out in Clause 51 of the Telecom/APTU Award 1989 as at 31 March, 1991 except those functions in common with functions specified in clause 8B1-4 inclusive of the Australian Telecommunications Commission Telecommunications Technical and Trades Staff (Salaries and Specific Conditions of Employment) Award 1975 as at 31 March, 1991.
- 2.16.2.4 driving; and/or
- 2.16.2.5 storing goods and materials; and/or
- 2.16.2.6 labouring, patrolling, gardening or cleaning; and/or
- 2.16.2.7 subject to the exceptions in sub-rules 2.11 and 2.13, overseeing or supervising any of the above services or functions.

2.16.3 Any person eligible for membership of the Professional Radio and Electronic Institute of Australasia as at 22 May, 1992 unless that person;

- 2.16.3.1 was eligible for membership of the ATEA/ATPOA as at 22 May 1992;
- 2.16.3.2 is employed by a body corporate which is related within the meaning of the Corporations Law to the Australian and Overseas Telecommunications Corporation Limited, except existing subsidiaries of the AOTC International Business Unit, or the Australian Postal Corporation, to perform tasks which, if performed by that person in employment with the Australian and Overseas Telecommunications Corporation Limited as at 22 May, 1992 (or with its predecessor bodies being the Australian Telecommunications Commission and Australian Telecommunications Corporation) or in employment with the Australian Postal Corporation as at 22 May, 1992 (or its predecessor body being the Australian Postal Commission), would have made that person eligible for membership of the ATEA/ATPOA; or
- 2.16.3.3 is engaged or employed in the installation, connection and maintenance of customer equipment and customer cabling attached for the purpose of directly utilising a public telecommunications network.

The expression "existing subsidiaries of the AOTC International Business Unit" means companies which were subsidiaries of the Overseas Telecommunications Corporation and which retain a connection with the International Business Unit of the AOTC.

The expressions "customer equipment" "customer cabling" and "public telecommunications network" have the same meanings as those expressions have in the Telecommunications Act 1991 as at 1 April, 1992.

- 2.16.4 Any person eligible for membership of the Australian Municipal, Transport, Energy, Water, Ports, Community and Information Services Union, the Metals and Engineering Workers' Union, the Electrical Trades Union or the Federated Clerks Union of Australia pursuant to the rules of those organisations as they stood at 15 July, 1992 unless that person:
- 2.16.4.1 was also eligible for membership of the ATEA/ATPOA as at 15 July, 1992; or
  - 2.16.4.2 is employed by a body corporate which is a subsidiary within the meaning of the Corporations Law of the Australian and Overseas Telecommunications Corporation Limited or the Australian Postal Corporation, to perform tasks which, if performed by that person in employment with the Australian and Overseas Telecommunications Corporation Limited as at 15 July, 1992 (or with its predecessor bodies being the Australian Telecommunications Commission and Australian Telecommunications Corporation) or in employment with the Australian Postal Corporation as at 15 July, 1992 (or its predecessor body being the Australian Postal Commission), would have made that person eligible for membership of the ATEA/ATPOA.
- 2.17 Without in any way limiting or being limited by any other provisions in rule 2, the union shall also consist of any person employed in a call centre by:
- 2.17.1 Telstra (as defined by relevant legislation) and/or any company or business providing a service for or to Telstra under a contract; and
  - 2.17.2 SingTel Optus (or Optus Group and/or as defined by relevant legislation) and/or any company or business providing a service for or to SingTel Optus under a contract; and
  - 2.17.3 Any company or business in the telecommunications services industry and/or any company or business providing a service for or to that company or business under contract.
    - 2.17.3.1 For the purposes of this sub-rule and subject to the exemptions set out herein a company or business in the telecommunications services industry means any company or business whose principal function is carrying on the supply of telecommunications services and includes any company or business whose principal function is the supply of value added telecommunications services.

- 2.17.3.2 Provided that the telecommunications services industry does not include any company or business whose principal function is the manufacture and supply of telecommunications equipment and line whether or not such company or business also installs and maintains telecommunications equipment and line, and any company or business whose principal function is the installation, service and/or maintenance of telecommunications equipment and line, unless the business also operates that equipment and line.
- 2.17.4 Provided that persons employed by Teletech, Salmat, Primus, AAPT, Hutchison, NTT, B Digital, and Cardcall shall not be eligible for membership of the union under rule 2.17.2
- 2.18 All persons employed by the First Licensed carriers as defined hereunder, in or in connection with the telecommunications industry shall be entitled to become a member of the Union.
- "First Licensed carriers" means the holders for the time being of:
- 2.18.1 the licence to operate as a general telecommunications carrier and/or the licence to operate as a mobile carrier, both granted under the Telecommunications Act 1991 and both published in Commonwealth of Australia Gazette No. 323 dated 26 November 1991, and any body corporate that is related to either of those licence holders within the meaning of the Corporations Law; or
- 2.18.2 any licence granted following the revocation of either of the licences referred to in sub rule 2.18.1 any body corporate that is related to the holder of any such licence within the meaning of the Corporations Law.
- 2.19 Without in any way limiting or being limited by the provisions of sub-rules 2.1 to 2.18 and 2.20 and 2.21 the Union shall consist of an unlimited number of persons employed by Telecom Technologies Pty Limited.
- 2.20 Without in any way limiting or being limited by the provisions of sub-rules 2.1 to 2.19 or 2.21, there shall be eligible for membership of the Union employees of the Australian Telecommunications Commission, the Department of Aviation and the Department of Transport engaged in technical, supervisory or managerial duties which are directly related to those functions in lines or external plant work and without limiting the foregoing avocations.
- 2.20.1 Senior Lines Officer, Principal Lines Officer, External Plant Manager, Installation Manager, Program Manager and Technical Services Manager;
- 2.20.2 Lines Officer (provided that they are persons who immediately before becoming Lines Officers were members of the TOA and employed as Technical Officers (external plant));
- 2.20.3 Technical Officer, Senior Technical Officer, Principal Technical Officer provided that they are carrying out lines or external plant work and have worked in the lines area for at least six years;
- 2.20.4 Inspector (Radio External Plant), Lines Inspector, Senior Lines Inspector and Lines Controller;

2.20.5 Communications Officers Grade 5 and above (other than those employees employed as technical instructors in lines training schools and qualified as such).

Provided that a person employed as a Drafting Officer (Operations) shall not be eligible for membership of the Union.

Provided the eligibility for membership in the Union does not include employees of the Australian Telecommunications Commission employed in the Internal Plant area.

Provided that any employee coming within the conditions of eligibility for membership of the Professional Radio and Electronics Institute as it stood at 12 January, 1987, shall not be eligible for membership of the union.

Provided that any employee eligible for membership of the Australian Postal and Telecommunications Union other than Lines Officer (who immediately before appointment as such was a member of the TOA and employed as a Technical Officer Grade 1 (External Plant), Senior Lines Officer, Principal Lines Officer, Communications Officers Grade 5 and above (other than those employees employed as technical instructors in lines training schools and qualified as such), External Plant Manager, Installation Manager, Program Manager or Technical Services Manager shall not be eligible for membership of the Union.

2.21 Without in any way limiting or being limited by the provisions of sub-rules 2.1 to 2.20 the following categories of persons however described shall be eligible for membership of the Union.

2.21.1 Any person employed in the Australian Telecommunications Commission, Australian Postal Commission and Department of Communications as a:

Technical Officer  
Senior Technical Officer  
Principal Technical Officer  
Technical Officer (Engineering)  
Senior Technical Officer (Engineering)  
Principal Technical Officer (Engineering)  
Technical Officer (Telecommunications)  
Senior Technical Officer (Telecommunications)  
Principal Technical Officer (Telecommunications)  
Technical Officer (Buildings)  
Senior Technical Officer (Buildings)  
Chief Technical Officer (Buildings)  
Controller (Buildings)  
Technical Instructor (Technicians' School)  
Senior Technical Instructor (Technicians' School)  
Foreman  
Supervisor (Workshops)  
Telecommunication or Trades  
Controller Radio Inspection Services  
Manager, Grades 1, 2 and 3, Department of Communications  
Assistant Manager, Department of Communications  
Deputy Manager, Department of Communications

Major Facilities Manager  
Internal Plant manager  
Subscribers Installation and Repair Manager  
Technical Manager  
Technical Services Manager  
Plant Layout and Installation Manager  
Switching Systems and Restoration Manager  
District Telecommunications Manager  
Technical Operations Co-ordinator  
Technically qualified Administrative Officers

Provided that no employees other than employees designated as Technical Services Manager who are eligible to be members of the Australian Postal and Telecommunications Union shall be eligible to become a member of the Union.

2.21.2 Any person employed as an Officer of the Union.

2.22 Description of Industry in Connection with which the Communications Division is Registered

For the purpose of sub-rules 2.5 to 2.21 inclusive, the industry in connection with which the communications division is registered is:

2.22.1 The postal and telecommunications industry in Australia and postal and telecommunications services.

2.22.2 Postal Electrical.

2.22.3 An organisation of employees in or in connection with telephone, phonogram or telex traffic industry.

2.22.4 The industry in connection with which the Union is formed is that part of the Communications and Telecommunications industry and represented by the employees of the Australian Telecommunications Commission, the Department of Aviation and the Department of Transport where employed as persons carrying out duties contained under the Rule of the Constitution and Rules.

