259V: Incorporates alterations of 8 September 2022 [R2022/65] Note: Also includes alterations certified on 24 December 2020 [R2020/200] and 16 July 2021 [R2021/44] which were not included in this rulebook when it was published on 16 July 2021.
Replaces rulebook dated 22 April 2021 [R2020/174]

United Firefighters' Union of Australia

I CERTIFY under section 161 of the *Fair Work (Registered Organisations) Act 2009* that the pages herein numbered 1 to 124 both inclusive contain a true and correct copy of the registered rules of the United Firefighters' Union of Australia.

GENERAL MANAGER
FAIR WORK COMMISSION

Rules of the United Firefighters' Union of Australia
Contents

1 - NAME 1
2 - INTERPRETATION 1
3 - BINDING EFFECT OF RULES 3
4 - INDUSTRY 3
5 - OBJECTS 4
6 - ELIGIBILITY 7
7 - ADMISSION TO MEMBERSHIP 11
7A - AVIATION BRANCH RETIRED MEMBERSHIP 12
8 - RESIGNATION FROM MEMBERSHIP 12
9 - REGISTERED OFFICES 13
10 - REGISTER 14
11 - CONTROL OF UNION BY MEMBERS 15
12 - NATIONAL COMMITTEE OF MANAGEMENT 15
13 - POWERS AND DUTIES OF NATIONAL COMMITTEE OF MANAGEMENT 16
14 - MEETINGS OF NATIONAL COMMITTEE OF MANAGEMENT 19
15 - NATIONAL EXECUTIVE 20
16 - POWERS AND DUTIES OF NATIONAL EXECUTIVE 20
17 - MEETINGS OF NATIONAL EXECUTIVE 21
18 - POWERS AND DUTIES OF NATIONAL PRESIDENT 21
19 - POWERS AND DUTIES OF NATIONAL SECRETARY 22
20 - POWERS AND DUTIES OF NATIONAL DELEGATES 24
21 - POWERS AND DUTIES OF NATIONAL TRUSTEES 24
22 - NATIONAL RETURNING OFFICER 25
23 - ELECTION OF NATIONAL OFFICERS 25
24 - FILLING OF CASUAL VACANCIES IN THE OFFICES OF NATIONAL PRESIDENT AND NATIONAL SECRETARY 27
25 - POWERS AND DUTIES OF NATIONAL RETURNING OFFICER 27
26 - NATIONAL PLEBISCITES 28
27 - BALLOTS 29
28 - NATIONAL FUND 34
29 - MONEYS ALLOCATED TO NATIONAL FUND 34
30 - NATIONAL FUND - LIABILITIES AND DISBURSEMENTS 35
31 - DISBURSEMENT OF NATIONAL FUND 35
31A— NATIONAL FINANCIAL REPORTS 35
32 - LIFE MEMBERSHIP 36
33 - HONORARY MEMBERSHIP 36
34 - NATIONAL LEVIES 36
35 - FINANCIAL MEMBERS 36
36 - INVESTMENTS 36
37 - IMPOSITION OF PENALTIES BY NATIONAL COMMITTEE OF MANAGEMENT 37
38 - REMOVAL FROM OFFICE AND SUSPENSION OF NATIONAL COMMITTEE OF MANAGEMENT MEMBERS 38
39 - SUMMARY SUSPENSION OF OFFICER 39
40 - RECORDS 40
41 - GIVING NOTICE TO MEMBERS 40
42 - OFFICERS, EMPLOYEES AND OTHER PERSONS REMUNERATION AND EXPENSES 41
43 - SEAL 41
44 - AGREEMENTS 41
45 - DISPUTES 41
46 - MINUTES 42
47 - IRREGULARITIES 42
48 - IMPLIED AND INCIDENTAL POWERS 43
49 - AMENDMENT OF RULES 43
50 - DISSOLUTION 44
51 - LOANS GRANTS AND DONATIONS 44
52 - RULES OF DEBATE 45

53 - BRANCH MEMBERSHIP 45
54 - POWERS AND DUTIES OF BRANCHES....46
55 - BRANCH MEETINGS 48
55A - AVIATION BRANCH FINANCIAL REPORTS 48
56 - BRANCH COMMITTEE OF MANAGEMENT....49
57 - POWERS AND DUTIES OF BRANCH COMMITTEE OF MANAGEMENT....50
58 - MEETINGS OF BRANCH COMMITTEE OF MANAGEMENT....51
59 - BRANCH EXECUTIVE - AVIATION BRANCH....51
60 - BRANCH EXECUTIVE....52
61 - STATE OR TERRITORY COMMITTEE - AVIATION BRANCH....52
62 - POWERS AND DUTIES OF BRANCH PRESIDENT....52
63 - POWERS AND DUTIES OF BRANCH VICE-PRESIDENTS....53
64 - POWERS AND DUTIES OF BRANCH SECRETARY 53
65 - POWERS AND DUTIES OF BRANCH TRUSTEES....57
66 - AVIATION BRANCH - POWERS AND DUTIES OF A BRANCH COMMITTEE OF MANAGEMENT MEMBER....58
67 - AVIATION BRANCH - POWERS AND DUTIES OF UNIT REPRESENTATIVES (WORKPLACE DELEGATES) 58
67A - AVIATION BRANCH – ABOLITION AND TRANSITION OF ORGANISERS....59
68 - BRANCH RETURNING OFFICER....60
69 - POWERS AND DUTIES OF BRANCH RETURNING OFFICER....60
70 - ELECTION OF BRANCH PRESIDENT, VICE-PRESIDENTS, SECRETARY, ASSISTANT SECRETARY, TRUSTEES, MEMBERS OF BRANCH COMMITTEE OF MANAGEMENT AND AVIATION BRANCH WORK HEALTH AND SAFETY (WHS) NATIONAL CO-ORDINATOR 62
71 - BY-ELECTIONS 63
71A - ELECTION INQUIRIES AND TERM OF OFFICE 63
72 - CANDIDATES 64
73 - FILLING OF CASUAL VACANCIES....64
74 - LODGING OF NOMINATIONS FOR BRANCH POSITIONS....64
75 - BRANCH PLEBISCITES....64
76 - BRANCH FUNDS 65
77 - MONEYS ALLOCATED TO BRANCH FUNDS 65
78 - BRANCH FUNDS - LIABILITIES AND DISBURSEMENTS....65
79 - DISBURSEMENT OF BRANCH FUNDS....66
80 - SUBSCRIPTIONS 66
81 - BRANCH LEVIES....66
82 - OFFENCES BY BRANCH MEMBERS OR OFFICERS 66
83 - REMOVAL OF BRANCH OFFICERS....68
84 - EXPULSION....68
85 - POSTAL ADDRESSES....69
86 - NATIONAL RULES IN RELATION TO BRANCHES 69
87 - AMENDMENT OF RULES AFFECTING ONE BRANCH ONLY....69
88 - CONTROL OF BRANCH BY MEMBERS 71
89 - TRANSITIONAL PROVISIONS 71
89A - SPECIAL TRANSITIONAL RULE – QUEENSLAND BRANCH....79
90 - EXPENDITURE POLICIES, DISCLOSURE AND FINANCIAL TRAINING 80
DEFINITIONS 80
ORGANISATION/BRANCH POLICIES AND PROCEDURES 82
DISCLOSURE OF OFFICER’S RELEVANT REMUNERATION AND NON-CASH BENEFITS....82
DISCLOSURE OF OFFICER’S MATERIAL PERSONAL INTERESTS 83
DISCLOSURE BY ORGANISATION/BRANCH OF PAYMENTS....84
FINANCIAL TRAINING....85
SCHEDULE 1 87
BRANCH RULES OF THE UNITED FIREFIGHTERS' UNION OF AUSTRALIA NEW SOUTH WALES BRANCH 87
SCHEDULE 2 88
BRANCH RULES OF THE UNITED FIREFIGHTERS' UNION OF AUSTRALIA VICTORIAN BRANCH....88

SCHEDULE 3 91
BRANCH RULES OF THE UNITED FIREFIGHTERS' UNION OF AUSTRALIA QUEENSLAND BRANCH 91
SCHEDULE 4 98
BRANCH RULES OF THE UNITED FIREFIGHTERS' UNION OF AUSTRALIA SOUTH AUSTRALIAN BRANCH 98
SCHEDULE 5 99
BRANCH RULES OF THE UNITED FIREFIGHTERS' UNION OF AUSTRALIA WEST AUSTRALIAN BRANCH 99
SCHEDULE 6 103
BRANCH RULES OF THE UNITED FIREFIGHTERS' UNION OF AUSTRALIA TASMANIA BRANCH 103
SCHEDULE 7 104
BRANCH RULES OF THE UNITED FIREFIGHTERS' UNION OF AUSTRALIA AUSTRALIAN CAPITAL TERRITORY BRANCH 104
APPENDICES TO THE RULES OF THE UNITED FIREFIGHTERS' UNION OF AUSTRALIA 106
APPENDIX A 106
ELIGIBILITY RULES AS AT 11 NOVEMBER, 1988 OF THE FEDERAL FIREFIGHTERS' UNION REFERRED TO IN PARAGRAPH (e)(8) OF RULE 6 OF THE UNITED FIREFIGHTERS' UNION OF AUSTRALIA: 106
APPENDIX B 107
ELIGIBILITY RULE AS AT 11TH NOVEMBER, 1988 of the ADMINISTRATIVE AND CLERICAL OFFICERS' ASSOCIATION REFERRED TO IN PARAGRAPH (e)(8) OF RULE 6 (ELIGIBILITY) OF THE UNITED FIREFIGHTERS' UNION OF AUSTRALIA: 107
APPENDIX C 111
ELIGIBILITY RULE AS AT 27TH APRIL, 1992 OF THE HEALTH SERVICES UNION OF AUSTRALIA REFERRED TO IN PARAGRAPH (e)(9) OF RULE 6 (ELIGIBILITY) OF THE UNITED FIREFIGHRERS' UNION OF AUSTRALIA: 111
APPENDIX D 123
ELIGIBILITY RULE AS AT 11TH NOVEMBER, 1988 OF THE FEDERATED MUNICIPAL AND SHIRE COUNCIL EMPLOYEES UNION OF AUSTRALIA REFERRED TO IN PARAGRAPH (e)(10) OF RULE 6 (ELIGIBILITY) OF THE UNITED FIREFIGHTERS' UNION OF AUSTRALIA: 123
APPENDIX E 124
ELIGIBILITY RULE AS AT 11TH NOVEMBER, 1988 OF THE MUNICIPAL OFFICERS' ASSOCIATION OF AUSTRALIA REFERRED TO IN PARAGRAPH (e)(11) OF RULE 6 (ELIGIBILITY) OF THE UNITED FIREFIGHTERS' UNION OF AUSTRALIA: 124

Note: This table of contents has been generated by the Fair Work Commission as an aid to using the rulebook, however it does not form part of the registered rules of the organisation. No reliance should be placed on the table of contents in interpreting the rules.

1 - NAME

The name of the Union shall be the “United Firefighters' Union of Australia”.

2 - INTERPRETATION

(1) (a) So far as is consistent with their express provisions these Rules are to be construed so as not to be contrary to any provision of the Act or the Regulations, the RO Act, the RO Regulations or an Award and so as not otherwise to be contrary to law and so as not to exclude the jurisdiction of any relevant court.

(b) Words importing the masculine gender shall be taken to include females and the singular to include the plural and the plural the singular.

(2) “Associated Body” means:-

New South Wales Fire Brigade Employees Union, an industrial union of employees registered under the Industrial Arbitration Act 1940 as amended (NSW); 267 Sussex Street, Sydney, 2000;

United Firefighters' Union, Victorian Branch, an unincorporated association of firefighting employees; 410 Brunswick Street, Fitzroy, 3065;

United Firefighters' Union of Australia, Union of Employees, Queensland, an industrial union of employees registered under the Conciliation and Arbitration Act 1961 as amended (Qld); Level 3 T&LC Building, 16 Peel Street, South Brisbane, 4101;

United Firefighters Union of South Australia Incorporated, an association of employees registered under the Industrial Conciliation and Arbitration Act 1972 as amended (S.A.), 148 South Road, Torrensville, 5031;

The West Australian Fire Brigade Employees' Industrial Union of Workers, an industrial union of employees registered under the Industrial Arbitration Act 1979 as amended (W.A.); 63 Railway Parade, Mount Lawley, 6050; and

United Firefighters' Union (Tasmanian Branch) an unincorporated association of firefighting employees; Suite 34 Level 3, Trafalgar on Collins, 110 Collins Street, Hobart, 7000.

(3) So far as is consistent with their express terms all resolutions, decisions and directions purporting to be made or given pursuant to these Rules are to be construed as within the power of the Union and of the body or person making or giving the same.

(4) In these Rules unless inconsistent with the context or subject matter:-

“the Act” means the Fair Work Act 2009 or any preceding or succeeding legislation thereto.

“the RO Act” means the Fair Work (Registered Organisations) Act 2009 or any successor thereto.

“Award” means an award made or an industrial agreement certified under the Act and binding on the Union.

“Branch employee” means a person employed on behalf of the Union by a Branch.

“Branch fund” means the money (whether in a Bank or not) and investments which under these Rules are to be managed and controlled by a Branch.

"Branch liability" means a liability of the Union which is the responsibility of a Branch under these Rules.

"Branch meeting" means an annual meeting, general meeting or a special meeting of a Branch.

"Branch money, property, effect, record or document" means respectively money, property, or an effect, record or document which under these Rules is to be managed and controlled by a Branch.

"Branch Officers" means Branch Presidents, Vice-Presidents, Secretaries, Assistant Secretaries, Trustees or any other Branch Committee of Management position created in accordance with these Rules.

"financial unit" means the monetary amount equivalent to 5% of the Total Weekly Rate of pay of a Senior Firefighter in the New South Wales Fire Brigades as at 1 July in each year, rounded upwards to the nearest dollar. An amount calculated by reference to "financial units" is inclusive of any applicable GST.

"Full time firefighter" means a firefighter or fire officer who is not employed as a partially paid, retained or volunteer firefighter, provided that if a member is employed as both a full time firefighter and a part time firefighter then that member will be considered to be a full time firefighter only for the purposes of these rules.

"General election" means any election which is not a by-election.

"Member" means a member of the Union.

"National Administration" means the organisation within the Union consisting of the National Committee of Management and its members and the National Executive and its members.

"National Committee of Management Election Meeting" means the first Annual Meeting of the National Committee of Management and every third Annual Meeting thereafter.

"National employee" means a person employed on behalf of the Union by the National Administration.

"National fund" means the money (whether in a Bank or not) and investments which under these Rules are to be managed and controlled by the National Administration.