2.22.5 The industry in or in connection with which the Union is formed without in any way limited the generality of the provisions of Rule 2 Constitution and the construction proper at any time and from time to time to be placed thereon, the industry of message communications as handled within the corporate responsibilities of Australian Telecommunications Commission and Australian Postal Commission and Department of Communications so far only as extending to all positions associated with electromagnetic and electrostatic communications and associated networks, transmission, switching systems and interfaces and any technical development thereof and the supervision and management of staff engaged on the operation, maintenance, extension and housing of these systems and networks. Provided that the positions referred to (other than technical services manager) shall not include positions within the conditions of eligibility for membership of the Australian Postal and Telecommunications Union.

### 3 - OBJECTS

- 3.1 To enrol in the Union persons eligible to be members.
- 3.2 To advance the interests of members and secure a proper classification structure with appropriate rates of pay.
- 3.3 To ensure adequate training is available for members including the maintenance of the principles of the apprenticeship system.
- 3.4 To ensure that rates of pay and other provisions adequately reflect the training and skills of members.
- 3.5 To advance and protect the vocational interests of members including seeking and maintaining representation on all relevant authorities, committees and bodies.
- 3.6 To provide legal protection for members with respect to industrial and work injury related matters where deemed necessary.
- 3.7 To assist members in the event of unemployment, sickness, injury, mortality or industrial dispute.
- 3.8 To establish Divisions, Branches and Sub Branches of the Union and organise members into Divisions, Branches and Sub Branches throughout Australia.
- 3.9 To publish a union journal, newspaper or other media.
- 3.10 To advance the living and working conditions of workers and their families, and to assist kindred Unions and other bodies having these objectives.
- 3.11 To affiliate to, federate with, amalgamate with, or otherwise combine with any trade, industrial union or association or any political party or any other organisation having objects similar in whole or in part to the objects of this Union.
- 3.12 To hold, purchase, lease, mortgage, sell or otherwise deal in property.
- 3.13 To make financial provision for the carrying out of these objectives.
- 3.14 To uphold the right of combination of labour, and to improve, protect and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial and social legislation.
- 3.15 To secure preference of employment for unionists.
- 3.16 To establish and maintain an employment bureau for members.
- 3.17 To contribute to any charitable institution that the members may decide.
- 3.18 To constitute, conduct, carry on and manage clubs, holiday and rest centres for members.

### 3 - OBJECTS

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- 3.19 To co-operate and maintain social contact with members, other unions, labour bodies and socially responsible organisations both in Australia and overseas.
- 3.20 To be involved, whether on a Divisional basis or as the whole union, in socially responsible citizen actions.
- 3.21 To assist in the establishment and/or maintenance of labour newspaper and other media.
- 3.22 To bring about the socialisation of production, distribution and exchange and the development and protection of effective enterprises.
- 3.23 To promote the policy of equality of status and opportunity for all members.
- 3.24 To adopt, promote and implement family friendly policies for union employees and officials.
- 3.25 To increase the number of women employed by the union.
- 3.26 To ensure there is equal employment and career path opportunity for female union employees.
- 3.27 To increase the number of female members.
- 3.28 To encourage the participation by women in union activities and decision making bodies.
- 3.29 To pursue such other objects as the Council and/or the various Divisions or Divisional Branches shall from time to time determine being consistent with the express wishes of the membership as determined by these Rules.
- 3.30 To establish and administer trust funds (“the Trust Funds”) for the purpose of furthering the Union’s objects including (but not limited to) advancing the interests of members and former members, providing legal protection for and otherwise assisting members or former members in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members, being involved in socially responsible citizen actions and making financial provision for the carrying out of the Union’s objects.
- 3.31 To contribute funds or other property to the Trust Funds for the purpose of furthering these objects including (but not limited to) advancing the interests of members and former members, providing legal protection for and otherwise assisting members or former members in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members, being involved in socially responsible citizen actions and making financial provision for the carrying out of these objects.

- 3.32 To transfer Union assets to the Trust Funds for the purpose of furthering these objects including (but not limited to) advancing the interests of members and former members, providing legal protection for and otherwise assisting members or former members in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members, being involved in socially responsible citizen actions and making financial provision for the carrying out of these objects.

#### 4 - DEFINITIONS

In these Rules unless the contrary intention appears:

- 4.1 “Appropriate Division” - Appropriate division shall be the division to which a member has been attached.
- 4.2 “Board” - means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors.
- 4.3 “Declared person or body” - A person is a declared person or body if:
- 4.3.1 an officer of the Union has disclosed a material personal interest; and
  - 4.3.2 the interest relates to, or is in, the person or body; and
  - 4.3.3 the officer has not notified the Union that the officer no longer has the interest.
- 4.4 “Disclosure period”- for the purpose of these rules means the financial year unless a shorter period is specified.
- 4.5 “Division” - Division shall mean a division of the Union established under the rules of the Union. There shall be an Electrical, Energy and Services Division, a Plumbing Division and a Communications Division
- 4.6 “Divisional Branch” - Divisional Branch shall mean a Branch of a division of the Union established in accordance with the rules of the Union.
- 4.7 “Divisional Branch Officer” means an officer of a Divisional Branch.
- 4.8 “Divisional Council” - Divisional Council refers to the supreme governing body in each division, which in the case of the Communications Division is the Divisional Conference.
- 4.9 “Divisional Governing Committees- Divisional governing committees shall mean governing bodies established in accordance with the relevant Divisional rules.
- 4.10 “Divisional Group” - The Postal and Telecommunications branches of the Communications Division and the Telecommunications and Services branches of the Communications Division shall each comprise a Divisional Group within that Division.

## 4 - DEFINITIONS

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- 4.11 “Divisional Industry Groups” - Industry Groups shall mean the Postal Services Industry Group and the Telecommunications and Information Technology Industry Group. The Postal Services Industry Group shall be constituted by members in the Postal Services Industry Sections and the Postal Industry Sections. The Telecommunications and Information Technology Industry Group shall be constituted by members in the Telecommunications and Information Technology Industry Sections, the Lines and General Sections, the Technical Industry Sections and the Operator Industry Sections.
- 4.12 “Divisional Industry Section” - Industry Section shall mean either the Postal Services Industry Section, the Telecommunications and Information Technology Industry Section, the Postal Industry Section, the Lines and General Industry Section, the Technical Industry Section and the Operator Industry Section as constituted by Rules 46, 46A and 46B of the Communications Divisional Rules.
- 4.13 “Divisional Officer” means the holder of an office in a Division in accordance with the relevant Divisional rules.
- 4.14 “Divisional Section” - The Lines and General, Postal, Telecommunications and Operator divisions of the Communications Division shall each constitute a Divisional Section within that Division.
- 4.15 Divisional Secretary - Divisional Secretary shall mean the Secretary of each division.
- 4.16 “Financial duties” include duties that relate to the financial management of the Division or a Divisional Branch of the union.
- 4.17 “General Manager” means the General Manager of the Fair Work Commission.
- 4.18 “National Councillor” - A National Councillor is a person holding a position elected under rules 12 "Election of National Executive Officers" and 13 "Election of National Councillors" of Section A of these Rules.
- 4.19 “National Executive Officer” - A National Executive officer shall be a person holding an elected position under rule 12 "Election of National Executive Officers" of these rules.
- 4.20 “National Officer” - The National Officers shall be the National Councillors.
- 4.21 “Non-cash benefit” means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.
- 4.22 “Office” has the same meaning as defined by section 9 of the Fair Work (Registered Organisations) Act 2009.
- 4.23 “Officer” has the same meaning as defined by section 6 of the Fair Work (Registered Organisations) Act 2009.
- 4.24 “Peak council” has the same meaning as defined by section 12 of the Fair Work Act 2009.
- 4.25 “Related party” has the same meaning as defined by section 9B of the Fair Work (Registered Organisations) Act 2009.

## 4 - DEFINITIONS

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- 4.26 “Relative” in relation to a person, means:
- 4.26.1 parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or
  - 4.26.2 the spouse of the first mentioned person.
- 4.27 “Relevant branch committee of management” shall mean Divisional State Branch Council or Executive meeting in the case of the Electrical, Energy and Services Division, a Divisional Branch meeting in the case of the Plumbing Division, and a Divisional Branch Committee of Management in the case of the Communications Division.
- 4.28 “Relevant non-cash benefits” in relation to an officer of the Union for a disclosure period, means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer’s duties as an officer, by the Union, Division or relevant Branch or by a related party of the Union, Division or relevant Branch.
- 4.29 “Relevant remuneration” in relation to an officer of the Union for a disclosure period is the sum of the following:
- 4.29.1 any remuneration disclosed to the Union, Division or relevant Branch by the officer under rule 32.1 during the disclosure period;
  - 4.29.2 any remuneration paid during the disclosure period, to the officer by the Union, Division or relevant Branch.
- 4.30 “Remuneration”
- 4.30.1 includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but
  - 4.30.2 does not include a non-cash benefit; and
  - 4.30.3 does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out his or her duties.
- 4.31 “Reporting Obligations” shall mean the obligations in connection with the annual report and various financial returns required under Chapter 8 of the *Fair Work (Registered Organisations) Act 2009*.
- 4.32 “Rules of the Union” -
- 4.31.1 The Rules of the Union means all of the Rules of the amalgamated union read and construed in totality and includes the Divisional Rules and Divisional Branch rules.
  - 4.31.2 Divisional Rules are the rules of a division established in accordance with the Rules of the Union.
  - 4.31.3 Divisional Branch Rules, where they exist, are the rules of the Divisional Branch, being a branch of a division, established in accordance with the rules of the Union.
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- 4.33 "Union" - Union shall mean the amalgamated Union and shall include all its divisions and divisional branches and/or any other sub section or part of the divisions.

## **5 - MEMBERSHIP OF THE UNION**

### 5.1 Membership of the Union

- 5.1.1 The Union shall consist of all persons duly admitted as members in accordance with these rules.
- 5.1.2 A member shall be attached to the division of the Union covering the industry or employment of that member.
- 5.1.3 A member shall only be in one division and one divisional branch. Each member shall be notified of the division and divisional branch to which he/she has been attached.
- 5.1.4 A member attached to a division and divisional branch remains at all times a member of the Union. Upon resignation from a division the member shall be deemed to have resigned from the Union.
- 5.1.5 A member may be transferred to another division, divisional branch or divisional sub branch without loss of continuity of membership in accordance with the rules of the appropriate division.
- 5.1.6 Any dispute as to which division a person should belong shall be determined by the National Executive Officers. Before any dispute is referred to the National Executive Officers the divisions in dispute must try and resolve the matter between them.

### 5.2 Admission of New Members

- 5.2.1 A candidate for membership shall make application to the Divisional Branch of the Union in the State/Territory in which that person is employed in accordance with the rules of the appropriate division.
- 5.2.2 When applying for membership an applicant shall be informed of the financial obligations arising from membership and the circumstances and manner in which a member may resign from the organisation. This information shall be conveyed in writing.
- 5.2.3 An application will be dealt with in accordance with the rules of the appropriate division.
- 5.2.4 The format of the application form shall be determined by the appropriate division.

### 5.3 Fees and Contributions

Fees and contributions shall be paid in accordance with the rules of the appropriate division.

5.4 Unfinancial Members

5.4.1 Any member who has failed to pay the entrance fees, or contributions, levies or fines imposed in accordance with the rules of the Union or appropriate division, shall be deemed to be unfinancial in accordance with those rules.

5.4.2 On payment of the arrears referred to in sub-rule 5.4.1, a member shall be deemed to be financial from the date of payment in accordance with the rules of the appropriate division.

5.5 Clearances

Clearances shall be granted in accordance with the rules of the appropriate division.

5.6 Resignation of Members

Members shall resign in accordance with the rules of the appropriate division.

## 6 - DIVISIONS

6.1 Establishment of Divisions

6.1.1 Divisions of the Union shall be established in accordance with the rules of the Union.

6.1.2 The Electrical, Energy and Services Division shall also be known as the Electrical Trades Union Division, and the Plumbing Division shall also be known as the Plumbers and Gasfitters Employees Union Division and the Communications Division shall also be known as the Communication Workers Union Division.

6.1.3 Each member shall be attached to a division or industry group as the case may be.

6.1.4 Membership of a division shall be determined in accordance with the following sub-rules:

**6.1.4.1 Electrical, Energy and Services Division**

New South Wales and Victoria – membership pursuant to sub-rules 2.1 and 2.2;

Queensland – membership pursuant to sub-rules 2.1, 2.2 and 2.4.5;

Western Australia – membership pursuant to sub-rules 2.1, 2.2 and 2.3,

South Australia – membership pursuant to sub-rules 2.1, 2.2 and 2.4 excluding 2.4.5;

Tasmania – membership pursuant to rule 2 excluding sub-rules 2.3 and 2.4.5; and

Northern Territory – membership pursuant to sub-rules 2.1, 2.2 and, in the case of members employed in or in connection with the Power and Water Corporation and its successors, sub-rule 2.4;

**6.1.4.2 Plumbing Division**

New South Wales, Victoria, Queensland, Western Australia – membership pursuant to sub-rule 2.4 excluding sub-rule 2.4.5; and  
Northern Territory – membership pursuant to sub-rule 2.4 excluding both:  
(i) members employed in or in connection with the Power and Water Corporation and its successors; and  
(ii) members eligible by virtue of sub-rule 2.4.5.

**6.1.4.3 Communications Division**

All States (except Tasmania), the Northern Territory and the Australian Capital Territory – membership pursuant to sub-rules 2.5 to 2.21 inclusively.

**6.1.4.4 Officers**

Notwithstanding sub rules 6.1.4.1 to 6.1.4.3, members:

- (i) who are eligible for membership pursuant to rule 2; and
- (ii) are officers or employees of a Division,

shall be allocated to the Division of which they are an officer or in which they are employed.

**6.2 Autonomy of Divisions**

6.2.1 Each division shall have the autonomy to decide matters which do not directly affect the members of another division. Such matters include but are not limited to:

6.2.1.1 the industrial interests of its members;

6.2.1.2 matters arising from the occupational interests of its members;

6.2.1.3 matters of policy pertaining solely to the Division;

6.2.1.4 the election of officers within the Division;

6.2.1.5 responsibility and accountability for managing the funds held by that Division, including ensuring that the Division in accordance with its rules has made full provisions for all employment entitlements of Officers and employees of the Division and its Divisional Branches, such provisions may be held at Divisional or Divisional Branch level. Each Division shall provide a report annually to National Council, based on the audited accounts of the Division and Divisional Branches, of each Division's provisions and liability for those entitlements; and

6.2.1.6 matters pertaining solely to members covered by sub rules 2.5 to 2.21 inclusively (other than members located in the State of Tasmania), which shall be dealt with by the Communications Division unless otherwise decided by that Division.

6.2.2 Where a matter directly affects members of both the Electrical, Energy and Services Division and the Plumbing Division who are eligible to be members pursuant to rule 2.4, each Divisional Secretary and each Divisional Branch

## 7 - NATIONAL COUNCIL

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Secretary of a Branch with members affected, shall give written notice and particulars of the matter to the Divisional Secretary and Branch Secretary of a Branch with members affected in the other Division as soon as practicable and in the event of a dispute between the Divisions in respect of the matter, the Divisional Secretaries of each Division shall meet to try to resolve the matters in dispute.

If the Divisional Secretaries fail to resolve the matter/s they shall prepare a report for the consideration of a nominee or nominees of the Divisional Executive of each Division who shall meet and try to resolve the matter/s.

If a resolution still cannot be reached, the matters shall be dealt with by the National Council.

### 6.3 Rules of Divisions

The rules of the Electrical, Energy and Services Division, Plumbing Division and Communications Division shall be those set out in sections B, C and D respectively of these rules.

## 7 - NATIONAL COUNCIL

### 7.1 Powers of the National Council

7.1.1 The National Council of the Union shall have exclusive power to deal with matters affecting more than one division and the general control and conduct of the business and affairs of the Union having regard to the requirements of divisional autonomy provided for in these rules.

7.1.2 Without limiting the generality of sub-rule 7.1.1 the National Council shall have exclusive power to:-

7.1.2.1 determine and implement policy on matters affecting more than one division;

7.1.2.2 subject to rule 21 "New Rules and Alterations to Rules", make, amend or rescind rules of the Union;

7.1.2.3 in a matter affecting more than one division authorize the National Secretary or a Divisional Secretary to make an application or file an objection pursuant to section 204 of the Act or to oppose an application or make an application pursuant to section 118A or successive sections of the Act and direct that any expenses incurred be met by a division or divisions;

7.1.2.4 in a matter affecting more than one division authorize the National Secretary or a Divisional Secretary to initiate proceedings or defend any proceedings in any court or tribunal when the matter affects more than one division;

7.1.2.5 resolve disputes between divisions;

7.1.2.6 in matters affecting more than one division authorize the National Secretary or other national officer or member of the Union to represent

- the union at the ACTU and on other bodies and to provide policy advice to such representatives;
- 7.1.2.7 to determine matters affecting only one division which are referred to National Council by the relevant Divisional Council;
- 7.1.2.8 authorize a division to purchase or lease real property using funds controlled by the division, branch or divisional branch or to sell, mortgage or otherwise deal in real property controlled by the division, branch or divisional branch;
- 7.1.2.9 subject to rules 24 "Suspension or Removal of Officers" and 25 Offences, Charges and Penalties", to receive and process a charge laid by any member against any other member in relation to any matter covered by Section A of these rules and to impose appropriate penalties including the removal from office of a member of the National Council or National Officer who in the course of his/her duties as a member of National Council or National Officer is found guilty of:-
- (1) misappropriation of the funds of the Union;
  - (2) substantial breach of the Union's Rules;
  - (3) gross misbehaviour; or
  - (4) gross neglect of his/her duty.
- 7.1.2.10 authorize the expenditure of monies by the National Secretary for the performance by the National Secretary, other National Executive Officer or the National Council of their duties under the Rules.
- 7.1.2.11 on the recommendation of the National Secretary, the National Council may approve a budget for the Council's expenditure.
- 7.1.2.12 ensure adherence to Section A of these rules by any division or divisional branch.
- 7.1.2.13 appoint and remove National Council auditors;
- 7.1.2.14 Appoint a National Council Returning Officer.
- 7.1.3 Where prompt action is required in respect of a matter pursuant to rules 7.1.2.3 and 7.1.2.4, the National Secretary, in consultation with and with the agreement of the majority of National Executive Officers, shall be empowered to take such action as is necessary in the circumstances, provided that the National Council subsequently endorses that action.
- 7.1.4 The National Council may delegate any of its powers under these rules to another elected body or elected officer or officers of the union, subject to any limitations and guidelines as it shall determine.
- 7.1.5 To establish committees and/or working parties to work as directed according to any limitations and guidelines determined by the Council.