"National liability" means a liability of the Union which is the responsibility of the National Administration under these Rules.

"National money, property, effect, record or document" means respectively money or property or an effect, record or document which under these Rules is to be managed and controlled by the National Administration.

"National Officers" means the National President and the National Secretary.

"Offence" by a member or officer of the Union when used in these Rules shall include without limiting the generality thereof any of the following:

(i) Misappropriation of the funds of the Union;

(ii) A substantial breach of the Rules of the Union;

(iii) Gross misbehaviour or gross neglect of duty.

"Part time firefighter" means a partially paid, retained, auxiliary, seasonal or volunteer firefighter who is not employed as a full time firefighter.

"Penalty" means any reprimand, fine, suspension of or expulsion from membership under Rules 37 or 82 and any removal from office under Rules 38 or 83.

"Postal address" of a member in relation to the posting of ballot papers by National Returning Officer or a Branch Returning Officer or the giving of any document or notice to a member means the postal address shown in the Branch register unless the Branch Secretary has since the entry of that address in the Branch register received notification from the member of a changed postal address in which case this changed postal address shall be the postal address of the member.

"Professional Officer" means a person appointed and employed by the Union to undertake either industrial relations or research work.

"quarter" means any of the three-month periods in each year beginning 1 January and ending 31 March, beginning 1 April and ending 30 June, beginning 1 July and ending 30 September, and beginning 1 October and ending 31 December.

"Regulations" means the Regulations made under the Act.

"Returning Officer" shall be taken to include either a Branch or National Returning Officer.

"Rescue and Firefighting Unit" means any Firefighting Station at an airport where members of the Aviation Branch of the Union are employed.

"RO Regulations" means the Regulations made under the RO Act.

"unfinancial Branch" means a branch which has not paid monies payable to the National Secretary under rule 29 in respect of any quarter. The Branch would become unfinancial in accordance with this definition upon the last day of the quarter and remain unfinancial until all unpaid monies are paid. For the avoidance of doubt, a Branch ceases to be unfinancial when all outstanding unpaid monies are paid.

"Union" means the Union formed under these Rules.

3 - BINDING EFFECT OF RULES

Members of the Union shall be bound by these Rules.

4 - INDUSTRY

The Industry in or in connection with which the Union is registered is the industry or industries of -

(1) the prevention, suppression or extinguishment of fires;

(2) the protection of life and property through the provision of rescue services at the scene of accidents explosions or other emergencies other than in the capacity of a registered Medical Practitioner and other than the provision of ambulance rescue services in the State of New South Wales;

(3) the handling of spillages of toxic or hazardous materials and the disposal of those in emergency situations; or

(4) the sale, supply, installation, maintenance, repair and/or inspection of fire protection equipment other than fixed or semi-fixed fire protection systems.

Without limiting the generality of the foregoing, such industry or industries shall include persons referred to in subparagraphs (1) to (4) above employed -

(a) by the Australian Public Service, the service of any public institution or authority of the Australian Government whether such service is in the Australian Public Service or not;

(b) in the service of any public institution or authority of the Australian Capital Territory whether such service is in the Australian Public Service or not;

(c) by a Fire Brigade Board, Commission, or Authority;

(d) in the service of any public institution or Authority of a State Government or a Territory Government the duties of which are not materially different to those of persons employed by a Fire Brigade Board, Commission or Authority, except for persons employed by -

(i) In the State of Victoria: Port of Melbourne Authority;

(ii) In the State of South Australia: Department of Marine and Harbours: National Parks and Wildlife Service and Engineering and Water Supply Department;

(iii) In the State of Western Australia: Department of Conservation and Land Management and Water Authority of Western Australia;

(e) in private industry, in any rank, grade or classification of industrial fire fighter or industrial fireman or in any employment the duties of which are not materially different from the duties of one of these employments or in any position in respect of which the duties are similar to those of persons employed by any Fire Brigade Board, Commission or Authority.

5 - OBJECTS

The objects of the Union are as follows:

(1) to further and protect the interests of its members;

(2) to improve the working conditions and the general welfare of its members;

(3) to improve the position of its members by increasing their proportionate share of the national wealth and by endeavouring to educate them towards the socialisation of the means of production, distribution and exchange;

(4) to uphold the rights of organised labour;

(5) to endeavour by conference or otherwise to prevent any threatened, impending or probable dispute or cessation of work and endeavouring by conciliatory measures to uphold the interests of the Union and its members in the settlement of a dispute and if such endeavours fail, providing ways and means of supporting any of its members involved in a dispute;

(6) to act as agent for any member of the Union in any matter pertaining to the member's privileges, rights and duties as an employee and in any matter pertaining to the relationship between the member and his/her employer.

(7) to secure the election of working class representatives in Parliament and to promote such legislative enactments as will ensure industrial justice to the Australian working class;

(8) to preserve and advance civil liberties;

(9) insofar as is consistent with the registration of the Union under the Act, to register any of the Branches of the Union under any State Trade Union, Industrial Arbitration, Industrial Conciliation and Arbitration, Co-Operation or like Act;

(10) to ensure its members absolute and complete freedom of political and religious conviction;

(11) to advance the efficiency of the services of fire prevention, suppression and extinguishment throughout the Commonwealth of Australia;

(12) to co-operate with and assist other organisations, associations, institutions and groups in the pursuit of these Objects;

(13) to affiliate to, federate and amalgamate with or in any manner associate with any trade union or industrial union or other organisation, associations or institutions including international bodies having objects similar in the whole or in part to the objects of this Union;

(14) to purchase or otherwise acquire and undertake all or any part of the property, assets, and liabilities of any one or more of the organisations or associations with which the Union is authorised to amalgamate, affiliate, or otherwise in any manner associate;

(15) to transfer all or any part of the property, assets and liabilities of the Union to any one or more organisations or associations with which the Union is authorised to amalgamate, affiliate, or otherwise in any manner associate;

(16) to uphold the rights of labour and to represent members of the Union in the peak councils of the trade union movement and in international forums or organisations;

(17) to promote the extension of the Union throughout Australia;

(18) to do anything authorised or required by these Rules;

(19) to do anything authorised or required by the Act, the Regulations or an Award;

(20) to raise money by levies and/or other means or disburse funds for any of the purposes of the Union;

(21) to raise or disburse funds for investigating the methods of attaining these objects of the Union;

(22) to affiliate with and support financially political parties;

(23) to establish and support financially or aid in the establishment and financial support of associations, institutions, funds, trusts, recreational, educational and health facilities, and other conveniences calculated to benefit members of the Union or their dependants or connections;

(24) to support financially, maintain, conduct, own in whole or in part or subsidise any newspaper, Union journals or other publication or any company publishing a newspaper or other publication advocating the cause of the working class;

(25) to purchase, take on lease, hold, sell, lease, mortgage, exchange or otherwise own, possess and deal with any real or personal property;

(26) to borrow money and to give security for its repayment;

(27) to do anything which it is required to do by law;

(28) to do all such other things as are incidental or conducive to the attainment of these objects of the Union and the exercise of its powers;

(29) to enter into contracts and agreements for the purposes of furthering directly or indirectly any one or more of these objects;

(30) to determine actions on matters of concern to members in relation to international affairs and to carry out these actions internationally;

(31) to provide financial assistance to members and their dependants in the pursuit of these Objects at the Union's sole and absolute discretion;

(32) to provide legal assistance to members at the Union's sole and absolute discretion;

(33) to provide from time to time such services to and for members as shall be determined;

(34) to establish funds for mutual assistance and support in the carriage of these objects;

(35) to elect officers and to appoint and employ Professional Officers and employees for the furtherance of the Union's Objects and to remunerate such persons by salaries, wages, honoraria and other payments and benefits;

(36) to make contributions to the financing of superannuation schemes or retirement funds for the benefit of the elected Officers, appointed and employed Professional Officers and employees and to enter into such arrangement as may be necessary for that purpose;

(37) to subscribe to any charity, or to make donations for any public purpose or for any purpose in direct or indirect furtherance of any object of the Union.

(38) to further any scheme that has for its objects the establishment of a Labour research and information bureau and to assist in the establishment and maintenance of labour and trade union radio broadcasting and television stations and to invest in shares in such radio and television stations;

(39) to hold, purchase, lease, sell, mortgage or otherwise union property;

(40) to attain such other objects as the National Committee of Management shall from time to time determine;

(41) to further and give support to underprivileged people and disadvantaged peoples;

(42) to advance the cause of peace and friendship throughout the world.

6 - ELIGIBILITY

The conditions of eligibility for membership of the Union are as follows:

(a) The Membership of the Union is unlimited in number;

(b) Any person who is employed, or usually employed or appointed in or in connection with -

(1) the prevention, suppression or extinguishment of fires;

(2) the protection of life and property through the provision of rescue services at the scene of accidents, explosions or other emergencies other than in the capacity of a registered Medical Practitioner;

(3) the handling of spillages of toxic or hazardous materials and the disposal of those in emergency situations; or

(4) the sale, supply, installation, maintenance, repair and/or inspection of fire protection equipment other than fixed or semi-fixed fire protection systems.

shall be eligible for membership of the Union. Without limiting the generality of the foregoing, membership of the Union shall include persons referred to in paragraph (b) above employed -

(i) by the Australian Public Service, the service of any public institution or authority of the Australian Government whether such service is in the Australian Public Service or not;

(ii) in the service of any public institution or authority of the Australian Capital Territory whether such service is in the Australian Public Service or not;

(iii) by a Fire Brigade Board, Commission, or Authority;

(iv) in the service of any public institution or Authority of a State Government or a Territory Government the duties of which are not materially different to those of persons employed by a Fire Brigade Board, Commission or Authority;

(v) in private industry, in any rank, grade or classification of industrial firefighter or industrial fireman or in any employment the duties of which are not materially different from the duties of one of these employments, or in any position in respect of which the duties are similar to those of persons employed by any Fire Brigade Board, Commission or Authority.

(c) Any person who is an appointed and employed Professional Officer of the Union shall be eligible for membership of the Union.

(d) Notwithstanding the provisions of Sub-Rule (b) the Union may at its discretion decline to admit to membership any person otherwise included within this Rule:

(1) who does not make application as required by the Rules, or

(2) who does not pay the amount properly payable in respect of admission to membership, or

(3) who is of general bad character.

Provided however that the following persons shall not be eligible for membership of the Union:

(e) (1) Persons engaged in the following industries or callings, namely: timber and sawmilling industry; afforestation and silviculture; sugar growing, cane cutting, milling and refining; the manufacture of chemicals and gases; metalliferous mining, smelting, reducing and refining of ores; mining for brown coal including the extraction of the by-products; the search and/or drilling for hydrocarbons, the production, processing and transmission of hydrocarbons; the distillation of oils and all labour incidental thereto; as surface labourers engaged about or in connection with all brown coal mines; the manufacture and milling of paper and all employees other than craftsmen or engine drivers engaged in boring for water or oil or engaged in refining such oil or in the extraction of the oil products.

(e) (2) Persons employed as Licensed Aircraft Engineers or pilots in civil Aviation

(e) (3) Persons employed in electrical electronics or similar functions whether as tradespersons and their assistants or technicians or other sub professional electrical or electronics employees however described in or in connection with the installation, maintenance, repair and/or inspection of fire protection or fire fighting equipment.

(e) (4) *[Deleted]*

(e) (5) All persons engaged as salaried officers or in a professional, technical, sales, clerical and supervisory capacity employed by a gas company.

(e) (6) Employees of:

(i) In the State of Victoria: Port of Melbourne Authority;

(ii) In the State of South Australia: Department of Marine and Harbours; National Parks and Wildlife Service and Engineering and Water Supply Department;

(iii) In the State of Western Australia; Department of Conservation and Land Management and Water Authority of Western Australia.

(e) (7) Members of the New South Wales Police Force, the Police Force of Victoria, the Western Australian Police Force, the Northern Territory Police Force, the Police Force of South Australia, the Tasmanian Police Force, the Queensland Police Force and the Australian Federal Police or any successor to those said Police Forces; or any persons who are in employment and/or training (including those designated or described as police cadets), being employment and/or training which leads directly to the employee and/or trainee being qualified for membership of any of the Police Forces specified in this paragraph.

(e) (8) Persons eligible to be members of the Administrative and Clerical Officers' Association pursuant to its eligibility rules as at 11th November, 1988, as reproduced in Appendix "B" to these rules except those persons eligible to be members of the Federal Firefighters Union pursuant to its eligibility rule as at 11th November, 1988, as reproduced in Appendix "A" to these rules.

(e) (9) Persons eligible to be members of the Health Services Union of Australia pursuant to its eligibility rules as at 27th April, 1992, as reproduced in Appendix “C” to these rules.

(e) (10) Persons eligible to be members of the Federated Municipal and Shire Council Employees' Union of Australia pursuant to its eligibility rule as at 11th November, 1988, as reproduced in Appendix "D" to these rules save for any such persons who are:

(A) employed in the State of Victoria by the Country Fire Authority or any successor thereto; or

(B) employed in the State of Victoria by the Metropolitan Fire and Emergency Services Board or any successor thereto; or

(C) employed by a Fire Brigade Board, Commission or Authority or by Fire Equipment Services South Australia, or in connection with Emergency Communications Victoria or any successor thereto.

(e) (11) Persons eligible to be members of The Municipal Officers' Association of Australia pursuant to its eligibility rule as at 11th November, 1988, as reproduced in Appendix "E" to these rules save for any such persons who are:

(A) employed in the State of Victoria by the Country Fire Authority or any successor thereto; or

(B) employed in the State of Victoria by the Metropolitan Fire and Emergency Services Board or any successor thereto; or

(C) employed by a Fire Brigade Board, Commission or Authority or by Fire Equipment Services South Australia, or in connection with Emergency Communications Victoria or any successor thereto.

(e) (12) (1) Any person employed by:

(i) the Crown in right of any State or States;

(ii) any statutory body representing the Crown in right of any State or States;

(iii) any instrumentality or authority whether corporate or unincorporate acting under the control of or on behalf of or in the interest of the Crown in right of any State or States; or

(iv) any company or corporation in which at least fifty per centum of the issued shares are held by or for or on behalf of or in the interest of the Crown in right of any State or States or if there are no issued shares, in which the governing body by whatever name called includes nominees appointed by or for or on behalf of or in the interests of the Crown in right of any State or States;

other than by a Fire Brigade Board, Commission or Authority or by Fire Equipment Services South Australia, or in connection with Emergency Communications Victoria or any successor thereto shall not be eligible for membership of the Union.