7.2 Minutes of National Council Meetings

Minutes of the actions, resolutions or proceedings of National Council shall be kept and circulated to the divisions within 30 days of the meeting.

7.3 Decisions of National Council are Final

Any decision of National Council within its powers, whether specifically provided for in these Rules or not, shall be final and binding on all members subject to:

7.3.1 rule 28 "Dissolution";

7.3.2 any ballot of members conducted in accordance with rule 16 "Control by the Members of National Council and National Executive Officers"; or

7.3.3 a further decision of the National Council.

7.4 Annual Meetings of National Council

National Council shall meet every year at a date and place to be determined by the National Executive Officers. This meeting shall be known as the Annual Meeting of National Council.

7.5 Proceedings at the Annual Meeting of National Council in an Election Year

The first order of business at Annual Meeting of National Council in an election year after credentialling shall be the election of the National Executive Officers in accordance with rule 12 "Election of National Executive Officers".

7.6 Special National Council Meetings

7.6.1 National Council meetings shall be convened in between the Annual Meeting of National Council in accordance with these Rules in the following circumstances:

7.6.1.1 as may be deemed necessary by any two National Executive Officers;  
or

7.6.1.2 upon written request of one of the divisions authorised by a Divisional Council or Divisional Executive decision. This request shall be addressed to the National Secretary, delivered to the registered office and contain the minutes of the meeting in which the decision was made.

7.6.2 Such meetings of National Council may be held by the use of telephone or video conferencing.

7.7 National Council Out of Session Decisions

7.7.1 When National Council is not in session, any two of the National Executive Officers may submit any matter which is within the power of National Council as prescribed by "rule 7.1 Powers of National Council", to the members of the National Council for an out of session decision.

- 7.7.2 Such matters may be forwarded by the National Secretary or someone nominated by him or her, either by post, facsimile transmission or, electronically (whether via electronic mail, sms, online or otherwise) to each National Councillor in such form as the National Secretary decides.

The National Secretary shall prescribe a time in which votes shall be returned which shall be a minimum of 7 days unless otherwise agreed by the National Executive Officers submitting the matter and may prescribe a preferred method by which Councillors should return their votes.

- 7.7.3 The National Councillors shall record their votes on the matter so submitted, and send them to the National Secretary by post, facsimile transmission or electronically (whether via electronic mail, sms, online or otherwise) within the prescribed time. Each vote must be signed by, or otherwise verifiably attributed to, the Councillor recording it. Failure to lodge a vote within the prescribed time means that the vote will not be recorded. Failure to lodge a vote within a prescribed time will not render the ballot invalid. The ballot will fail if the quorum requirements set out in rule 7.11 "Quorum of National Council" are not achieved.
- 7.7.4 The decision shall be determined in accordance with rule 7.17 "Carrying of National Council Resolutions" and shall be binding as if such a decision had been obtained by a vote at a duly constituted National Council meeting.

## 7.8 Order of Business at National Council Meetings

- 7.8.1 Unless otherwise determined by a decision of National Council the order of business of National Council meetings shall be:
- 7.8.1.1 Opening of meeting;
  - 7.8.1.2 Credentiailling, when appropriate;
  - 7.8.1.3 Elections, when appropriate;
  - 7.8.1.4 Agenda items;
  - 7.8.1.5 Divisional Reports, including financial reports;
  - 7.8.1.6 Late agenda items;
  - 7.8.1.7 Close of meeting.

## 7.9 Agenda for National Council Meetings

- 7.9.1 The Agenda paper shall be prepared by the National Secretary prior to each meeting of National Council.
- 7.9.2 The National Executive Officers shall have the power to place any matter on the agenda for a National Council meeting.
- 7.9.3 In regard to the Annual Meeting of National Council, each Divisional Council or Divisional Executive, shall notify the National Secretary of any business it may desire to place on the agenda at least 60 days prior to the date of the Annual Meeting. The National Secretary shall forward to each member of National Council a copy of the Agenda paper at least 30 days prior to the Annual Meeting.
- 7.9.4 Late agenda items may be placed on the agenda by a:
- 7.9.4.1 National Executive Officer; or
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## 7 - NATIONAL COUNCIL

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- 7.9.4.2 Divisional Council; or
- 7.9.4.3 Divisional Executive.

7.9.5 The order of agenda items submitted in accordance with rule 7.9.3 may be altered by the National Council at the beginning of the meeting. Late agenda items are dealt with after items notified in accordance with rule 7.9.3, unless the Council decides otherwise.

7.9.6 Where National Council deals with any matter not on the agenda, no resolution, decision or direction of the Council arising out of that matter shall be invalidated simply because it did not appear as an agenda item.

### 7.10 Constitution of National Council

7.10.1 The National Council shall consist of the Divisional Secretary of each Division plus the Divisional President of the Communications Division. Provided that where the Divisional Secretary of the Plumbing Division is also a Divisional Branch Secretary, an alternative delegate shall be elected from that Branch in lieu of the Branch Secretary. This election shall be conducted in accordance with rule 49 "Branch Elections" in Section C "Plumbing Division" rules; and

7.10.2 one (1) delegate from each branch in each of the Electrical, Energy and Services Division and the Plumbing Division making a total of ten (10) such delegates;

7.10.3 two (2) additional delegates from the two largest Branches of the Electrical, Energy and Services Division;

7.10.4 the Assistant Branch Secretaries from the New South Wales, Queensland and Victorian Branches of the Plumbing Division; and

7.10.5 the remaining members of the Communications Divisional Executive other than the Communications Divisional Vice-Presidents; and

7.10.6 where the female membership in a Division exceeds 5% of the members in that Division there shall be one affirmative action delegate. In the case of the Communications Division the Affirmative Action delegate will be the Divisional Vice President Affirmative Action.

### 7.11 Quorum of National Council

A majority of National Council members shall constitute a quorum provided each Division is represented.

### 7.12 Election to National Council

Election to National Council shall be in accordance with rules 12 "Election of National Executive Officers" and 13 "Election of National Councillors".

### 7.13 Notifications of Meetings of National Council

All members of the National Council shall be notified of meetings of National Council in accordance with rule 9 "Manner of Summoning Meetings".

7.14 Voting on National Council

- 7.14.1 Voting power on National Council shall be in proportion to the number of financial members attached to a divisional branch.
- 7.14.2 To determine Branch Membership for the purpose of determining the number of votes held by delegates to National Council, the amount of income represented by the entrance fees and contributions paid by members, shall be divided by the figure determined for such purpose by the National Council as the annual average contribution rate. This figure shall be adjusted by the National Council at its annual meeting to reflect the annual change in the CPI or Divisional fee increases greater than the CPI.
- 7.14.4 The allocation of votes at National Council meetings shall be as follows:
- 7.14.4.1 At all Council meetings each Divisional Branch shall have the right to exercise one vote for every 100 members as determined in rule 7.14.2.
- 7.14.4.2 These votes shall be equally divided among the councillors attending from the Divisional Branch. Provided that a proxy or alternate national councillor, acting in accordance with rule 7.15 "National Council Proxies and Alternate National Councillors", shall be entitled to exercise the votes of the absent councillor as though the person was attending the meeting.
- 7.14.4.3 Where the votes are not equally divisible between the councillors present, such councillors may each exercise the highest number of votes which can be equally allocated to each of them and the remaining vote or votes may be exercised by such councillor as determined by the relevant branch committee of management. In the absence of such determination the delegates may decide the allocation of votes between themselves on a consensus basis. In the event that they fail to reach a consensus, the allocation of the additional votes may be decided by the drawing of lots.
- 7.14.5 In addition, nominal votes shall be exercised as follows:
- 7.14.5.1 the Divisional Secretaries of the Electrical, Energy and Services Division and the Plumbing Division shall split equally and exercise an equal number of nominal votes as the additional nominal votes allocated to the Communications Division. If the votes are not equally divisible, the Divisional Secretaries of those Divisions shall decide among themselves who exercises the additional vote or votes. If agreement cannot be reached it shall be decided by the drawing of lots.
- 7.14.5.2 one (1) vote each shall be exercised by the Divisional Secretary and Divisional President of the Communications Division;
- 7.14.5.3 one (1) vote each shall be exercised by the Divisional Assistant Secretaries of the Communications Division. Provided that in the absence of a Divisional Assistant Secretary the nominal vote will be exercised by the Divisional Secretary or Divisional President of the Communications Division; and
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7.14.5.4 one (1) vote each shall be exercised by the Affirmative Action National Councillors. Provided that, where a division does not have an Affirmative Action National Councillor, that vote will be exercised by the National Executive Officer representing that division.

7.14.6 For the purposes of rule 7.17 "Carrying of National Council Resolutions", nominal votes are to be allocated to the appropriate division.

7.15 National Council Proxies and Alternate National Councillors

7.15.1 A National Councillor from the Electrical, Energy and Services Division or the Plumbing Division who:

7.15.1.1 cannot attend a meeting of the Council, may appoint a divisional councillor representing the same division as the absent councillor to attend the meeting as his or her proxy.

7.15.1.2 cannot attend a session(s) of a meeting of the Council may appoint another national councillor present at the meeting who represents the same division as his or her proxy for that session(s).

7.15.2 If a National Councillor from the Communications Division:

7.15.2.1 cannot attend a National Council meeting, a proxy National Councillor appointed by the Branch Committee of Management from the same Industry Group and Branch shall attend the meeting in his or her place.

7.15.2.2 cannot attend a National Council meeting and there is insufficient notice for the Branch Committee of Management to appoint a proxy, he or she may appoint another councillor present at the meeting who represents the same Industry Group as his or her proxy for that session(s).

7.15.2.3 or his or her Alternate referred to in 7.15.3 (if attending the meeting in place of the Councillor), cannot attend a session(s) of the meeting, he or she may appoint another councillor present at the meeting who represents the same divisional group as his or her proxy for that session(s).

7.15.3 Proxies and alternate delegates shall have all the same rights, duties and powers of the absent National Councillor they are representing and shall exercise the votes of the absent Councillor in addition to any existing voting entitlement of their own.

7.16 Notification of Councillors attending the Annual Meeting of National Council

Each Divisional Branch Secretary shall notify the National Secretary of the names and addresses of its councillors to attend the Annual Meeting of National Council.

## 8 - NATIONAL EXECUTIVE OFFICERS

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### 7.17 Carrying of National Council Resolutions

Except as provided by rule 21 "New Rules and Alterations to Rules", a resolution put to National Council is carried if sixty percent (60%) of votes are cast in favour of the resolution.

### 7.18 Chairing National Council Meetings

In the absence of both the President and Vice President the meeting may elect a person to chair the meetings.

## 8 - NATIONAL EXECUTIVE OFFICERS

### 8.1 National Executive Officers

8.1.1 National Executive Officers of the Union shall be the National President, National Vice President, National Secretary and Assistant National Secretary.

8.1.2 The National Executive Officers shall be elected in accordance with rule 12 "Election of National Executive Officers".

8.1.3 National Executive Officers shall have the right to attend and address any conference, council or committee of the Union.

### 8.2 National President

8.2.1 The National President shall be an honorary position.

8.2.2 As far as possible the President shall attend and chair all meetings of the National Council.

8.2.3 The President shall take all steps necessary to ensure the proper conduct of business at meetings of the National Council and upon adoption, shall sign the minutes of those meetings.

8.2.4 The President shall be responsible for the interpretation of Section A of the rules of the union subject to any dissent by the National Council.

### 8.3 National Vice President

8.3.1 The National Vice President shall be an honorary position.

8.3.2 The Vice President shall assist the President in the performance of his/her duties.

8.3.3 In the absence of the President, the Vice President shall carry out the duties and assume the responsibilities of the President.

8.3.4 As far as possible the Vice President shall attend all meetings of the National Council.

### 8.4 National Secretary

8.4.1 The National Secretary shall be an honorary position.

- 8.4.2 The National Secretary shall be responsible for the day to day administration of the Union. In addition to the powers elsewhere set out in these rules, the National Secretary shall:
- 8.4.2.1 prepare and keep all necessary documents including all appropriate accounting records, for the National Council and auditors;
  - 8.4.2.2 prepare and forward records and returns to the Industrial Registrar in accordance with the *Fair Work (Registered Organisations) Act 2009* and its predecessors;
  - 8.4.2.3 submit the appropriate accounting records annually to the auditor(s) and publish a financial report each year;
  - 8.4.2.4 as far as possible call all meetings of the National Council;
  - 8.4.2.5 as far as possible attend all meetings of the National Council and ensure the minutes of those meetings are taken;
  - 8.4.2.6 produce, answer and file all necessary correspondence or copies thereof;
  - 8.4.2.7 keep minutes of all resolutions passed or other business transacted by the National Council;
  - 8.4.2.8 within 35 days following a National Council decision lodge with the Fair Work Commission, amended rules for registration;
  - 8.4.2.9 in accordance with rule 7.2 "Minutes of National Council Meetings", forward to all national councillors copies of all minutes of meetings and decisions of National Council.
- 8.4.3 The National Secretary may recommend a budget to the National Council for Council expenditure.
- 8.4.4 The National Secretary may expend the funds of the National Council for purposes including but not limited to:
- 8.4.4.1 the ordinary expenses of managing the National Council;
  - 8.4.4.2 recurrent expenditure of the National Council;
  - 8.4.4.3 budgeted expenditure of the National Council;
  - 8.4.4.4 purposes determined by resolution of the National Council; and
  - 8.4.4.5 amounts for purposes other than those referred to in sub rules 8.4.4.1 to 8.4.4.4 of no more than \$10,000.00; and
  - 8.4.4.6 expenditure in accordance with rule 19, "Property and Funds of the Union".

## 10 - EXPENSES FOR UNION BUSINESS

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provided that the National Secretary, following the expenditure, must report the expenditure to the next meeting, other than an urgent meeting, of the National Council.

### 8.5 Assistant National Secretary

8.5.1 The Assistant National Secretary shall be an honorary position.

8.5.2 In the absence of the National Secretary the Assistant National Secretary shall carry out the duties and assume the responsibilities of the National Secretary.

8.5.3 As far as possible the Assistant National Secretary shall attend all meetings of the National Council.

8.5.4 The Assistant National Secretary shall act as minutes secretary at meetings of the National Council and be responsible for ensuring they are ready to meet the distribution deadlines prescribed by these rules.

### 8.6 Temporary Absences of National Executive Officers

8.6.1 In the temporary absence of both the President and Vice President, the National Council may appoint a member of the Council from the same Division or Industry Group to act as the President.

8.6.2 In the temporary absence of both the National Secretary and Assistant National Secretary, the National Council may appoint a member of the Council from the same Division or Industry Group to act as the National Secretary.

## **9 - MANNER OF SUMMONING MEETINGS**

### 9.1 Summoning Meetings of National Council

All members of the National Council shall be notified in writing by the National Secretary (or person acting on his/her behalf) of the time, date, place and agenda of any meeting of the National Council. Such notification shall occur not less than 30 days prior to the Annual Meeting of National Council. Where a special meeting of Council has been called such notice as is practical in the circumstances shall be given.

### 9.2 Summoning Divisional Council, Divisional Executive and Divisional Branch Meetings

Divisional Council, Divisional Executive and Divisional Branch meetings shall be summoned in accordance with the divisional rules.

9.3 The requirements as to notice and the circulation of agenda papers in these rules shall be directory and not mandatory and the accidental or inadvertent omission to give the full notice required to any person entitled to such a notice shall not of itself invalidate the proceedings of the meeting at which such matter is considered.

## **10 - EXPENSES FOR UNION BUSINESS**

### 10.1 Expenses for National Council Business

## 12 - ELECTION OF NATIONAL EXECUTIVE OFFICERS

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- 10.1.1 When attending meetings of the National Council, all reasonable expenses of the National Councillors shall be met:
- 10.1.1.1 In the case of the Electrical, Energy and Services Division and the Plumbing Division - from the funds of the branch the Councillor represents; and
- 10.1.1.2 In the case of the Communications Division, from the funds of the Communications Division.
- 10.1.2 In the case of divisional officers, when attending meetings of the National Council, their expenses shall be met from the funds of the relevant division.
- 10.1.3 When an officer or employee of the union is engaged on union business at the request of the National Council or the National Executive Officers, unless otherwise decided by the National Council, any reasonable expenses incurred while on that business shall be met from the funds of the National Council.

### 11 - TERMS OF OFFICE

#### 11.1 Length of Term of National Council Office

All terms of National Council office shall be four years. Provided that if for some reason beyond the control of the National Council successors have not been declared elected, the incumbents shall continue to hold office until successors are declared elected.

#### 11.2 Altering a Term of National Council Office

For the purpose of synchronising elections for offices of National Council, the National Council may, subject to the relevant provisions of the *Fair Work (Registered Organisations) Act 2009*, or its predecessors, alter the rules to prescribe an altered term of office provided that no incumbent holder of office shall have their term shortened.

## 12 - ELECTION OF NATIONAL EXECUTIVE OFFICERS

#### 12.1 Frequency of Elections

Elections of National Executive Officers shall be held every four years commencing in 1995.

#### 12.2 Candidates for the National Executive Officers

12.2.1 The four National Executive Officer positions shall be filled by the Divisional Secretaries of each Division and the Divisional President of the Communications Division.

12.2.2 Neither the Electrical, Energy and Services Division and the Plumbing Division (taken as one) nor the Communications Division shall occupy both the offices of National President and National Secretary.

## 12 - ELECTION OF NATIONAL EXECUTIVE OFFICERS

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12.2.3 Neither the Electrical, Energy and Services Division and the Plumbing Division (taken as one) nor the Communications Division shall occupy both the offices of National Vice President and National Assistant Secretary.