(e) (12) (2) Any person employed in a professional capacity (other than in any rank, grade or classification of firefighter) by a Fire Brigade Board, Commission or Authority who is a member or eligible to be a member of the Association of Professional Engineers, Scientists and Managers, Australia (“APESMA”):

(a) where such eligibility for membership or membership arises in full or in part from rule 3.1 of the APESMA rules as at 23 January 2007;

(b) where such eligibility for membership or membership arises in full or in part from rule 3.2 of the APESMA rules as at 23 January 2007; or

(c) where such eligibility for membership arises in full or in part from rule 3.13 of the APESMA rules as at 23 January 2007, and:

(1) the person is employed in a Management Position in an Information Technology Department; or

(2) the person is employed in an Information Technology Department (other than as an IT technician) and holds a bachelor degree or higher qualification.

Save for any such person who was a member of the Union as at 2 April 2007.

(e) (12) (3) Any person employed in New South Wales:

(a) in the Bush Fire Council of New South Wales; or

(b) as foreman, storeman, stores assistant and transport assistant by the Board of Fire Commissioners of New South Wales

shall not be eligible for membership of the Union

(e) (12) (4) Any person employed in South Australia:

(a) by the Country Fire Services; or

(b) as technical officer, technical assistant, and caretaker by the South Australian Metropolitan Fire Service

shall not be eligible for membership of the Union.

(e) (12) (5) Any person employed in Western Australia:

(a) by the Western Australian Bush Fires Board; or

(b) as storeman, store officer, general assistant and technical officer by the Western Australian Fire Brigades Board

shall not be eligible for membership of the Union.

(e) (12) (6) Any person employed in Tasmania by the Tasmanian Fire Service other than a person in the classification of Firefighter, Senior Firefighter, Serviceman, Control Room Operator, Station Officer, Senior Station Officer, Superintendent, Regional Chief Officer Urban, Regional Chief Officer Country, Deputy Regional Chief Officer Urban, Deputy Regional Chief Officer Country, Chief Fire Prevention Officer, Senior Operations Officer and Officers of the Field Division shall not be eligible for membership of the Union.

(e) (12) (7) Any person employed in Queensland:

(a) in the Rural Fires Board; or

(b) as the Commissioner or the Deputy Commissioner of the Commission or Authority which is responsible for fire services throughout the whole of the State of Queensland; or

(c) who is appointed to an office or employed in a position which office or position:

(i) is immediately below the rank of the persons referred to in clause (b) of this provision (e) and also

(ii) is equivalent in rank to all other offices or positions referred to in sub-clause (i) of this clause (c) of the proviso (e) and also

(iii) is responsible to one or other of the persons referred to in clause (b) of this provision (e) for the management and/or the operations of fire services throughout the whole of the State of Queensland.

shall not be eligible for membership of the Union.

7 - ADMISSION TO MEMBERSHIP

(1) An applicant for membership of the Union shall be informed by the Secretary of the Branch which covers such person's employment, in writing, of:

(i) the financial obligations arising from membership; and

(ii) the circumstances, and the manner, in which a member may resign from the Union.

(2) An applicant for membership of the Union shall make a written application to the Secretary of the Branch which covers such applicant's employment containing such applicant's name, address and willingness to assume all the rights and liabilities attaching to membership.

(3) An applicant shall become a member of the Union upon the entry of such applicant's name with the authority of the Committee of Management of a Branch in the register of that Branch.

(4) (a) Notwithstanding any other provision of these rules, members of an associated body shall become members of the Union in accordance with the provisions of this sub-rule;

(b) An application for membership of the Union in respect of a member of an associated body shall be made on behalf of such person by the associated body;

(c) No error, omission or want of form in connection with any person's application for or admission to membership shall invalidate membership under this sub-rule;

(d) A person shall be taken to have become a member under this sub-rule on the date when the application made on behalf of the person by the associated body is received by the Union, provided that he/she shall be notified by letter by the Union and/or the Branch of the Union;

(i) that on the date specified in the letter being not less than 6 weeks after the date of the letter that an application in accordance with the letter will be made on his/her behalf to the Union;

(ii) of the financial obligations arising from membership and the circumstances of the manner in which a member may resign from membership;

(iii) that if a written objection to the National Secretary and/or the Secretary of the relevant Branch is received within one month of the letter then no application on his/her behalf will be made.

(5) (i) Notwithstanding anything elsewhere in these rules and for the avoidance of doubt, those persons who were listed as members of the Queensland Branch as at 2 September 2018 are deemed to have been properly admitted as members as at that date and their membership from that date is deemed to have been continuous for all purposes of these rules.

(ii) a. Any person who, on or after 3 September 2018, intended or understood that by joining the associated body in the State of Queensland they would thereby become a member of the Union and who communicates to the Branch that they had that intention or understanding is deemed to have been a member from the date that they joined that associated body.

b. For the avoidance of doubt, this paragraph (ii) does not intend to and does not force persons to become members and does not impose any liabilities or obligations on such persons before the date of certification of this paragraph (ii).

(iii) No error, omission or want of form in connection with any person's application for or admission to membership shall invalidate membership under this sub-rule.

7A - AVIATION BRANCH RETIRED MEMBERSHIP

(a) Any member who has resigned from membership of the Aviation Branch by reason of ceasing to be eligible to become or be a member may, upon application to the Branch Secretary, become a retired member.

(b) A retired member shall not be entitled to vote in any election or ballot of the Branch, or to nominate any persons to hold any office in the Branch, or to hold any office in the Branch but shall otherwise receive such benefits of membership of the Branch as may be determined from time to time by the Branch Committee of Management.

(c) A retired member who recommences employment in a calling which falls within the eligibility rule of the Union, shall not be entitled to remain a retired member, but shall be entitled to again become a member of the Union.

(d) A retired member may resign membership of the Union in accordance with the provisions of rule 8 of these rules.

8 - RESIGNATION FROM MEMBERSHIP

(1) A member of the Union may resign from membership by written notice addressed and delivered to the Secretary of the Branch to which such member belongs.

(2) A notice of resignation from membership of the Union takes effect:

(a) where the member ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received by the Union; or

(ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;

whichever is later; or

(b) in any other case:

(i) at the end of two weeks after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

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

(4) A notice delivered to the Branch Secretary shall be taken to have been received by the Union when it was delivered.

(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with Sub-Rule (1).

(6) A resignation from membership of the Union is valid even if it is not effected in accordance with this Rule if the member is informed in writing by or on behalf of the Union that the resignation has been accepted.

9 - REGISTERED OFFICES

(1) The Registered Office of the Union shall be at such place as is from time to time determined by the National Committee of Management and each change shall be notified to the Registered Organisations Commissioner.

(2) The Registered offices of the Branches shall be as follows:

(a) New South Wales Branch

267 Sussex Street
SYDNEY N.S.W. 2000

(b) Victorian Branch
410 Brunswick Street,
FITZROY VIC 3065

(c) Queensland Branch
lst floor
92 Commercial Road
NEWSTEAD QLD 4006

(d) South Australian Branch
148 South Road
TORRENSVILLE S.A. 5031

(e) West Australian Branch
61 Railway Parade
MOUNT LAWLEY W.A. 6050

(f) Tasmanian Branch
Room 23, Trades Hall,
219 Main Road,
NEWTOWN. TAS 7008

(g) Australian Capital Territory Branch,
Unit 4, DMA Offices
Lathlain Street,
BELCONNEN A.C.T. 2617

(h) Aviation Branch
Unit 3/88 Flinders Parade
NORTHLAKES QLD 4509

or at such place as is from time to time determined by the Branch Committee of Management and each change shall be notified to the Registered Organisations Commissioner.

10 - REGISTER

(1) A National register shall be kept in the registered office of the Union in which the National Secretary shall cause to be kept -

(a) A list of names, postal addresses, email addresses and mobile telephone numbers and occupations of the members of the National Committee of Management and of every person holding, whether as trustee or otherwise, property of the Union or property in which the Union has any beneficial interest.

(b) A list of the Branches of the Union showing the name under which each Branch is carried on, the situation of the registered office of each Branch and the names, postal addresses, email addresses and mobile telephone numbers and occupations of the officers of each Branch.

(c) An account in proper form of the receipts, payments, funds and effects of the Union.

(d) A copy of the Rules of the Union together with any amendments.

(e) A certified audit of Branch membership which identifies both full time firefighter members and part time firefighter members as at 30 June is to be prepared by the Auditor of each Branch and provided annually by each Branch Secretary.

(2) A Branch register shall be kept in the registered office of each Branch in which the Branch Secretary shall cause to be kept -

(a) A list of the names, postal addresses, email addresses and mobile telephone numbers and occupations of the members of the Branch Committee of Management and of every person holding, whether as trustee or otherwise property of the Branch or property in which the Branch has any beneficial interest.

(b) A list of members of the Branch showing the name, residence and postal address, email addresses and mobile telephone numbers of each member and all details of membership, including whether the member is a full time firefighter or a part time firefighter;

(c) a copy of the register of the Branch referred to in sub-rule (b) as it stood on 31 December in each year for a period of 7 years after the 31 December concerned;

(d) An account in proper form of the receipts, payments, funds and effects of the Branch.

(e) A copy of the Rules of the Union together with any amendments.

(3) (a) Within 7 days of the certification of sub-rule 10(2)(c), the Branch Secretary of each branch shall provide to the National Secretary a copy of the lists of members of the Branch referred to in sub-rule (2) paragraph (c) as they stood on 31 December in each year for the period of 7 years after the 31 December concerned.

(b) the Branch Secretary of each branch shall provide to the National Secretary a copy of the list of members of the Branch referred to in sub-rule (2) paragraph (c) within 7 days of its compilation after 31 December in each year subsequent to the certification of this sub-rule (3).

11 - CONTROL OF UNION BY MEMBERS

Final control of the Union in relation to all matters (except matters affecting members of only one Branch) shall rest with the decision of the financial members of the Union in a plebiscite conducted under these Rules and every such decision shall bind -

(1) the National Committee of Management, Executive and Officers.

(2) the Branches, their Committees of Management and Officers and

(3) all members of the Union.

All powers conferred by these Rules are conferred subject to this Rule but nothing in this or any other Rule shall empower the decision of a plebiscite to affect or alter a declaration by a Returning Officer of the result of an election or plebiscite.

12 - NATIONAL COMMITTEE OF MANAGEMENT

(1) There shall be a National Committee of Management which shall consist of the National Officers and National Delegates from each Branch.

Provided that each Branch Secretary shall by virtue of holding that office hold the position of the Branch Delegate or one of the Branch Delegates to the National Committee of Management as provided in Sub-Rule (2).

Provided further that where any Branch is entitled to a second delegate the Branch President shall by virtue of holding that office hold the position of one of the Branch Delegates to the National Committee of Management.

Provided further that where any Branch is entitled to more than two National Delegates, Branches shall provide in accordance with Rule 86 and Rule 87 for each additional National Delegate to be a Branch Committee of Management member who by virtue of holding a specified office shall also hold the position of one of the Branch Delegates to the National Committee of Management.

(2) Branches shall be entitled to elect National delegates as their representatives on the National Committee of Management in accordance with the following formula:

(a) Less than 500 effective members - one delegate

(b) 500 - 1250 effective members - two delegates

(c) 1250 - 2000 effective members - three delegates

(d) One extra delegate for every 1000 effective members or part thereof over 2000 members.

(3) For the purposes of this Rule the number of "effective members" of a Branch shall mean the number contained in the certified audit of Branch membership presented by the Branch Secretary to the National Secretary in accordance with Sub-Rule 10(1)(e) which shall finally and absolutely determine the matter.

(4) The National President and National Secretary shall have the same voting rights as other delegates but if they are entitled to vote in any event as a National Delegate, then they shall not be entitled to an additional vote by reason of their National Officer status.

(5) In the event of a National Delegate being unable to act in that office at the time of or during a meeting of the National Committee of Management a Branch substitute may be appointed pursuant to Rule 57 (6).

(6) The National Committee of Management may by resolution deny delegates, or substitute delegates under rule 14(8), of an unfinancial Branch voting rights at meetings of the National Committee of Management and in elections for National Officers.

(7) The National Committee of Management may by resolution deny the Branch Secretary, or substitute under rule 15(4), of an unfinancial Branch voting rights at meetings of the National Executive.

(8) The National Committee of Management may by resolution deny delegates, or substitute delegates under rule 14(8), of an unfinancial Branch the right to attend meetings of the National Committee of Management.

(9) The National Committee of Management may by resolution deny the Branch Secretary, or substitute under rule 15(4), of an unfinancial Branch the right to attend meetings of the National Executive.

(10) The National Committee of Management may for any reason and at any time resolve to restore voting or attendance rights to a Branch which have previously been denied pursuant to Sub-Rule 12(6), 12(7), 12(8) or 12(9).

13 - POWERS AND DUTIES OF NATIONAL COMMITTEE OF MANAGEMENT

The powers and duties of the National Committee of Management shall be:

(1) In relation to all matters (except matters affecting the members of only one Branch).

(a) it shall act as the governing, controlling, managing and policy- making body of the Union; and,

(b) its resolutions shall bind the National Executive, National Officers, Branches, Branch Committees of Management, Branch Officers and all members of the Union.

(2) It shall manage and control the National fund and all moneys payable to the National fund and it shall acquire, manage and control all property, effects, records and documents necessary for the proper conduct of the business and affairs of the Union by the National administration and may sell or otherwise dispose of such property and effects as are no longer necessary for the proper conduct of the business and affairs of the Union.

(3) It shall -

(a) authorise the receipt of all moneys payable to the National fund;

(b) authorise the incurring of all proper National liabilities;

(c) authorise the disbursement of all proper amounts of money in respect of National liabilities.

(4) It shall engage or employ such persons as in its opinion are necessary to carry out the business and affairs of the Union and shall determine the wages salaries, honorariums, payments and allowances to be paid to such persons.

(5) It shall appoint an auditor annually who shall be a competent person within the meaning of the Act and the Regulations. It shall make provision for that auditor to have full and complete access to all the books and documents of the Union and shall ensure that the accounts of the Union are audited yearly.

(6) (a) Subject to Rule 31A, it shall at a meeting convened in accordance with the Act and these Rules receive, adopt or otherwise deal with the annual report, accounts statements and balance sheet of the Union and the Union auditor's report;

(b) The 30th June is the end of the Union's financial year.

(7) It may direct the National Returning Officer to conduct a plebiscite of the financial members of the Union upon any matter whatsoever.

(8) It may appoint delegates or representatives of the union to any body, organisation or association.

(9) It may appoint sub-committees from the members of the Union to inquire and report in respect of any matter that may involve the interests of the Union or any member thereof.