### 12.3 Nominations for National Executive Officers

12.3.1 Nominations for the National Executive Officers' positions must be in writing.

12.3.2 Each candidate for a National Executive office must be nominated by another member of the National Council from his/her own Division.

12.3.3 The Returning Officer shall notify any candidate of any defect in their nomination and give them an opportunity to rectify the defect.

12.3.4 Where only one candidate nominates for a position then that candidate shall be declared elected to the position.

12.3.5 If no nomination is received, nominations for the position shall be called again. If there is still no nomination then the position shall be declared vacant.

### 12.4 Electorate of National Executive Office Positions

National Executive Officers shall be elected by all the National Councillors. National Executive Officers may vote in their own election.

### 12.5 Order of Election of the National Executive Officers

The order of election of the National Executive Officers shall be the National Secretary first, followed by the National President, then the Assistant National Secretary and finally National Vice President. The Returning Officer shall declare each position before opening the nominations for the next position.

### 12.6 Duties of the Returning Officer

12.6.1 The Returning Officer shall have complete control of the ballot and in any disputed matter, the decision of the Returning Officer shall be final.

12.6.2 The Returning Officer shall issue one ballot paper for each vote to which a divisional branch is entitled in accordance with rule 7.14 "Voting on National Council". The ballot papers shall be distributed equally between all the councillors representing that divisional branch. In the event of equal division not being possible in respect of such councillors, the Returning Officer shall distribute the surplus ballot paper or papers to the Councillor of that Divisional Branch nominated by the Councillors representing that branch. In the event of a disagreement the Returning Officer shall allocate the surplus ballot paper or papers to a Branch Councillor chosen by a drawing of lots.

12.6.3 In the case of nominal votes the Returning Officer shall issue one ballot paper to each councillor entitled to cast a nominal vote.

### 12.7 Method of Voting

## 12 - ELECTION OF NATIONAL EXECUTIVE OFFICERS

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- 12.7.1 National Councillors shall record their vote on the ballot paper with a tick or a cross. Where the intention is clear the vote will be included in the count. Where the intention is in dispute, the decision of the Returning Officer shall be final. The candidate who receives the highest number of votes shall be elected.
- 12.7.2 When the voting is equal in any election conducted under this rule, in the event of one of the candidates being the retiring office holder, such candidate shall be declared elected. In other cases the matter shall be decided by the drawing of lots.
- 12.7.3 Voting for National Executive Officers shall be in accordance with the provisions of rule 7.14 "Voting on National Council" but the provisions of rule 7.17 "Carrying of National Council Resolutions" shall not apply. Counting of votes shall be by the "first past the post" method.
- 12.7.4 The ballot shall be a secret ballot.
- 12.8 Scrutineers
- 12.8.1 Each Division or candidate shall have the right to appoint scrutineers who shall be a member of the Division, to represent them at the ballot.
- 12.8.2 Scrutineers shall have the right to inspect ballot papers but shall not handle ballot papers.
- 12.8.3 Scrutineers shall accept responsibility for being present during the times fixed by the Returning Officer for the counting of the ballot, and counting of the ballot shall not be delayed by the absence of any or all of the scrutineers.
- 12.9 Absent Voting
- A National Councillor can appoint a proxy who is appointed or elected in accordance with rule 7.15 "National Council Proxies and Alternate National Councillors" to vote in his/her absence.
- 12.10 Unfinancial Divisions
- In the event that any division is unfinancial in accordance with rule 19 "Property and Funds of the Union", the National Councillors from that division shall not be entitled to participate in the elections prescribed by this rule.
- 12.11 Declaration of Election
- As soon as the counting of each ballot is concluded the Returning Officer shall declare the result to the Annual Meeting of National Council and the new office holders shall be installed immediately.
- 12.12 Election Irregularities
- Any accidental or unavoidable omission or error in the conduct of this rule shall not invalidate an election if such omission or error appears not to have affected the result of the election.

**13 - ELECTION OF THE NATIONAL COUNCILLORS**

(other than the National Executive Officers)

13.1 Frequency of Election of National Councillors

13.1.1 Elections of National Councillors and Alternate National Councillors shall be held in conjunction with the divisional elections every four years commencing in 1995.

13.1.2 Elections of National Councillors shall be conducted in accordance with the relevant divisional rules.

13.2 Nominations for National Council

13.2.1 Except as provided in 13.2.2, persons nominated to or nominating for National Council can only be nominated to represent the Divisional Branch to which they are attached provided that persons nominated or nominating to be Affirmative Action delegates on National Council shall nominate to represent the Division or Industry Group to which they are attached.

13.2.2 Persons nominated or nominating to represent the Industry Sections of the Communications Division on National Council can only be nominated to represent the section to which they are attached.

13.3 Electorate of the National Council

13.3.1 National Councillors and Alternate National Councillors representing a Divisional Branch or Industry Section shall be elected in accordance with the rules of that Division.

13.3.2 The Affirmative Action National Councillors shall be elected in accordance with the rules of the relevant division.

**14 - NATIONAL COUNCIL RETURNING OFFICER**

14.1 Appointment of Returning Officers

In each election year immediately following acceptance by the Annual Meeting of National Council of Councillors' credentials, National Council shall appoint a Returning Officer to conduct the election of the National Executive Officers.

14.2 In any other election conducted under these rules, the election will be conducted by a returning officer from the Australian Electoral Commission.

14.3 Eligibility to be a Returning Officer

A Returning Officer shall not be the holder of any office in, or an employee of, the union or a branch, section or division of the union.

**15 - CASUAL VACANCIES**

15.1 Casual Vacancies on National Council

## 16 - CONTROL BY THE MEMBERS OF NATIONAL COUNCIL & NATIONAL EXECUTIVE OFFICERS

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With the exception of the National Executive Officers, where a casual vacancy occurs on National Council it shall be filled in accordance with the relevant Divisional rule relating to casual vacancies.

### 15.2 Casual Vacancies - National Executive Officers

15.2.1 If a National Executive Officer's position becomes vacant the vacancy shall be filled in accordance with the rules relating to the election of those offices. The election shall take place at the next National Council meeting which may take place by correspondence in accordance with rule 7.7 "National Decisions by Correspondence".

As the election must be by secret ballot, the National Council meeting may not be a telephone or video conference. The position must be filled within 3 months of the vacancy occurring.

15.2.2 If the office of National President becomes vacant the Vice President shall assume the Office until the next election to take place in accordance with rule 15.2.1.

15.2.3 If the office of National Secretary becomes vacant the Assistant National Secretary shall assume the Office until the next election to take place in accordance with rule 15.2.1.

## 16 - CONTROL BY THE MEMBERS OF NATIONAL COUNCIL & NATIONAL EXECUTIVE OFFICERS

### 16.1 Calling of Ballots of Members

A ballot of the whole or part of the financial membership in relation to any matter covered by Section A of these rules, must be called where:

16.1.1 the National Council so determines; or

16.1.2 the National Secretary receives a petition requesting a ballot signed by not less than 5% of the financial membership of the union; or

16.1.3 the National Secretary receives a written request signed by all the Divisional Branches of a Division or signed by not less than six Divisional Branches authorised by a specially summoned:

16.1.3.1 Divisional Branch State Council meeting in the case of the Electrical, Energy and Services Division; or

16.1.3.2 Branch meeting in the case of the Plumbing Division; or

16.1.3.3 Branch Committee of Management meeting in the case of the Communications Division;

### 16.2 Resolution, Petition or Request must contain Ballot Question

## 17 - EXECUTION OF AGREEMENTS & DOCUMENTS

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16.2.1 A resolution for a ballot under this rule shall set out the question(s) to be put to ballot.

16.2.2 A petition or written request for a ballot under this rule shall set out the question(s) to be put to ballot, be addressed to the National Secretary and be delivered to the registered National Office.

### 16.3 Ballot Process

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

16.3.2 The National Executive Officers shall draft the form of the ballot paper to be submitted to National Council for their approval adopting the text of any resolution or question submitted by petition or written request. Supportive material for either side can be included in the envelope with the ballot paper. The suitability of such material will be determined by the Returning Officer.

16.3.3 The National Secretary shall notify the Returning Officer within 14 days of a request for a ballot.

16.3.4 The National Secretary shall, upon request of the Returning Officer, supply to him/her a list of members eligible to vote.

16.3.5 The National Secretary and Divisional Branch Secretaries shall allow the Returning Officer access to whatever membership records the Returning Officer may consider necessary to verify the membership list and to determine the roll of voters.

16.3.6 The Returning Officer shall cause to be posted to each member eligible to vote, a ballot paper, which is to be initialled by the Returning Officer, together with a replied paid envelope, and such instructions and directions as may be deemed necessary for the conduct of the ballot.

16.3.7 The ballot shall be a secret postal ballot.

16.3.8 On notification of the outcome of the ballot National Council shall as soon as possible give effect to the decision.

16.3.9 The National Secretary shall forward the result of the ballot and the report provided by the Returning Officer, to each Divisional Secretary without delay.

### 16.4 Eligible Voters in a Ballot

All members who are financial in accordance with the Divisional rules shall be eligible to vote.