(10) Subject to the provisions of Rule 37 it shall determine all questions and disputes between Branches or between a member and a Branch or between a Branch and the Union or between a member and the Union. Provided that:

(a) It shall not determine any question or dispute between members of a Branch or between a Branch and its members which was first referred to the Branch Committee of Management under Rule 57 (4) and which has either been determined or is pending determination by the Branch Committee of Management.

(b) it shall refer to a Branch Committee of Management any question or dispute between members of that Branch which are matters solely affecting that Branch;

(c) Before determining any question or dispute between a Branch and the Union or between a member and the Union it shall first take reasonable steps to ascertain the views on the question or dispute of all Branch Committees of Management;

(11) Subject to the provisions of Rule 37 it shall determine any question or dispute which a Branch or Branch Committee of Management has power to determine but refers to the National Committee of Management. Any such determination shall have application only in respect of the Branch from

which it was referred.

(12) It shall have the power -

(a) insofar as it may lawfully do so, to initiate any proceedings affecting the Union or its interest or affecting a member of the Union or such member's interest;

(b) to have the control of any proceedings in which the Union is a party or an intervener or appears or is represented and to appoint agents, solicitors or counsel to represent the Union in such proceedings;

(c) Insofar as it may lawfully do so, to support financially and to appoint agents, solicitors or counsel to represent any member of the Union or the interest of any member of the Union in any proceedings at its absolute discretion;

(d) To appoint an agent to represent or act for any member of the Union in any matter pertaining to the member's privileges, rights and duties as an employee and in any matter pertaining to the relationship between the member and his/her employer.

(13) It shall initiate and control all steps taken to submit industrial disputes or other matters to conciliation or arbitration under the Act. However in the case of a Federal Award relating to the members of one Branch only that Branch may be authorised to act on behalf of the Union to initiate and control all steps taken to submit industrial disputes or other matters to conciliation or arbitration under the Act.

(14) This Sub-Rule does not in any way affect or limit the powers conferred by Sub-Rules (12) and (13) of this Rule but declares a policy to be followed in the exercise of those powers.

(a) In any industrial proceedings which affect the members of only one branch it should not control the proceedings nor appoint agents, solicitors or counsel unless requested by the Branch or a member of that branch to do so.

(b) it should not seek or agree to an award, order or determination nor any provision in an award or industrial agreement to have operation in a State or Territory unless requested by that Branch or a member of that branch to do so.

(15) It may do or cause to be done anything authorised or required by the Act, the Regulations, an award or by law or by these Rules to be done by the Union and for the doing of which no provision is elsewhere made in these Rules.

(16) It may authorise any Officer or member of the Union on behalf of the Union to do any of the things referred to in Regulation 136 of the Regulations or any substantially corresponding provision.

(17) It shall set the time date and place of the next scheduled meeting of the National Committee of Management.

(18) It shall have the power to establish a Branch of the Union in the Northern Territory.

(19) (a) For the purpose of this sub-rule (19), “Reporting Obligations” shall mean the obligations in connection with the declarations and records required to be lodged annually and the various financial returns required under Chapter 8 of the RO Act.

(b) Notwithstanding anything in the rules of the Union, the National Committee of Management is empowered to authorise the National Secretary to take all steps necessary to ensure compliance by the Union in connection with the Reporting Obligations.

(c) Without limitation to the power conferred by sub-rule 19 paragraph (b) herein, the National Committee of Management is empowered to authorise the National Secretary to:

(i) direct any officer or employee of the Union, including of its branches, to provide any information or document within their possession or control necessary for the satisfaction of the Reporting Obligations;

(ii) access any premises and review any databases held by the Union, including its branches, for the purpose of satisfying the Reporting Obligations; and

(iii) require any officer or employee of the Union, including of its branches, to provide such assistance as is necessary for the satisfaction of the Reporting Obligations.

14 - MEETINGS OF NATIONAL COMMITTEE OF MANAGEMENT

(1) (a) The National Committee of Management shall meet at least once in each year. The Annual Meeting shall be held at a time, date and place to be decided by the National Committee of Management: Provided that if the National Committee of Management has not prior to 1st February decided when and where it will meet during the year the National Secretary shall fix the time date and place of the meeting after consulting with the National President and with the Branch Secretaries who have the right to attend meetings of the National Committee of Management.

(b) Such meeting may be conducted by telephone, radio or any other means by which members of the National Committee of Management are able to communicate orally with each other without being physically present at the meeting. The Minutes of such meeting shall be taken and distributed in accordance with Rule 14(7).

(2) A National Officer who has not been re-elected as a Branch Delegate to the National Committee of Management shall be entitled to attend the National Committee of Management Annual Meeting which elects such National Officers successors and shall be entitled to all rights of a National delegate until such time as he ceases office pursuant to Rule 24(12).

(3) (a) A Special Meeting of the National Committee of Management shall be held when the National Committee of Management or the National Secretary with the consent of the National President and in consultation if practicable with the Branch Secretaries who have the right to attend meetings of the National Committee of Management, determine that the interests of the Union require the holding of the meeting.

(b) Such meeting may be conducted by telephone, radio or any other means by which members of the National Committee of Management are able to communicate orally with each other without being physically present at the meeting. The Minutes of such meeting shall be taken and distributed in accordance with Rule 14(7).

(4) Annual or Special Meetings of the National Committee of Management shall be summoned by the National Secretary giving to each member of the National Committee of Management who has the right to attend under rule 12 by telephone, telex, facsimile, electronic mail or certified mail at least 14 days notice of time, date and place or manner of holding the meeting; provided that in the case of a Special Meeting the National Secretary shall give to each such member of the National Committee of Management such notice of the meeting as is reasonable in the circumstances.

(5) At any meeting of the National Committee of Management a simple majority of those delegates eligible to attend under Rule 12 shall form a quorum and the Chairperson shall have an ordinary vote, in the event of an equality of votes the motion shall fail.

(6) The business to be dealt with by a meeting of the National Committee of Management shall be shown on the Agenda paper, but matters may be added to the Agenda paper if agreed by the majority of delegates at the meeting. Any matter appearing on the Agenda paper may be amended with the consent of a majority of delegates at the meeting.

(7) A copy of the Minutes containing all decision and business of any National Committee of Management meetings shall be forwarded to each Branch Secretary who has the right to attend meetings of National Committee of Management within six weeks of the conclusion of each National Committee of Management meeting.

Any financial member of the Union who belongs to a Branch which is not an unfinancial Branch, may, upon request to the Branch Secretary of that Branch, inspect a copy of the Minutes of each National Committee of Management meeting at the Branch Office during the ordinary hours in which the Branch Office is open.

(8) The National Secretary shall provide copies of National Committee of Management resolutions and policies to the Branch Secretary of any unfinancial Branch carried or adopted whilst the Branch is an unfinancial Branch. Any financial members of the Union may, upon request to the Branch Secretary of the unfinancial Branch to which he or she belongs, inspect a copy of such resolutions and policies at the Branch Office during the ordinary hours in which the Branch Office is open.

(9) Subject to rule 12, a Branch substitute in accordance with Sub-Rule 57 (6) shall be entitled to act in the place of a National Delegate.

15 - NATIONAL EXECUTIVE

The National Executive shall consist of:-

(1) the National President,

(2) the National Secretary, and

(3) each Branch Secretary if not already a member by virtue of holding the office of National President or National Secretary.

(4) In the event of a Branch Secretary being unable to act in that office at the time of or during a meeting of the National Executive a Branch substitute being a current office holder within the said Branch may be appointed pursuant to Sub-Rule 57(8).

16 - POWERS AND DUTIES OF NATIONAL EXECUTIVE

The powers and duties of the National Executive shall be:

(1) Between meetings of the National Committee of Management it may, subject to the direction and control of the National Committee of Management, exercise any of the powers and perform any of the duties given to the National Committee of Management by Sub-Rules (1), (2), (3), (4), (5), (8), (9), (13), (14), (15), (16) and (17) of Rule 13.

(2) All acts and resolutions of the National Executive under its powers shall have full force, effect and validity and shall be presented at the next occurring National Committee of Management meeting. Any resolution of the National Executive may be reversed or altered by the National Committee of Management but this shall not affect the validity of anything which was done or which occurred prior to such reversal or alteration.

(3) It shall act as the administrative authority to carry out the decisions of the National Committee of Management.

(4) It shall determine any question or dispute (subject to the limitations imposed by Rule 13(10) referred to it by the consent of any Branch or Branches concerned or in dispute.

(5) It may refer to the National Committee of Management for decision any matter before it which it considers of special importance.

17 - MEETINGS OF NATIONAL EXECUTIVE

(1) The National Executive shall meet at such times, dates and places as it resolves or as shall be fixed by the National Secretary after consultation with all National Executive members who have the right to attend meetings of National Executive where practicable.

(2) Meetings of the National Executive shall be summoned by the National Secretary giving to each member of the National Executive who has the right to attend meetings of the National Executive either–

(a) reasonable notice as determined by circumstances of the time, date and place or manner of conducting the meeting; or

(b) seven days' notice by telephone, registered letter, electronic mail or certified mail of the time, date and place of the meeting. In the case of notice by way of telephone, the National Secretary shall no later than three days after the telephone notification send a subsequent written notice of the proposed time, date and place or manner of conducting the meeting.

(3) Notwithstanding the provisions of Sub-Rule (2) of this Rule and where in the interests of the Union it is necessary that there be a meeting of the National Executive but it is not practicable for the National Executive to assemble, the National Secretary after consultation with the National President may determine that the business of any such National Executive meeting convened pursuant to Sub-Rule (2) (a) and (b) of this Rule shall be conducted by telephone, radio or any other means by which members of the National Executive who have the right to attend meetings of National Executive are able to communicate orally with each other without being physically present at the meeting. The minutes of such meetings shall be taken and a copy thereof shall forthwith be forwarded by registered mail or electronically to members of the National Executive who have the right to attend meetings of National Executive.

(4) The National Secretary shall provide copies of National Executive resolutions and policies to the Branch Secretary of any unfinancial Branch carried or adopted whilst the Branch is an unfinancial Branch.

(5) At any meeting of the National Executive a quorum shall consist of a simple majority of members who have the right to attend. The Chairperson shall have an ordinary vote and in the event of an equality of votes the motion shall fail.

(6) Subject to rule 12, a Branch substitute in accordance with Sub-Rule 57(8) shall be entitled to act in place of a Branch Secretary.

18 - POWERS AND DUTIES OF NATIONAL PRESIDENT

(1) The National President shall wherever practicable attend at meetings of the National Committee of Management. The National President shall act as Chairperson at all meetings of the National Committee of Management at which such National President is present. If the National President is absent from the meeting the National Committee of Management shall appoint one of its members to act as Chairperson of the meeting.

(2) The National President shall wherever practicable attend all meetings of the National Executive. The National President shall act as Chairperson at all meetings of the National Executive at which such National President is present. If the National President is absent from the meeting the National Executive shall appoint one of its members to act as Chairperson of the meeting.

(3) The National President is authorised on behalf of the Union to do any of the things referred to in Regulation 136 of the Regulations or any substantially corresponding provision.

(4) If the National Secretary dies or is absent from Australia or unable or unwilling to summon a meeting under these Rules, a meeting may be summoned by the National President after consultation with Branch Secretaries.

19 - POWERS AND DUTIES OF NATIONAL SECRETARY

The National Secretary -

(1) may, subject to the direction and control of the National Committee of Management and the National Executive, exercise any of the powers and perform any of the duties given to the National Committee of Management by Sub-Rules (2), (3), (12), (13), (14), (15), (16) and (17) of Rule 13;

(2) shall be the chief administrative Officer of the Union to carry out the decisions of the National Committee of Management and the National Executive and the policies of the Union;

(3) shall comply with all valid directions given by the National Committee of Management and the National Executive;

(4) shall take all reasonable steps to attain the purposes of the Union and to carry out these Rules and the decisions of the National Committee of Management and the National Executive.

(5) shall have the day to day management and control of -

(i) the National fund, moneys, property, effects, records and documents; and

(ii) the business and affairs of the Union;

(6) shall receive all moneys payable to the National fund and shall give a receipt for the same and shall deposit the same in the appropriate account of the Union in accordance with Rule 28(2);

(7) shall not incur liabilities on behalf of the Union which at any time total more than $60,000 without the authority of the National Committee of Management or the National Executive and shall report all liabilities which are incurred to the next meeting of the National Committee of Management or the National Executive whichever occurs first;

(8) (a) where the amount exceeds $10,000 the National Secretary shall not pay the same without the authority of the National Committee of Management or the National Executive. Provided that for the expenditure of the National funds on the general administration of the Union and for purposes reasonably incidental to the general administration of the Union, or expenditure for which a budget has been endorsed by the National Committee of Management or the National Executive, the express authorisation of the National Committee of Management or the National Executive shall not be necessary.

(b) where the amount exceeds $5,000 the National Secretary shall pay the same by cheque or bank transfer unless expressly authorised otherwise by the National Committee of Management or the National Executive.

(c) where expenditure referred to in paragraph (a) herein has been made it shall be reported to the next meeting of the National Committee of Management or the National Executive whichever occurs first.

(9) shall keep proper records of all financial transactions and payments relating to the National fund;

(10) shall keep proper records of all financial transactions between each Branch and the National Administration;

(11) (a) shall keep proper accounts and submit them to the auditor of the Union and then submit them to the annual meeting of the National Committee of Management;

(b) shall supply a copy of the auditor's report and copies of the accounts and statements prepared in accordance with the Act to the members of the Union free of charge;

(12) shall ensure that the auditor of the Union has full and complete access to the books and documents of the Union and shall ensure that the accounts of the Union are audited yearly;

(13) shall be the general custodian of the National fund, moneys, property, effects, records and documents;

(14) shall, within forty-eight hours of making a demand for any part of the National fund or any National money, property, effect, record or document, be entitled to receive the same from any member or officer who has possession, custody or control of the same;

(15) shall, within forty-eight hours of receiving notice of a direction by the National Committee of Management to do so, deliver any funds, money, property, effect, record or document of the Union in such National Secretary's possession, custody or control to the person named in the direction;

(16) shall:

(a) keep an up-to-date register of Branch Officers and National Officers;

(b) lodge annually with the Registered Organisations Commissioner the declarations and records as required by the RO Act at the time prescribed by the RO Regulations;

(17) shall summon all meetings of the National Committee of Management and the National Executive except as provided for by Rule 18 (4).

(18) shall wherever practicable -

(a) prepare an agenda for each meeting of the National Committee of Management and circulate it to the members thereof who have the right to attend the meeting within a reasonable time before the meeting;

(b) prepare an agenda for each meeting of the National Executive and circulate it to the members thereof who have the right to attend the meeting within a reasonable time before the meeting.