## 17 - EXECUTION OF AGREEMENTS & DOCUMENTS

### 17.1 Responsibility for the Execution of Documents

## 19 - PROPERTY AND FUNDS OF THE UNION

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17.1.1 Subject to the endorsement of the National Council, any agreement may be made, and/or document entered into, executed, varied and/or cancelled by the National Secretary or the National President on any matter covered by section A of these rules, after consultation and with the other National Executive Officers, or person acting in their capacity.

17.1.2 Any agreement which directly affects the employment of members of only one Division may be executed by that Division in accordance with its rules.

17.1.3 Any agreement which directly affects the employment of members of only one Divisional Branch may be executed by that Division in accordance with its rules.

### 17.2 Agreements with State Registered Unions

The Union, where permitted to do so by the *Fair Work (Registered Organisations) Act 2009*, its predecessors or any other law, is authorised to enter into an agreement with a state registered union to the effect that the members of the state registered union concerned who are otherwise ineligible to join the union are eligible to become members of the union under the agreement.

The Union is also authorised to terminate such an agreement in conjunction with the state registered union concerned.

### 17.3 Seal of the Union

There shall be a common seal of the Union which shall be kept at the registered office of the Union. The seal shall be placed on any instrument requiring a seal.

## 18 - NOTIFICATION OF INDUSTRIAL DISPUTES

### 18.1 Processing of Litigation on behalf of the Union.

Applications, notifications, references, appeals or any other matter or proceeding related to litigation in the Fair Work Commission, the Federal Court or other tribunal or court appropriate in the circumstances, may be lodged, or any process may be initiated and advanced, on behalf of the union by the National Council, National Secretary or a National Executive Officer after consultation with the other National Executive Officers, or any other person authorised by the National Council to do so in accordance with the powers of National Council.

### 18.2 Proceedings Initiated by Division

A Division may institute proceedings in accordance with the rules of that Division.

## 19 - PROPERTY AND FUNDS OF THE UNION

### 19.1 Union Funds

19.1.1 All funds and property held by the National Council and/or the Divisions are the funds and property of the Union.

19.1.2 The funds and property of the Union shall be in the care, custody and control of the Division which holds such funds and property pursuant to the Divisional rules and shall be controlled and administered in accordance with the rules of that Division.

19.1.3 The funds and property of the Union shall be invested in the name of the Union. In the case of Divisions and the Divisional Branches it shall be invested in the name of the Union with the additional words containing the name of the Division and/or the Divisional Branch.

## 19.2 National Council Funding

19.2.1 Each Division shall pay to the National Council, on a basis proportionate to the respective financial membership of each Division, an amount that is determined by the National Council. In the event that a Divisional branch fails to pay monies owed to the national fund by the end of each half year, it shall be considered unfinancial, and delegates from that branch shall not be entitled to vote at any meeting of the National Council or Executive until all monies owed is paid up.

19.2.2 All money received by the National Council shall be paid to the credit of the Union into a current account with a bank or financial institution approved by National Council. No funds may be withdrawn without the signed authorisation of two National Executive Officers who shall not be from the same Division.

19.2.3 Subject to rule 8.4.4, the funds of the National Council shall be invested and expended only in accordance with the directions and/or decision of the National Council.

19.2.4 Subject to 19.3.1, payments made in furtherance of any of the objects of the Union shall be deemed to be part of the ordinary expenses of the Union.

## 19.3 Loans, Grants and Donations

19.3.1 Notwithstanding any other provisions of this rule, a loan, grant or donation exceeding \$1,000 shall not be made by the National Council unless the National Council has approved it and is satisfied that:

19.3.1.1 the making of the loan, grant or donation is in accordance with the other rules of the union;

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

## **20 - NATIONAL COUNCIL FINANCIAL REPORTS, AUDIT & REVIEW BY MEMBERS**

### 20.1 Accounts to be Audited

The National Council shall appoint an auditor, who shall be a Chartered Accountant or registered Public Accountant, who shall audit the accounts of National Council yearly and see that the accounts are correctly kept. The auditor shall have the power at any time to call for the books, papers and other financial documents belonging to the Union. He or she shall make a full report of each audit to the National Council and sign the necessary papers certifying to the audit and the financial position of the Union.

20.2 Financial Year and Audit

The financial year of National Council shall terminate on 31 December each year and an audited financial report, prepared in accordance with the Fair Work (Registered Organisations) Act 2009 or its successor, shall be approved by and presented to a meeting of the National Council in accordance with the Act.

20.3 Circulation of Accounts to Members

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

20.4 General Meetings of Members to Consider Financial Reports

20.4.1 A general meeting of members of the Union may be requested for the purpose of considering the auditor's report, the general purpose report and the operating report of the Union.

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

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

20.4.4 The notice referred to in subrule 20.4.3 may be given by correspondence delivered to the member's last known address, or by email to the member's email address or by publishing a note in the Union's magazine or by notification on the Union's website.

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

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

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

**21 - NEW RULES & ALTERATIONS TO RULES**

- 21.1 Except as provided in this rule, the National Council shall have the exclusive power to make, amend or rescind the rules of the Union.
- 21.2 Divisional rules (set out in sections B, C and D) shall not be made, amended or rescinded by the National Council without the prior approval of the appropriate Division.
- 21.3 Rule 28.2 "Dissolution of a Division" may not be amended or rescinded without an affirmative ballot of members of the appropriate Division.
- 21.4 Any amendment or rescission of rules 6.1.4 relating to membership of the divisions, 6.2 "Autonomy of Divisions", 7.17 "Carrying of National Council Resolutions" and this rule (rule 21) shall be of no effect unless:
- 21.4.1 more than 60% of the votes cast, are cast in favour of the resolution; and
- more than 50% of the votes cast by National Councillors from each Division are also cast in favour of the resolution; or
- 21.4.2 more than 90% of the votes cast, are cast in favour of the resolution.

**22 - REGISTERED OFFICER**

- 22.1 The National Secretary shall be the registered officer of the Union and shall be authorised to sue for all purposes in any proceeding or matter.
- 22.2 The National Secretary may delegate to some other person or persons power to sue for all purposes.
- 22.3 Where required by law, the Secretary of a Divisional Branch shall be the person to sue in respect of any matters covered by that law.

**23 - REGISTER OF MEMBERS**

- 23.1 Register of Members

Each Division/Industry Group shall, in accordance with the rules of the Division, keep a membership register and shall supply a copy of the register or part thereof to the National Secretary or National President when requested pursuant to the Workplace Relations Act 1996.

**24 - SUSPENSION OR REMOVAL OF OFFICERS**

- 24.1 Suspension from Office

The National Council may suspend any National officer who, in their opinion, is guilty of an offence under rule 24.2. The term of such a suspension shall not exceed one month after which, if the matter has not been dealt with under rule 25 "Offences, Charges and Penalties", the officer shall be reinstated.

- 24.2 Removal from Office
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## 25 - OFFENCES, CHARGES AND PENALTIES

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24.2.1 National Officers can only be removed from that office where they have been found guilty under rule 25 "Offences, Charges and Penalties" of:

24.2.1.1 misappropriation of the funds of the union;

24.2.1.2 a substantial breach of the rules of the union; or

24.2.1.3 gross misbehaviour or gross neglect of duty;

or have ceased to be eligible to hold office.

24.2.2 To be eligible to hold national office an officer must continue to be eligible to stand for that office.

24.2.3 The National Council shall, where it determines that a National Officer has ceased to be eligible to hold office, declare the position vacant, and direct that the vacancy be filled in accordance with rules 12 "Election of National Executive Officers", 13 "Election of the National Councillors" or 15 "Casual Vacancies" as it deems appropriate.

### 24.3 Ineligibility to Hold Office

Once an officer has been removed from a national office he/she shall be ineligible for holding any further national office in the union until the next election. A vacancy created as a consequence shall be filled in accordance with rules 12 "Election of National Executive Officers", 13 "Election of the National Councillors" or 15 "Casual Vacancies" as appropriate.

## **25 - OFFENCES, CHARGES AND PENALTIES**

### 25.1 Charges by Members

25.1.1 Matters in relation to offences and penalties confined to a Division shall be dealt with in accordance with the Divisional rules.

25.1.2 In relation to any matter covered by Section A of these rules, any member may charge any member including a National Officer with:

25.1.2.1 failing to observe any rule of the Union;

25.1.2.2 knowingly failing to observe any resolution of the National Council;

25.1.2.3 working in contravention of an award, order or agreement by which the Union is bound;

25.1.2.4 wrongfully purporting to occupy any National office or position or an entitlement to represent the National Council in any capacity (to which charge it shall be a defence that the member believed bona fide and on reasonable grounds that he/she was entitled to do so);

25.1.2.5 giving false or misleading information to, obstructing or failing to assist on reasonable request, an officer of the Union;

## 25 - OFFENCES, CHARGES AND PENALTIES

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25.1.2.6 committing any fraudulent or unlawful act in relation to the funds or property of the Union or in relation to any election held under the rules;

25.1.2.7 aiding or encouraging any other member in any offence under this rule.

### 25.2 Processing of Charges

25.2.1 Any charge shall be made in writing to the National Secretary and be accompanied by twenty five dollars (\$25) which subject to rule 25.6 "Frivolous Charges" shall be refundable.

25.2.2 The National Secretary shall summon the member charged to appear before the next meeting of the National Council. The summons shall be in writing and set out the time and place of the hearing, the name of the person laying the charge and the substance of the charge.