(19) shall, wherever practicable, attend all meetings of the National Committee of Management and the National Executive and shall keep minutes in accordance with these Rules of all proceedings at such meetings;

(20) shall write, send, receive, answer, file and produce to the appropriate meetings of the National Committee of Management and the National Executive the correspondence of the Union for endorsement;

(21) shall draw up an annual report and submit it to the annual meeting of the National Committee of Management;

(22) shall take all reasonable steps to supply the Branches and members with information as to the proceedings of the National Committee of Management, National Executive and the activities of the Union generally;

(23) shall confer with Branch Secretaries;

(24) shall give all reasonable assistance to Branches, Branch Secretaries and Branch Committees of Management as requested by same;

(25) shall obtain and supply to any Branch free of charge up-to-date copies of these Rules and up-to-date amendments;

(26) is authorised to sue in the name of the Union upon the direction of the National Committee of Management under Section 290 of the Act or any substantially corresponding provision; and

(27) is authorised on behalf of the Union to do any of the things referred to in Regulation 136 of the Regulations or any substantially corresponding provision.

(28) shall prepare on behalf of the Union an officer and related party disclosure statement which reports any disclosures made by officers of the Union under rule 90, provide the statement to members, and lodge it with the Registered Organisations Commissioner.

(29) shall comply with any other requirements of the RO Act and RO Regulations.

20 - POWERS AND DUTIES OF NATIONAL DELEGATES

Subject to any resolution of the National Committee of Management under rule 12, a Delegate to the National Committee of Management -

(1) shall wherever practicable attend all meetings of the National Committee of Management;

(2) shall keep the Delegate's Branch Committee of Management informed as to the proceedings of the National Committee of Management.

21 - POWERS AND DUTIES OF NATIONAL TRUSTEES

(1) The persons holding the offices of National President and National Secretary shall by virtue of holding those offices be the National Trustees.

(2) National Trustees -

(a) shall wherever practicable attend all meetings of the National Executive;

(b) shall be responsible for the investment of any part of the National fund which the National Committee of Management determines should be invested;

(c) shall, subject to these Rules make any investment of National funds in accordance with any directions of the National Committee of Management;

22 - NATIONAL RETURNING OFFICER

(1) At least three full months immediately prior to the scheduled commencement date of the National Committee of Management Election Meeting the National Executive shall appoint a member of the Union as National Returning Officer, who shall not be the holder of any office in, and shall not be an employee of the Union or of any Branch, or section of the Union.

(2) If the National Returning Officer becomes a candidate for election to any office in the Union or is unwilling to act as National Returning Officer on any occasion such National Returning Officer shall be treated as having resigned the office of National Returning Officer.

(3) If the office of National Returning Officer becomes vacant for any reason the National Executive shall appoint a member of the Union as National Returning Officer who shall hold office until the Appointment of a National Returning Officer preceding the next annual meeting of the National Committee of Management.

(4) If the National Returning Officer is or is to be absent from Australia or unable for any reason to act as National Returning Officer the National Executive shall appoint a member of the Union to act in such National Returning Officer's place and during such absence or inability the member acting as National Returning Officer shall have the powers and duties given by these Rules to the National Returning Officer. Provided that should a Branch or Branch Committee of Management for any reason fail to properly appoint a Branch Returning Officer by 31st July in each or any year in which there is to be an election, the National Returning Officer shall have power to call for nominations and conduct a Ballot in accordance with these Rules.

(5) A National Returning Officer shall not be entitled to vote in any election or plebiscite conducted by such National Returning Officer, in the event of a tied plebiscite the proposal shall be declared lost.

23 - ELECTION OF NATIONAL OFFICERS

(1) The National Secretary and National President shall be elected by and from the National Officers and the National Delegates with voting rights in the election of National Officers to the National Committee of Management at the first Annual Meeting of the National Committee of Management and every Third Annual Meeting thereafter (hereinafter called the “National Committee of Management Election Meeting”) and shall hold office until their successors are elected.

(2) The National Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.

(3) The National Returning Officer shall call for nominations for election to National Officer positions no less than two full months immediately prior to the scheduled commencement date of the National Committee of Management Election Meeting by notification to the National Secretary, all National Committee of Management Members and all Branch Officers. Such notification shall include the address to which nominations are to be forwarded.

(4) No person shall be eligible for election to a position of National President or National Secretary unless:

(a) The Candidate is at the date of nomination a delegate to the National Committee of Management with voting rights in elections of National Officers or in the case of election to National Secretary the candidate is at the date of nomination either the current holder of that office, or a delegate to the National Committee of Management with voting rights in elections of National Officers.

(b) The candidate nominates for election in writing, specifying the office for which such candidate is a candidate and that nomination is proposed by at least two persons who are at the date of nomination, delegates to the National Committee of Management.

(c) The candidate's nomination is received by the National Returning Officer one full month immediately prior to the scheduled commencement date of the National Committee of Management Election Meeting at a predetermined postal address notified pursuant to Sub-Rule (3) hereof.

A National Returning Officer upon receipt of any nomination shall forthwith place the nomination in a safe and secure place and in writing notify the nominee of its receipt. The National Returning Officer shall have the power in accordance with these Rules to accept or reject any nominations, provided that if such National Returning Officer rejects any nomination the following provision shall have effect.

(i) The National Returning Officer shall notify the person concerned about the defect in the nominations; and

(ii) The National Returning Officer shall where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect, within not less than 7 days after being so notified.

(5) If the nominations are equal to the number of positions to be filled the National Returning Officer shall forthwith declare to the National Committee of Management Election Meeting that such candidates are elected. A National Delegate shall not hold more than one National Officer position.

(6) If there are more candidates than the number required for filling the Office/s the National Returning Officer shall conduct a ballot in accordance with Rule 27.

(7) The National Returning Officer shall ensure that the National ballot papers are posted to all delegates two weeks prior to the close of the ballot.

(8) The ballot for National Officer positions shall close at 5 p.m. two days before the National Committee of Management Election Meeting.

(9) Any Candidate may appoint a scrutineer, by notification in writing to the National Returning Officer prior to the commencement of the Ballot, whose duty it shall be to watch the interest of the Candidate at all stages of the ballot.

(10) The ballot for National Secretary shall be dealt with first and completed. The ballot for the National President shall then be dealt with and completed. If any one person is nominated for the Office of National Secretary and is also nominated for the Office of National President the nomination for the National President position shall lapse in the event of such person being elected to the office of National Secretary. In this event the counting of the ballot papers shall proceed accordingly pursuant to the provisions of Rule 27 with the necessary changes.

(11) The National Returning Officer shall declare to the National Committee of Management Election Meeting the result of the ballot. In the event of a tie, the National Returning Officer shall determine the result by casting lots. Except in so far as any Act from time to time provides otherwise or a protest is lodged in accordance with Rule 25, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling or any dealing with nominations or the conduct of the ballot shall be recognised as validly holding such office.

(12) A National Officer member shall hold office until such National Officer member's successor is elected.

(13) No election of a delegate pursuant to this Rule or Rule 24 shall be deemed as creating a vacancy in the office of Branch delegates as determined in Rule 12 of these Rules.

24 - FILLING OF CASUAL VACANCIES IN THE OFFICES OF NATIONAL PRESIDENT AND NATIONAL SECRETARY

(1) Where a casual vacancy occurs in the office of National President or National Secretary such vacancy may be filled by the National Committee of Management by the appointment of a National Delegate with voting rights in elections of National Officers to such vacant office.

(2) The National Delegate so appointed shall hold office in accordance with the Rules for so much of the unexpired part of the term of office as does not exceed three-quarters of the term of the office.

(3) Where the unexpired part of the term of the office exceeds that specified by Sub-Rule (2) or where the National Committee of Management so determines, the vacancy shall be filled by ordinary election of a National Delegate for the unexpired portion of the office. The National Returning Officer shall conduct the election in accordance with the provision of Rule 23 with the necessary changes. The National Executive shall determine the dates for calling of nominations, the closing of nominations and the dates of the opening and closing of the ballot. In all other respects the Rules for the conduct of the National Triennial election shall apply with the necessary changes. When a casual vacancy is to be filled by an election the National Committee of Management may appoint a National Delegate to carry out the function of the office until the declaration of the result of the election.

(4) In this Rule -

"ordinary election" means an election held in accordance with Rule 23;

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

25 - POWERS AND DUTIES OF NATIONAL RETURNING OFFICER

(1) Elections pursuant to these Rules (including the acceptance or the rejection of nominations) shall be conducted by a Returning Officer who shall not be the holder of any other office in and shall not be an employee of the Union or a Branch of the Union.

(2) In an election conducted by the National Returning Officer, the National Returning Officer shall decide all questions which are relevant to determine the result of the election and the first declaration by the National Returning Officer of the result of an election for an office shall be the declaration of election to that office unless a written protest is made under this Rule. If a written protest is made under this Rule and no new election is directed the final declaration by the National Returning Officer of the result of the election for an office shall be the declaration of election to that office.

(3) If, prior to any declaration of election to an office or within fourteen days from the close of voting in the ballot (whichever is later) any written protest is made to a National Returning Officer signed by any member, scrutineer or candidate -

(a) as to the sufficiency of the nomination of a candidate for an office; or

(b) as to anything done or omitted to be done by any person in or in connection with the ballot;

a National Returning Officer shall inquire into the subject of the protest and -

(i) if satisfied that there was an irregularity in or in connection with the election which may have affected the result of the election and which can not be cured by a final declaration by the National Returning Officer as to the result of the election for an office

(1) shall direct that a new election be held for any office or offices and shall conduct such election;

(2) and shall fix all proper and necessary dates and give all proper and necessary directions for the conduct of the new election;

(ii) if satisfied that there was an irregularity only in or in connection with the ballot step in the election for an office which may have affected the result of the election and which cannot be cured by a final declaration by the National Returning Officer as to the result of the election such Returning Officer may direct that the ballot step be taken again and shall thereupon fix all proper and necessary dates and give all proper and necessary directions for the taking of the said ballot step again;

(iii) if not satisfied that Clause (i) or (ii) of this Sub-Rule applies the National Returning Officer shall make a final declaration of the result of the election for the office or offices concerned.

(4) A National Returning Officer shall declare the result of an election for an office in an election conducted by such Officer -

(a) if there is only one proper nomination for an office upon the closing of nominations;

(b) if an election is held for the office or if all candidates for the office but one withdraw their candidature as soon as the result is known.

(5) Notice of directions under Sub-Rule (3) that a new election be held or that the ballot step in an election be taken again shall be given by the National Returning Officer in writing to the National President and to the President of the Branch or Branches concerned.

(6) All Officers and members of the Union shall comply with directions given by the National Returning Officer under this Rule.

(7) The existing holder of an office for which an election is held shall continue in that office until the declaration of that election. A person declared elected to an office by a National Returning Officer may act in that office until receiving in writing from the National Returning Officer a notice that a protest as to the election in which such person was declared elected has been made under these Rules. On receipt of such notice such person shall continue to act in that office, pending determination of such protest and until the declaration of a new election conducted as a result of a successful protest.

26 - NATIONAL PLEBISCITES

(1) Any plebiscite required under these Rules upon any matter other than a plebiscite pursuant to Rule 75 shall be conducted by the National Returning Officer with the assistance of Branch Returning Officers and any other persons the National Returning Officer considers necessary.

The National Returning Officer shall fix all proper and necessary dates for the conduct of the ballot after consultation with all Branch Returning Officers.

(2) All financial members of the Union shall be entitled to vote in a plebiscite.

(3) A plebiscite upon any matter upon which a plebiscite may be held under Rule 11 shall be conducted by the National Returning Officer upon receiving a written request for such a plebiscite signed by at least one-tenth of the financial members of the Union or a request arising from a Branch meeting held in at least two Branches which are not unfinancial Branches to consider a call for a plebiscite.

(4) For the purposes of satisfying him/herself that a request in accordance with sub-rule 26(3) has been properly made, and to enable him/her to compile a role of voters, the National Returning Officer may request in writing a copy of the Branch register of a Branch kept in accordance with rule 10(2)(b) and a copy will be provided by the Branch Secretary within 14 days of such a request.

(5) The National Returning Officer shall conduct a plebiscite upon any matter if directed to do so by the National Committee of Management.

(6) The National Returning Officer shall decide all questions which are relevant to determine the result of the plebiscite and the National Returning Officer's declaration of the result shall be final. The National Returning Officer shall declare the result of a plebiscite by posting to the National President and the President of each Branch and by posting up in a prominent place at the Registered office of the Union a declaration signed by such National Returning Officer.

(7) If a majority of the members voting, vote in favour of the motion, the motion shall be carried and shall have the effect of a decision of the National Committee of Management.

27 - BALLOTS

All election and all plebiscites shall be by secret postal ballot conducted by the Returning Officer specified by these Rules and shall be held in accordance with the following-

The roll of voters for any election to be conducted pursuant to this rule is to be closed seven days before the day on which nominations are opened in relation to elections by a direct voting system for all offices in the Union.

(1) The Returning Officer shall have ballot papers printed and obtain and retain a certificate from the printer as to the number printed.

(2) (a) Ballot papers for an election shall be set out with the names of the candidates for the respective offices. The order of the names of candidates on the ballot paper to be determined by drawing lots.

(b) In a plebiscite the Returning Officer shall formulate the matter or matters the subject of the plebiscite in the form of proposals which are proposed or decisions which have been made under these Rules. Ballot papers for a plebiscite shall set out each proposal or decision to be determined, and shall provide for satisfactory wording which will accurately reflect the intention of the plebiscite.

(3) The Returning Officer shall (in the name of the Union when a National Returning Officer or in the name of the Returning Officer's Branch when a Branch Returning Officer) rent a post office private box before the commencement of the ballot and shall personally keep the key and not allow the box to be opened during the ballot.

(4) The Returning Officer shall on or before the date fixed for the posting of ballot papers post by ordinary post to each member of the Union entitled to vote in the ballot a sealed envelope containing -

(a) a ballot paper initialled or stamped with the Returning Officer's initials by the Returning Officer;

(b) an envelope addressed to the post office private box which will be delivered by the post office to the private box without charge to the member of the Union and in relation to an election in the Union a declaration envelope. Furthermore in an election the two envelopes shall be in the form prescribed by the Regulations made under Schedule 1B of the Workplace Relations Act 1996;

(c) (1) in an election a Returning Officer shall issue instructions to the following effect:

Enclosed is a ballot paper for an election in the United Firefighters' Union of Australia. To vote for a candidate for an office you should place the figure 1 opposite the name of the candidate for whom you vote as your first preference and give preference votes for all the remaining candidates by placing figures 2, 3, 4, (and so on as the case requires) opposite their names so as to indicate the order of your preference for them. Failure to so indicate the order of your preference will not render invalid your vote for that candidate or those candidates for whom you do vote. However if the candidate or candidates who you do vote for are eliminated at an early stage of the count your vote will not have the same force and effect as a voter who has expressed the order of his preference for all candidates. After voting you should place the ballot paper in the declaration envelope and insert the declaration envelope in the addressed envelope which is enclosed and post it so that it will reach the private box to which it is addressed by (set out the time and date on which the ballot closes);

(2) in a plebiscite, instructions to the following effect:

Enclosed is a ballot paper for a plebiscite in the United Firefighters' Union of Australia.