25.2.3 The member charged shall be given reasonable notice of the summons, having regard to all the circumstances. If summoned to attend a place more than 80 kilometres from his/her address, as shown in the books of the Union, the National Council shall supply his/her return fare.

25.2.4 If the member charged requests it, the National Secretary (or person acting on his/her behalf) shall supply further particulars as may be necessary to indicate the precise nature of the charge.

25.2.5 At the appointed time and place or at a time and place to which the meeting is adjourned, the charge shall be investigated whether or not the member is in attendance unless a satisfactory explanation of his/her absence has been received.

25.2.6 Both the member charged and the member bringing the charge shall be given proper opportunity to present their cases.

### 25.3 Power to Hear Charges

The National Council shall hear charges under this rule.

### 25.4 Finding of National Council

25.4.1 If the National Council finds the member guilty, it shall refer the matter to those members of the National Council representing the Division to which the offending member is attached, who shall meet forthwith to consider the matter of imposing a penalty. After giving the member charged an opportunity to raise any matter relevant to the question of penalty the said members of the National Council may do one or more of the following -

25.4.1.1 Impose no penalty;

25.4.1.2 Impose a fine not exceeding \$500;

25.4.1.3 Suspend the guilty person from membership or deprive him/her of any right or benefit of membership for a specified period, or until the happening of any specified event or until the performance of any specified act. Suspension from membership shall deprive a member of

the benefits of membership, but shall not relieve him/her of the obligations of membership and shall not exceed six months for any offence. If the specified event has not occurred or the specified act has not been done at the expiration of six months from the date of suspension, the suspension shall then lapse;

25.4.1.4 Remove the guilty person from any office or position;

25.4.1.5 Expel the guilty person from the Union.

## 25.5 Appeals

There shall be no appeal from the decision of National Council.

## 25.6 Frivolous Charges

If upon investigation the charge is found to be frivolous the charge fee of \$25.00 shall be forfeited by way of fine upon the member who laid the charge and shall be paid into the funds of the Union.

## 25.7 Payment of Fines

Where a member is fined in accordance with this rule this fine shall be paid within 14 days of being notified of the imposition of the fine, unless an alternative arrangement is made with the National Council or National Executive Officers.

# **26 - RULES OF DEBATE - NATIONAL COUNCIL**

## 26.1 Motions and Amendments

26.1.1 No discussion shall take place on any motion, amendment or amendments unless it has been proposed and seconded.

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

26.1.3 The Chairperson shall take a vote on a duly proposed motion unless some member rises to oppose it or to propose an amendment.

26.1.4 No amendment shall be received by the Chairperson which is a direct negative to the motion tabled, or which does not relate to the substance of the tabled motion.

## 26.2 Speaking to the Motion

26.2.1 A member shall not speak more than once on any motion, except in answer to an inquiry or by permission of the Chairperson to make personal explanation or in reply to his/her original motion.

26.2.2 No speaker shall be allowed to speak for more than five minutes unless granted an extension of time by resolution of the meeting. The mover of the original motion shall be allowed five minutes in reply.

- 26.2.3 The mover or seconder of any motion or amendment shall be held to have spoken to the motion or amendment in the discussion of either.
- 26.2.4 Every member when about to speak must address the Chairperson and conduct himself/herself in a respectful manner towards the meeting.
- 26.2.5 No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if, at the conclusion of the second speaker's remark, no member rises to speak on the other side, the motion or amendment shall at once be put to the meeting.
- 26.3 Procedural Motions
- 26.3.1 The time for debating any question shall be limited to thirty minutes unless a resolution is passed by the meeting for an extension. Provided that no extension shall be for more than twenty minutes.
- 26.3.2 At any time during debate a member may move that the question be now put, which, on being duly seconded and carried by a majority of those present, shall entail the submission of the motion to the meeting after the mover has replied. No further discussion shall take place after the mover has replied.
- 26.3.3 The speaker shall allow any member to raise a point of order.
- 26.3.4 A motion of adjournment having been duly proposed shall be put without further discussion, except to permit the person who moved the motion to explain it, unless an amendment(s) is proposed to alter the motion of adjournment in relation to time if time is mentioned as part of such motion.
- 26.3.5 A majority of the members present may agree to a motion to suspend standing orders.
- 26.3.6 Subject to the approval of a two-thirds majority of members present at a meeting, a motion previously decided at a meeting can be recommitted for debate and decision.
- 26.4 Dissent from Chairperson's Ruling
- 26.4.1 Any delegate dissatisfied with the ruling of the Chairperson may move a motion of dissent as follows: "That the Chairperson's ruling be dissented from".
- 26.4.2 The motion shall then be put to the meeting by the Vice President acting as Chairperson, without discussion, in the following manner: "The question is that the Chairperson's ruling be sustained. Those who agree with the Chairperson's ruling will say 'Aye', those opposed to the Chairperson's ruling will say 'No'."
- 26.4.3 Once the mover has spoken to the motion of dissent and the Chairperson has been given an opportunity to explain his/her reasons for the ruling given, the question shall be put by the Vice Chairperson without further discussion.
- 26.4.4 The Vice Chairperson shall not give a ruling on the question involved in the Chairperson's ruling.

**27 - REGULARITY OF PROCEEDINGS**

- 27.1 Any body constituted under these rules may continue to function notwithstanding any vacancy thereon, provided there is the requisite quorum.
- 27.2 Failure to give notice and or a defect in calling any meeting of any body constituted under these rules shall not invalidate those proceedings unless such failure or defect results in the non-attendance of some member otherwise able and willing to attend.
- 27.3 Any such failure or defect may be waived by the member entitled to the notice before, during or after the meeting.
- 27.4 All communications to be sent to any member under these rules may be sent to that member at the last address notified by him/her to the Divisional Branch or the Union.
- 27.5 No decision or proceeding of any body provided for under the rules shall be invalidated by the presence or participation of any person not entitled to be present or to participate if apart from such person the requisite quorum was present and the vote of such person did not determine the decision or the result of the proceedings and no objection to his or her presence or participation was taken at the time.

**28 - DISSOLUTION**

- 28.1 Dissolution of the Union
- 28.1.1 The Union shall not be dissolved unless there is a unanimous decision of the National Council that the question of dissolving the Union be submitted to a ballot of the members in accordance with rule 16 "Control by the Members of National Council and National Executive Officers".
- 28.1.2 If it is decided that the Union will be dissolved all the property of the Union shall be converted into money and all liabilities discharged and the net balance of money remaining be divided pro rata among the financial Branches of the Union for distribution as those Branches decide.

28.2 Dissolution of a Division or Industry Group

No Division or Industry Group can be dissolved or amalgamated without an affirmative ballot of the members of that Division or Industry Group.

**29 - DUTIES OF MEMBERS OF GOVERNING BODIES**

- 29.1 The members of National Council, the Divisional Councils and Divisional Executive and Divisional Branch Councils, Conferences and Divisional Branch Executives and other governing bodies of the Union and its Divisions however named shall attend the meetings of the governing bodies of which they are members unless there is a good reason for their non-attendance.
- 29.2 They shall conscientiously attend to the business placed before the governing bodies of which they are members and deal with such business in accordance with the rules.

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**30 – NATIONAL EXPENDITURE & DISCLOSURE POLICIES & PROCEDURES**

30.1 The National Council shall develop and implement policies and procedures relating to expenditure of the funds of the National Council by the National Executive Officers and the National Council.

**31 – GOVERNANCE AND COMPLIANCE**

**31.1 Powers of the National Secretary**

31.1.1 Notwithstanding anything in the rules of the Union, the National Council is empowered to authorise the National Secretary to take all steps necessary to ensure compliance by the CEPU in connection with the Reporting Obligations.

31.1.2 Without limitation to the power conferred by rule 35.1.1, the National Council is empowered to authorise the National Secretary to:

- direct any officer or employee of the CEPU, including of its branches, to provide any information or document within their possession or control necessary for the satisfaction of the Reporting Obligations;
- access any premises and review any databases held by the CEPU, including its branches, for the purpose of satisfying the Reporting Obligations; and
- require any officer or employee of the CEPU, including of its branches, to provide such assistance as is necessary for the satisfaction of the Reporting Obligations.

**31.2 Auditing of membership data**

31.2.1 Where a reporting unit is required to include membership numbers in any report prepared pursuant to the Reporting Obligations, the reporting unit shall obtain an audit report of these numbers. The report shall comprise a break down of financial and total members.

31.2.2 Each reporting unit shall comply with the following conditions in obtaining an audit report of its membership numbers under rule 35.2.1:

- (a) engage a registered company auditor; and
- (b) request that the work performed in the audit be in accordance with Australian Accounting Standard 802 “The Audit Report on Financial Information Other than a General Purpose Financial Report” and Auditing Guidance Standard 1044 “Audit Reports on Information Provided Other than a Financial Report” or any successor to these standards.

31.2.3 The independent audit report shall include an audit certificate signed by the auditor detailing the financial and total membership of the reporting unit.

**31.3 Governance Officer**

31.3.1 The National Executive Officers shall appoint a Governance Officer. The Governance Officer shall be an employee of the Union, with the salary and on-costs met by the funds of the National Council.

31.3.2 The Governance Officer shall carry out such duties as the National Secretary may direct.

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