To vote in favour of a proposal or decision you should place the figure 1 opposite the word "Yes". To vote against a proposal or decision you should place the figure 1 opposite the word "No". Where the Rules require an expression of preference you should place a figure in the box opposite the proposals commencing with the figure "1" for your first preference. You should ensure that all boxes are appropriately numbered. After voting you should place the ballot paper in the addressed envelope which is enclosed and post it so that it will reach the private box to which it is addressed by (set out the time and date on which the ballot closes).

(5) The sealed envelope to be posted by the Returning Officer to each member of the Union entitled to vote shall be addressed to the postal address of the member. Provided that, if a member entitled to vote has before the posting of the sealed envelope requested the Returning Officer in writing to address it to a specified address it shall be addressed to that address.

(6) Members shall vote in an election or a plebiscite respectively in accordance with the procedures set out in Clause (c) of Sub-Rule (4) of this Rule.

(7) The vote of a member shall not be informal -

(a) if in some way other than that prescribed intention in voting is indicated;

(b) if such member's intention is indicated only as to first preference or if indication is given as to the order of preference for some but not all of the candidates for an office;

(c) as to any office, proposal or decision in respect of which such member votes validly although such member does not vote or votes informally for other offices, proposals or decisions;

(d) if it contains any identifying marks.

(8) The member voting in a plebiscite shall place the ballot paper in the addressed envelope which was enclosed with the ballot paper and seal and post the same.

(9) The member voting shall not sign either the ballot paper or the envelope in which it is returned but any such signature shall not invalidate such member's vote. Provided that, in an election, the member shall sign the declaration envelope in the place provided for the signature of the voter.

(10) In a Branch election –

(a) date for the opening of nominations shall be the first weekday occurring on or after 14th March;

(b) the time on which nominations close shall be 5pm on the first weekday occurring on or after 31st March;

(c) the time on which nominations may no longer be withdrawn shall be the first weekday occurring on or after 11th April;

(d) the date for the posting of ballot papers shall be 21st April;

(e) the time on which the ballot closes shall be 5pm on 7th May.

(11) The Branch Returning Officer shall as soon as practicable after the time on which the ballot closes open the private box. Collect the envelopes therein and convey them to an office selected by the Branch Returning Officer and proceed to count the election papers.

(12) (a) Any candidate in an election may by notice in writing given to the National or Branch Returning Officer appoint one member of the Union as a scrutineer to represent such candidate and may in a similar manner change the scrutineer representing such candidate. Any reasonable expenses of a scrutineer appointed by a candidate shall be paid by the candidate. The scrutineer shall be entitled to be present at the counting of the ballot from the time when the National or Branch Returning Officer collects the envelopes from the private box until the conclusion of counting and the National or Branch Returning Officer shall on request give a scrutineer all reasonable information to enable the scrutineer to be so present.

It shall be the duty of a scrutineer to represent the interests of the candidate who appointed such scrutineer, to be present at any stage of the counting of the ballot as requested by the candidate and to report to the National or Branch Returning Officer any irregularity in or in connection with the conduct of the ballot which comes to the scrutineer's notice. Unless specifically authorised by the National or Branch Returning Officer a scrutineer shall not be entitled to handle any ballot paper.

(b) In a plebiscite conducted by the National Returning Officer the National Committee of Management or the National Executive shall appoint two scrutineers and each Branch may appoint one scrutineer. In a plebiscite all scrutineers shall be members of the Union and shall, with necessary modifications, have the same powers and duties as in an election.

(13) The ballot papers in an election shall be counted in accordance with the following provisions:

(a) The Returning Officer shall count the ballot papers in the presence and subject to the inspection of such scrutineers as choose to be present (if any) and of no other person;

(b) The Returning Officer shall arrange the ballot papers by placing in a separate parcel all those on which a first preference is indicated for the same candidate omitting informal ballot papers;

(bb) Where the Rules of the relevant Branch permit nominees to contest more than one Branch Officer position in a Branch election, multiple nominations of a candidate for an Office shall lapse by reason of that person's election to a higher office. The votes cast in favour of that person shall then as a first step be allocated according to preferences.

(c) Where there is one person to be elected to an office:

(1) The Branch Returning Officer shall count the first preference votes given for each candidate respectively;

(2) The candidate who has received the greatest number of first preference votes if that number constitutes an absolute majority of first preference votes shall be declared elected;

(3) If no candidate has an absolute majority of first preference votes the Branch Returning Officer shall -

(A) Treat the candidate who has obtained the fewest first preference votes as a defeated candidate and such of the ballot papers counted to such defeated candidate as indicate the voter's next preference shall be distributed amongst the non-defeated candidates next in order of the voter's preference. After such distribution the number of votes given to each non-defeated candidate shall again be counted;

(B) If no candidate then has an absolute majority of votes the process of treating the candidate who has the fewest votes as defeated and distributing such of that candidate's ballot papers as indicate the voter's next preference amongst the non-defeated candidates next in order of the voter's preference shall be repeated and the votes recounted after every such redistribution until one candidate has obtained an absolute majority of votes and such candidate shall be declared elected.

(4) If on the final count two or more candidates have received an equal number of votes the Branch Returning Officer shall cast lots.

(d) Where more than one person is to be elected to an office:

(1) The Branch Returning Officer shall count all first preferences votes cast for each candidate and any candidate who has received an absolute majority of first preferences votes shall be declared elected;

(2) If no candidate has received an absolute majority of first preference votes the Branch Returning Officer shall proceed to eliminate candidates and distribute preference votes as provided in paragraph 27(13)(c)(3)(A) above until a candidate has an absolute majority of votes and is declared elected;

(3) To determine the next successful candidate the Branch Returning Officer shall allocate the second preference votes of the candidate who has been elected, to each of the other candidates in accord with the voter's preference including to the candidates eliminated pursuant to paragraph 27(13)(c)(3)(A) above;

(4) A candidate who then has and absolute majority of votes shall be declared elected but if no candidate then has an absolute majority of votes the count shall proceed as provided in paragraph 27(13)(c)(3)(A) above until one candidate has received an absolute majority of votes and is elected;

(5) Any remaining vacancies shall be filled one by one in the manner provided above and any candidate receiving an absolute majority shall be declared elected. Provided that where the second preference votes of an elected candidate are given to another elected candidate the Branch Returning Officer shall allocate the third preference vote of the first mentioned elected candidate to other candidates in accordance with the voter's third preference. This proviso applies equally where second and succeeding preference votes are given to two or more elected candidates;

(6) If on the final count two or more candidates have received an equal number of votes and one or more of them has to be elected to be eliminated the Branch Returning Officer shall cast lots;

(7) Seniority in the office shall be determined by the number of votes distributed to the non-defeated candidates when counting ceases. In the case of an equality of votes the Branch Returning Officer shall decide seniority by casting lots.

(e) The Returning Officer shall make and keep a record of -

(1) the total number of votes counted;

(2) the number of ballot papers rejected as informal;

(3) the number of first preference votes given for each candidate;

(4) in relation to each distribution of the ballot papers of a defeated candidate:

(A) the number of ballot papers which did not show the voter's next preferences;

(B) the number of votes of each candidate after the distribution.

(5) the number of ballot papers issued

(6) the number of ballot papers returned

This record shall be signed by the Returning Officer and by such of the scrutineers as are present and consent to sign it.

(14) The counting of ballot papers in a plebiscite shall with necessary modifications be carried out in accordance with the provisions of Sub-Rule (13) of this Rule. In the event of an equality of votes on any question or decision the question would be deemed to have failed.

28 - NATIONAL FUND

(1) For the purposes of internal financial management of the Union there shall be a fund known as "The National fund" which shall be managed and controlled by the National Administration.

(2) The moneys in the National fund shall be kept in such accounts with the Commonwealth Savings Bank or as determined by the National Administration.

29 - MONEYS ALLOCATED TO NATIONAL FUND

The monies of the Union which are allocated to the National fund shall consist of:-

(1) (a) With effect from the 1st July, 2020, an amount of $20.52 plus GST or such other amount as is determined by the National Committee of Management prior to the commencement of that Financial Year, and in the event that no determination is made the amount set for the previous Financial Year will apply which shall be paid by each Branch quarterly to the National Secretary in respect of each Branch member who is not a part time firefighter as contained in the certified audit of Branch membership in accordance with Sub-Rule 10(1)(e).

(b) With effect from the 1st July, 2020, an amount of $10.26 plus GST or such other amount as is determined by the National Committee of Management prior to the commencement of that Financial Year, and in the event that no determination is made the amount set for the previous Financial Year will apply which shall be paid by each Branch quarterly to the National Secretary in respect of each part time firefighter Branch member who is so described in the certified audit of Branch membership in accordance with Sub-Rule 10(1)(e).

(2) Moneys received by the Union -

(a) in respect of levies imposed by the National Committee of Management;

(b) in respect of fines imposed by the National Committee of Management;

(c) as donations to the Union;

(d) as a result of the activities of the National Administration or National employees;

(e) as a result of the exercise of their powers under these Rules by the National Administration;

(f) which under these Rules are not allocated to any Branch.

(3) Each branch of the Union shall pay the monies referred to in this rule on or before the quarter days, which shall be the last days of the months of March, June, September and December.

(4) For the avoidance of doubt, any amount payable by a branch under this rule may be paid on behalf of that branch by an Associated Body registered under state legislation in the same state as that branch.

30 - NATIONAL FUND - LIABILITIES AND DISBURSEMENTS

The National Committee of Management shall be responsible for incurring liability on behalf of the Union and disbursing moneys from the National fund in connection with -

(1) the activities under these Rules of the National Administration or National employees;

(2) the exercise of their powers under these Rules by the National Administration;

(3) the remuneration or expenses of National Officers or National employees;

(4) the meeting of all costs reasonably incurred for meetings of the National Committee of Management and National Executive which shall include all expenses (including travelling and hotel expenses) thereby incurred. Notwithstanding anything contained in this Sub-Rule the liability for any reimbursement of loss of pay of National Delegates incurred in connection with their duties shall be the responsibility of their respective Branches.

31 - DISBURSEMENT OF NATIONAL FUND

Unless it has been expressly authorised by the National Executive or National Committee of Management to do otherwise, then all payments from the National fund in excess of $5,000 shall be by cheque signed by the National Secretary and one other member of the National Committee of Management or any other person so empowered by the National Committee of Management, or by bank transfer authorised by the National Secretary and one other member of the National Committee of Management or any other person so empowered by the National Committee of Management.

31A— NATIONAL FINANCIAL REPORTS

(1) The National Secretary shall summon a meeting of the members of the Union upon receipt of a written request signed by no less than 5% of the membership of the Union calling for a General Meeting for the purposes of considering the auditors report, the general purpose financial report and the operating report made in respect of the National Reporting Unit.

(2) A General meeting of the members of the Union called pursuant to this Rule may be conducted as a series of meetings held at different locations. Where there are a series of meetings constituting a General Meeting, the General meeting is taken to have been completed at the time of the last meeting in the series.

(3) The National Secretary shall give notice to the members of the Union of any meeting called pursuant to this Rule:

(a) Within 28 days of the General Meeting, or where there are a series of meetings, within 28 days of the first meeting so arranged; and

(b) By written notice by:

(i) electronic mail and by notice on the Union’s website; and

(ii) other means of communication which are authorised by relevant employers so as to notify members at their respective worksites.

(4) All decisions at a meeting called in accordance with this Rule shall be taken by a show of hands except where a resolution is carried which determines to submit the question to a secret ballot.

(5) Attendance at meetings conducted under this Rule shall be recorded and such attendance records shall be used to ensure that each member records only one vote.

32 - LIFE MEMBERSHIP

A member of the Union shall become a Life member of the Union upon the Branch Committee of Management or the National Committee of Management so resolving. A Life member still employed in the industry of the Union shall have all the rights and duties of a member of the Union, provided that Life members shall not be liable to pay annual membership subscription.

33 - HONORARY MEMBERSHIP

The National Committee of Management may confer the honour of Honorary membership of the Union on any person who is not eligible to be a member of the Union who in its opinion has made a meritorious contribution towards advancing the objects of the Union consistent with Rule 5. An Honorary member shall not have the rights and duties normally afforded to an Ordinary member.

34 - NATIONAL LEVIES

(1) The National Committee of Management may by resolution impose levies upon all Branches, but not upon a single Branch, of up to an amount equivalent to, but not exceeding the amount payable by those Branches in a given year under Sub-Rules 29(1)(a) and (b) to raise money for the objects of the Union. Nothing in this Rule shall prevent the imposition of levies of any amount below the maximum allowable being collected over a period less than 12 months.

(2) A resolution of the National Committee of Management under this Rule is binding upon the Branches. No resolution of a Branch Committee of Management or Branch meeting shall be effective to avoid liabilities imposed by the National Committee of Management in accordance with this Rule.

35 - FINANCIAL MEMBERS

Subject to rule 80, any member of the Union who owes the Union as subscriptions and/or levies or fines an amount in excess of $100 shall be an unfinancial member of such member's Branch and the Union and shall not be permitted to hold Office or participate in the management or control of the Union or such member's Branch. All other members of the Union shall be financial members of their Branches and the Union.

36 - INVESTMENTS

Any moneys of the Union which are invested shall be invested in Australia in investments which are authorised by law for investment by trustees in the part of Australia where the investment is made. In addition monies may be invested on deposit with Credit Unions, as determined by each respective Branch Committee of Management or in the case of National Investments as determined by the National Committee of Management.

37 - IMPOSITION OF PENALTIES BY NATIONAL COMMITTEE OF MANAGEMENT

(1) The National Executive either of its own volition or at the request of a Branch Committee of Management which has submitted to the National Executive a case against a member may by summons in writing call upon any member whom the National Executive and/or the Branch Committee of Management alleges is acting or has within the preceding twelve months committed any offence against these Rules or the Rules of the Branch in which such member's membership lies to show cause why such member should not be reprimanded, fined or expelled from the Union.

(2) The summons shall:

(a) state the allegation together with particulars thereof;

(b) disclose the evidence on which the allegation is based;

(c) be signed by the National President or National Secretary;

(d) state the time, date and place at which the member is to show cause;

(e) be delivered personally to the member concerned or posted by registered mail to the member's last known address at least 21 days before the meeting at which the matter is to be determined;

(f) have attached to it a copy of this Rule.

(3) Should any member against whom an allegation is made fail to appear at the hearing and fail to provide a satisfactory explanation for non- attendance, the National Executive may proceed with the hearing of the allegation in such member's absence provided it is first satisfied that notice of the hearing in accordance with this Rule has been served on such member.

(4) The evidence relating to the alleged offence shall be heard by the National Executive or by a committee of the members thereof appointed for that purpose and consisting of not less than three of its members and the member concerned shall be heard in defence either personally and/or in writing.

(5) If the evidence relating to the offence is heard by a committee that committee shall report its finding to the National Executive as the case may be together with a recommendation to the National Executive as to penalty if any.

(6) If in the opinion of the National Executive the member is guilty of the offence alleged the National Executive may reprimand such member or may fine such member a sum not exceeding $300 for any one offence or may suspend such member for a period not exceeding 12 months or may expel such member from the Union.

(7) The National Secretary shall promptly inform the member by registered letter of the decision of the National Executive. In the event of expulsion the expulsion shall become effective 14 days after the date of posting such letter and in the event of a fine being imposed the fine, subject to Sub-Rule (8) hereof shall become payable immediately and the member shall be deemed unfinancial if the fine is unpaid one month after the date of posting such letter and shall remain unfinancial until the fine is paid.

(8) A member who is found guilty of an offence by the National Executive shall have a right of appeal to the next Annual Meeting of the National Committee of Management against such finding and/or any penalty imposed by the National Executive provided that such member submits such appeal to the National Secretary in writing not more than 14 days after the date of posting of the letter informing such member of the decision of the National Executive and pending the determination of any such appeal the finding an/or penalty shall not become effective. The National Committee of Management's determination of the appeal shall be final.

(9) Any member expelled pursuant to this Rule shall not be re-admitted to membership except by a vote of the National Committee of Management.

(l0) This Rule shall not apply to a National Officer save and except where the National Officer is at the same time a Branch Officer and where the alleged offence against the Rules is confined solely to that person's actions as a Branch Officer. A National Officer shall not be charged, found guilty, reprimanded, fined or expelled except by the National Committee of Management pursuant to Rule 38.

38 - REMOVAL FROM OFFICE AND SUSPENSION OF NATIONAL COMMITTEE OF MANAGEMENT MEMBERS

(1) The National Committee of Management may by summons in writing call upon a national delegate, National Executive member or national officer whom the National Committee of Management alleges has been guilty of:

(i) misappropriation of the funds of the Union;

(ii) a substantial breach of the Rules of the Union; or

(iii) gross misbehaviour or gross neglect of duty;

or has ceased under these Rules to be eligible to hold office;

to show cause why such national delegate, National Executive member or national officer should not be reprimanded, fined, suspended or removed from office or expelled from the Union.

(2) The summons shall:

(a) state the allegation together with the particulars thereof;

(b) disclose the evidence on which the allegation is based;

(c) be signed by the National President or the National Secretary;

(d) state the time date and place at which the national delegate, National Executive member or national officer is to show cause;

(e) be delivered personally to the accused person concerned or posted by registered mail to that person's last known address at least 21 days before the meeting at which the matter is to be determined;

(f) have attached to it a copy of this Rule.

(3) Should any national delegate, National Executive member or national officer against whom an allegation is made fail to appear at the hearing and fail to provide a satisfactory explanation for their non attendance, the National Committee of Management may proceed with the hearing in accordance with the provisions of this Rule in such person's absence, provided it is first satisfied that notice of the hearing, in accordance with this Rule has been served on the accused person.

(4) A national delegate, National Executive member or national officer who has been summoned in accordance with Sub-rules (1) and (2) hereof shall be given the opportunity to be heard by that meeting of the National Committee of Management personally and through another person and in writing.

(5) The National Committee of Management may, at the hearing of the charges against the accused person pursuant to this Rule or within a reasonable time thereafter resolve by a majority of two thirds of the votes able to be cast by those present at its meeting to:

(i) find the accused person guilty or not guilty of the charge;

(ii) in the event of a finding of guilty to reprimand, fine, suspend or remove from office or expel from membership such national delegate, National Executive member or national officer.

(6) The powers referred to in the preceding Sub-rule hereof shall, in relation to the persons holding the offices specified therein be exercised by the National Committee of Management exclusively and no other Rules of the Union whether national or branch shall purport to authorise the exercise otherwise of those powers in relation to the aforesaid persons.

(7) (a) Any national officer may be suspended from office by the National Executive if the Executive after hearing the officer is satisfied that such officer has a case to answer in relation to the matters referred to in Sub-Rule (1) of this Rule. Such officer may appeal to the National Committee of Management against any such suspension. Any such appeal must be lodged in writing with the person appointed for that purpose pursuant to this Rule within 14 days of the suspension.

(b) If the National Executive so suspends an Executive Officer it shall forthwith appoint a financial member whether a member of National Executive or not to act in the place of the officer so suspended and that person shall so act for the subsequent 14 days.

(c) If any appeal is lodged pursuant to paragraph (a) of this Sub-Rule the National President or any person appointed pursuant to paragraph (b) of this Sub-Rule to act in the National President's place shall thereupon convene a meeting of National Committee of Management to be held within 30 days of receipt of that appeal for the purpose of determining that appeal.

39 - SUMMARY SUSPENSION OF OFFICER

If the National Committee of Management lays a charge against a national officer or a Branch Committee of Management lays a charge against a branch officer for any of the following:

(1) misappropriation of the funds of the Union;

(2) a substantial breach of the Union's Rules;

(3) gross misbehaviour in relation to the office held;

(4) gross neglect of duty in the conduct of the office held;

then if upon reasonable grounds it appears to the Committee laying such charge probable that such officer is guilty of the charge, then that Committee may without notice suspend such officer from the office held for a period not exceeding 12 months pending the outcome of the charge, but such suspension shall not affect the right of the officer to salary, remuneration or continuity of office.

40 - RECORDS

(1) Upon the entry of the name of an applicant for membership in the Register of a Branch the Branch Secretary shall prepare in duplicate an acknowledgement stating the name and postal address of the applicant and acknowledging that the applicant has become a member of the Union on the date on which such name was entered in the Register and the Branch Secretary shall forthwith send one copy to the applicant, and shall retain one copy in the Branch records.

(2) Upon the election of any Branch Officer or the National Delegate of a Branch the Branch Secretary shall forthwith notify the National Secretary of the election of the Branch Officer or National Delegate and of the postal address and occupation of such Branch Officer or National Delegate.

(3) Upon a member of a Branch notifying the Branch Secretary of any change in such member's postal address the Branch Secretary shall alter the postal address of the member shown in the Branch Register and shall prepare in duplicate an acknowledgement of the change of address stating the name and the changed postal address of the member and shall forthwith send one copy to the member, and shall retain one copy in the Branch records.

(4) Upon the transfer of a member of the Union from one Branch to another the Secretary of the Branch to which the member is transferred shall upon entering the name of the member in the Register of the Branch prepare three copies of an acknowledgement of the transfer stating the name, residence and postal address of the member and shall forthwith send one copy to the member, one copy to the Secretary of the Branch from which the member was transferred and shall retain one copy in the Branch records.

(5) Each Branch Secretary shall whenever requested by the National Secretary or the National Returning Officer provide the National Secretary or the National Returning Officer with any information that is required for the purposes of a Ballot of members in accordance with these Rules.

41 - GIVING NOTICE TO MEMBERS

Any document or notice required or authorised to be given to a member of the Union under these Rules may be given by addressing to the postal address of the member a letter containing the document or notice and sending such letter prepaid by ordinary post and unless the contrary is proved the document or notice shall be deemed to have been given to the member at the time at which the letter would be delivered in the ordinary course by ordinary post. Where any document or notice is required or authorised to be given by registered letter or certified mail to a member of the Union the provisions of this Rule shall apply with necessary modifications.

42 - OFFICERS, EMPLOYEES AND OTHER PERSONS REMUNERATION AND EXPENSES

(1) The remuneration (if any) to be paid to any National Officer or National Employee shall from time to time be determined by the National Committee of Management.

(2) The remuneration (if any) to be paid to any Branch Officer or to the National Delegate of the Branch shall from time to time be determined by the Branch Committee of Management.

(3) Persons engaged by the National Committee of Management or the National Executive in the business or affairs of the Union shall be paid by the National Committee of Management all expenses (including travelling and hotel expenses) and loss of wages properly incurred by them.

43 - SEAL

The Union shall have a Common Seal which shall be affixed in the presence of two members of the National Committee of Management at least one of whom shall be the National President or the National Secretary. The Common Seal of the Union shall be kept at the National Office. Such seal shall be affixed to any instrument including any Industrial Agreement only on the Authority of the National Committee of Management or National Executive.

44 - AGREEMENTS

(1) Industrial agreements and any other documents may be executed by or on behalf of the Union by two members of the National Committee of Management at least one of whom shall be the National President or National Secretary.

(2) Industrial agreements excepting those affecting one Branch only must be approved by the National Committee of Management before execution.

(3) Any document required by law to be under seal shall be executed under the Common Seal of the Union.

(4) Industrial agreements on behalf of one Branch only shall be executed in the presence of two members of the Branch Committee of Management at least one of whom shall be the Branch President or Branch Secretary, or, where the National Secretary is representing members, by two members of the National Committee of Management at least one of whom shall be the National President or National Secretary.

(5) The Common Seal need not be affixed to industrial agreements effecting one Branch only.

(6) Any contract or agreement on behalf of the Union shall be valid and enforceable by or against the Union to the same extent that a contract or agreement by a private person made in the same form or evidenced in the same manner would be valid and enforceable by or against such private person.

45 - DISPUTES

(1) The Union shall comply with its obligations under Section 99 of the Act or any substantially corresponding provision as to notification of the existence of an industrial dispute or an industrial situation likely to give rise to an industrial dispute and the National Secretary may give such notification.

(2) The National Committee of Management shall have power by resolution to cause industrial disputes to be submitted to conciliation or arbitration under the Act.

46 - MINUTES

(1) There shall be entered in books kept for that purpose minutes of all proceedings of meetings of the National Committee of Management, the National Executive, Branches and Branch Committees of Management and those minutes shall be signed by the Chairperson of the meeting at which the proceedings took place or of the next succeeding meeting of the body in question.

(2) Any minute so entered that purports to be signed as provided in Sub-Rule (1) of this Rule shall be evidence of the proceedings to which it relates.

(3) Where minutes have been so entered and signed, then, until the contrary is proved -

(a) the meeting shall be deemed to have been duly held and convened;

(b) all proceedings which took place at the meeting shall be deemed to have taken place validly; and

(c) all appointments made at the meeting shall be deemed to have been duly made.

47 - IRREGULARITIES

(1) Subject to the order of any relevant Court and to the provisions of the Industrial Relations Act 1988:

(a) No act or omission done or omitted in good faith in or in connection with the summoning of any meeting under these Rules shall invalidate the proceedings at the meeting unless within 60 days thereafter a later meeting of the body in question is satisfied that there was irregularity in or in connection with the summoning of the earlier meeting and resolves that the proceedings at the earlier meeting are to be treated as invalid.

(b) Any member of a Branch present at a Branch meeting may obtain a ruling from the Chairperson of the meeting as to whether any person present at the meeting is entitled to be present. Any person who the Chairperson rules is not entitled to be present at the meeting shall leave the meeting. No Branch meeting shall be invalid if members of the Branch who are unfinancial members attend and participate and vote in the proceedings so long as -

(i) no ruling as to the entitlement of the member in question to be present was sought; or

(ii) the Chairperson ruled in good faith that the member in question was entitled to be present.

(c) All acts done in good faith by all concerned by any meeting of the National Committee of Management, National Executive or Branch Committee of Management or by an Officer of the Union shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment or election of any member of the body in question or of any such Officer, be as valid as if every such member of the body or Officer had been duly appointed or elected.

(d) Any irregularity in any election or appointment of or any act or thing done by anybody or Officer within the National Administration shall be rendered regular if approved by a two-thirds majority of financial members of the Union voting in a plebiscite conducted in good faith by the person who is for the time being purporting to act as National Returning Officer.

(e) Any irregularity in any election or appointment of or any act or thing done by anybody within a Branch shall be rendered regular if approved by a two-thirds majority of financial members of the Branch voting at a meeting of the Branch summoned in good faith and in accordance with these Rules by the person who is for the time being purporting to act as the Branch Secretary or the Branch President. The provisions of Clause (a) of this Sub-Rule shall not apply to this Clause.

(2) A meeting summoned to consider a specified question or specified questions shall not be irregular by virtue of the fact that it considers and deals with other questions or business of which notice is not required under these Rules.

(3) Notwithstanding the provisions of this Rule no penalty shall be imposed by a Committee of Management on any Branch or member unless the meeting of the Committee of Management was summoned in accordance with these Rules and unless the persons voting for the resolution imposing the penalty and participating in the debate upon the resolution were regularly elected or appointed members of the Committee of Management.

48 - IMPLIED AND INCIDENTAL POWERS

Each body or Officer constituted or provided for by these Rules -

(a) may exercise all powers and shall perform all duties given to such body or such Officer by these Rules expressly or by implication;

(b) may do all such other things as are incidental or conducive to the attainment of the objects of the Union and the exercise of the powers and the performance of the duties of such body or Officer.

49 - AMENDMENT OF RULES

Any of these Rules may be altered, amended or rescinded or new Rules may be substituted as follows:

(1) Upon receiving a direction from the National Committee of Management or the National Executive or a request from any Branch meeting or Branch Committee of Management to call a meeting of the National Committee of Management to consider a proposed alteration, amendment, rescission or substitution of these Rules, the National Secretary shall summon such a meeting as soon as practicable.

(2) The National Secretary shall summon a meeting of the National Committee of Management under this Rule by giving to all members of the National Committee of Management and all Branch Secretaries at least twenty-eight days' notice by ordinary post of details of the proposal and the time, date and place of the meeting.

(3) At a meeting held under this Rule the National Committee of Management shall (without it being necessary for any person to move or second the proposal) consider the proposal and may resolve that the alteration, amendment, rescission or substitution be made either as proposed or as amended by the National Committee of Management.

(4) The National Secretary shall publicise any Rule change adopted by the National Committee of Management within 14 days after the date of a resolution by written notices thereof being displayed and made available to the members at the registered offices and websites of the Union and each Branch and as far as practicable in other ways likely to come to the attention of the members.

(5) If within 28 days after the date of a resolution under the preceding Sub-Rule the National Returning Officer receives a written request for a plebiscite upon the decision of the National Committee of Management.

(a) signed by at least one-tenth of the financial members of the Union; or

(b) from at least two Branches

the National Returning Officer shall as soon as practicable conduct a plebiscite as to whether or not the financial members of the Union approve of the decision of the National Committee of Management.

(6) If the National Returning Officer does not receive a request within the preceding Sub-Rule the alteration, amendment, rescission or substitution which the National Committee of Management resolved to be made shall, subject to the provisions of the Act and the Regulations, come into operation upon the expiration of the 28 days.

(7) If the National Returning Officer receives a request within Sub-Rule (5) of this Rule then -

(a) if the plebiscite approves of the decisions, the alteration, amendment, rescission or substitution which the National Committee of Management resolved to be made shall, subject to the provisions of the Act and the Regulations, come into operation upon the declaration by the National Returning Officer of the results of the plebiscite;

(b) if the plebiscite does not approve of the decision, the Resolution of the National Committee of Management that the alteration, amendment, rescission or substitution be made shall have no effect upon these Rules.

(8) Nothing contained in Sub-Rules (1) to (6) hereof shall preclude a Branch from altering any Rule made by that Branch in accordance with Rule 86.

(9) Notwithstanding anything contained in this Rule where the Union is required by law to amend its Rules such amendment when endorsed by a simple majority of either the National Executive or the National Committee of Management shall be deemed to have complied with the procedural requirements of this Rule.

50 - DISSOLUTION

The Union shall not be dissolved while a majority of the members in each of two Branches who vote in a plebiscite vote for its continuance. Subject to this provision if, in a plebiscite, a number of members equal to two-thirds of the number of financial members in the Union vote for its dissolution the Union shall be dissolved and after the discharge of all liabilities the National fund and all National money, property and effect shall be converted to money and distributed equally between the financial members of the Union. The Branch fund and all Branch money, property and effects of each branch shall be converted to money and distributed equally between the financial members of that Branch.

51 - LOANS GRANTS AND DONATIONS

A loan, grant or donation which exceeds $1,000 shall not be made unless the National Committee of Management or a Branch Committee of Management (as the case may be) -

(1) has satisfied itself that the making of the loan, grant or donation would be in accordance with the Rules of the Union other than this Rule, and -

(2) has satisfied itself in relation to a loan that in the circumstances the security proposed to be given for repayment is adequate and the proposed arrangements for repayment are satisfactory, and

(3) has approved the making of the loan, grant or donation.

52 - RULES OF DEBATE

The rules of debate of the Union shall be determined by the Chairperson with reference to the 1991 fifth edition of the book "Guide for Meetings and Organisations" by N. E. Renton (hereinafter referred to as "meeting Guide Manual") except insofar as the Meeting Guide Manual is inconsistent with either the rules or the Act.

53 - BRANCH MEMBERSHIP

(1) The membership of the Union shall be divided into branches.

(2) There shall be one Branch called the Aviation Branch which shall consist of:

(a) all those members of the Union employed by the Australian Public Service the service of any public institution or authority of the Australian Government whether such service is in the Australian Public Service or not; and

(b) all elected Officers of the Aviation Branch,

but shall not include members of the Union employed in the Australian Capital Territory Fire Brigade or any Brigade or firefighting service that succeeds to the duties of that Brigade.

(3) In addition to the Aviation Branch there shall be one Branch in each of the following States and Territories namely; New South Wales, Victoria, Queensland, South Australia, Western Australia, Tasmania and the Australian Capital Territory and they shall be named accordingly.

(4) Except for members of the Aviation Branch each member of the Union shall belong to the Branch of the State or Territory in which such member is employed, unless the National Committee of Management approves an agreement by two Branches that specified members of one such Branch are to belong to the other Branch notwithstanding the State or Territory in which the members concerned are employed.

(5) Except for a member of the Aviation Branch a member of the Union who changes employment to another State or Territory shall notify within 30 days the Secretary of the Branch of the State or Territory to which such employment is changed who upon ascertaining the particulars of membership shall enter the member's name in the Register of the appropriate Branch. Provided that where the National Committee of Management has approved an agreement as referred to in sub rule (4) above in respect of such a member or members, the appropriate Branch shall be the Branch to which the member or members are to belong under that agreement.

(6) The validity of a person's membership of the Union shall not be affected by the fact that at the time of application for, or admission to membership of the Union such person did not make application to, or join the proper Branch, or by the fact of such person belonging at any time to a Branch other than the proper Branch. Upon it coming to the notice of any Branch Secretary that a member of the Union belongs to a Branch other than the Branch to which such member should properly belong, the Branch Secretary shall take the steps necessary to have the member transferred to the proper Branch. This sub rule shall not prevent the National Committee of Management approving an agreement as referred to in sub rule (4) above in respect of such a member or members.

54 - POWERS AND DUTIES OF BRANCHES

The powers and duties of a Branch shall be exercised at Branch meetings and shall be:

(1) In relation to all matters affecting only the members of that Branch -

(a) it shall act as the governing, controlling, managing and policy-making body of the Branch; and

(b) its resolutions shall bind the Committee of Management, Officers and members of the Branch.

(2) In relation to all other matters, subject to the resolutions, direction and control of the National Committee of Management or the National Executive -

(a) it shall act as the governing, controlling, managing and policy-making body of the Union within its State or Territory and;

(b) its resolutions shall bind the Committee of Management, Officers and members of the Branch.

(3) It shall manage and control the Branch fund and all moneys payable to the Branch fund and it shall acquire, manage and control all property, effects, records and documents necessary for the proper conduct of the business and affairs of the Branch and may sell or otherwise dispose of such property and effects as are no longer necessary for the proper conduct of the business and affairs of the Branch.

(4) It may -

(a) authorise the receipt of all moneys payable to the Branch fund;

(b) incur or authorise the incurring of all proper Branch liabilities;

(c) authorise the disbursement of all proper amounts of money in respect of Branch liabilities.

(5) It shall engage or employ such persons as in its opinion are necessary to carry out the business and affairs of the Branch and shall determine the wages, salaries, honorariums, payments and allowances to be paid to such persons.

(5A) It may enter into service agreements with an Associated Body registered under state legislation in the same state as that branch.

(6) It shall appoint annually a competent person as the auditor of the Branch and shall make provision for that auditor to have full and complete access to all the books and documents of the Branch and shall ensure that the accounts of the Branch are audited yearly.

(7) It shall as required by the RO Act:

(a) adopt or otherwise deal with including reporting to members the annual report, accounts, balance sheet and operating report of the Branch and the Branch auditor’s report;

(b) ensure that each officer of the Branch whose duties include duties that relate to the financial management of the Branch has completed the training required by rule 90(25).

(8) It may appoint delegates or representatives to any body, organisation or association within its State or Territory.

(9) It may appoint sub-committees from the members of the Branch to inquire and report in respect of any matter that may involve the interests of the Branch or any member thereof.

(10) Subject to the exercise of the powers conferred by Rule 13 (12) it shall have power within its area -

(a) insofar as it may lawfully do so, to initiate any proceedings affecting the Branch or its interest or a member of the Branch or such member's interest;

(b) to have the control of any proceedings in which the Union or the Branch is a party or an intervener or appears or is represented and to appoint agents, solicitors or counsel to represent the Union or the Branch in such proceedings;

(c) insofar as it may lawfully do so, to support financially and to appoint agents, solicitors or counsel to represent any member of the Branch or the interest of any member of the Branch in any proceedings.

(d) To appoint an agent to act for any member of the Union in any matter pertaining to the member's privileges, rights and duties as an employee and in any matter pertaining to the relationship between the member and his/her employer.

(11) It may do or cause to be done anything -

(a) authorised or required by the Act, the Regulations, the RO Act, the RO Regulations, an award or by law to be done by the Branch and for the doing of which no provision is elsewhere made in these Rules;

(b) authorised or required by these Rules to be done by the Branch and for the doing of which no provision is made in these Rules.

(12) It may authorise any Officer or member of the Union on behalf of the Branch to do any of the things referred to in Regulation 136 of the Regulations or any substantially corresponding provision.

(13) Branches may make Rules in accordance with Rule 86.

(14) It may conduct plebiscites of its members in accordance with Rule 75 and Rule 27.

(15) Each Branch shall have full autonomy in matters affecting members of the Branch only and matters concerning the participation of the Branch in any system of conciliation and arbitration or of wages boards or like systems established under the laws of the State in which the Branch is established.

(16) Branches shall not implement policy contrary to any policy determined by the National Committee of Management.

(17) Each Branch shall at all times conform to these Rules.

55 - BRANCH MEETINGS

(1) In each year each Branch not including the Aviation Branch shall hold an annual meeting at which all financial members of the Branch shall be entitled to attend. The annual meeting of a Branch shall be held at a time, date and place to be decided by the Branch Committee of Management. In the case of the Aviation Branch the Annual General Meeting shall consist of a series of meetings held at times, dates and places to be decided by the Branch Committee of Management provided that one meeting forming part of the series shall be called at each Rescue and Firefighting Unit in each State and Territory separately represented by a Committee member pursuant to Rule 56 (2) hereof. Any proposed resolution put to the series of meetings held within the Aviation Branch shall be deemed to have been passed if it receives on the aggregate of all meetings held in the series, the majority of votes in favour of the proposal.

(2) A Branch Committee of Management may decide to call a special meeting of the Branch to consider a specified question or questions. A special meeting of a Branch shall be held at a time, date and place to be decided by the Branch Committee of Management and in the case of the Aviation Branch shall be held in series in the manner contemplated by, and subject to the provisions of, Sub-Rule (1) hereof. If a request in writing signed by at least one twentieth of the financial members of the Branch or such other lesser number as determined by the Branch Committee of Management to call a special meeting of the Branch to consider a specified question or questions is given to a Branch Secretary, the Committee of Management of the Branch shall cause a special meeting to be held as soon as practicable.

(3) Branch meetings shall be summoned by the Branch Secretary forwarding to each station, or place of employment, a notice setting out the type of meeting, i.e. Annual or Special. Notice of at least 28 days shall be given before the Annual Meeting of a Branch. Wherever practicable notice of at least 14 days shall be given before a Special Meeting of a Branch and such notice shall set out the question or questions which the meeting is summoned to consider.

(4) At a Branch meeting a quorum shall consist of at least one fortieth of the financial members of the Branch not including Aviation Branch and the Chairperson shall have an ordinary vote but in the event of an equality of votes the motion shall be deemed to have failed. In the case of any meeting in a series of meetings called in the Aviation Branch pursuant to Sub-Rule (1) hereof a quorum shall consist of 5 members.

(5) A member shall not be eligible to vote at any branch meeting by means of a proxy vote.

55A - AVIATION BRANCH FINANCIAL REPORTS

(a) The Branch must cause, within a period of 6 months starting at the end of the financial year:

I. The auditor's report, a general purpose financial report and the operating report to be presented to a general meeting of the members of the Branch; or

II. The auditor's report, general purpose financial report and the operating report to be presented to a meeting of the Branch Committee of Management.

(b) Provided that, upon receipt by the Branch Secretary of a request signed by not less than 5% of the membership of the Branch, calling for a general meeting for the purposes of considering the auditor's report, the general purpose financial report and the operating report made in respect of the Branch, the Branch Secretary shall convene such a meeting as soon as is practicable.

56 - BRANCH COMMITTEE OF MANAGEMENT

(1) In each Branch except the Aviation Branch there shall be a Branch Committee of Management to consist of a President, a Vice President, a Secretary, and such other positions as are determined by Branches from time to time. The powers and duties of any such other positions as are determined by the Branches must be described in Rules made pursuant to Rules 86 and 87.

(2) In the Aviation Branch there shall be a Branch Committee of Management to consist of a President, a Secretary, a Work Health and Safety (WHS) National Co-ordinator, and nine Committee members, such Committee members respectively elected by and representing members employed in each of the States and Territories on the following basis:-

- one Committee member elected by and from and representing members of the Branch in New South Wales;
- one Committee member elected by and from and representing members of the Branch in Victoria;
- one Committee member elected by and from and representing members of the Branch in Northern Queensland;
- one Committee member elected by and from and representing members of the Branch in Southern Queensland;
- one Committee member elected by and from and representing members of the Branch in South Australia;
- one Committee member elected by and from and representing members of the Branch in Western Australia;
- one Committee member elected by and from and representing members of the Branch in Tasmania;
- one Committee member elected by and from and representing members of the Branch in Australian Capital Territory;
- one Committee member elected by and from and representing members of the Branch in Northern Territory;

together with such other positions as are determined by the Branch from time to time.

For the purposes of this Rule “Northern Queensland” shall mean the area north of the Tropic of Capricorn and “Southern Queensland” shall mean the area south of the Tropic of Capricorn.

The alterations to this Rule providing for separate Committee members representing Northern and Southern Queensland shall take effect as from the next time the current Queensland position becomes vacant.

There shall be elected by the Branch Committee of Management and from the Committee members two Branch Vice-Presidents, with the successful candidate obtaining the highest number of votes being designated Senior Branch Vice-President and the other successful candidate being designated Junior Branch Vice-President. The person elected holds office until the next Branch elections.

The powers and duties of any other such positions as are determined by the Branch must be determined in Rules made pursuant to Rules 86 and 87.

57 - POWERS AND DUTIES OF BRANCH COMMITTEE OF MANAGEMENT

The powers and duties of a Branch Committee of Management shall be:

(1) Between Branch meetings it may, subject to the direction and control of a meeting of the Branch, exercise any of the powers and perform any of the duties given to the Branch by Sub-Rules (1), (2), (3), (4), (5), (6), (8), (9), (10), (11), (12) and (13) of Rule 54.

(2) All acts and resolutions of the Branch Committee of Management under its powers shall have full force, effect and validity. Any resolution of the Branch Committee of Management may be reversed or altered by a Branch meeting but this shall not affect the validity of anything which was done or which occurred prior to such reversal or alteration.

(3) It shall act as the administrative authority to carry out the decisions of Branch meetings.

(4) It shall determine all questions and disputes between members of the Branch or between a member of the Branch and the Branch.

Provided that:

(a) it shall not determine any question or dispute which has been referred to the National Committee of Management under Rule 13 (10) and which has either been determined or is pending determination by the National Committee of Management;

(b) it may refer any question or dispute to the National Committee of Management for determination;

(5) It shall determine all questions in connection with any application to the Secretary of that Branch for admission to membership of the Union.

(6) Should a National Delegate be unable for any reason to act in such National Delegate's office at the time of or during a meeting of the National Committee of Management, then a Branch substitute may be authorised for such absence, provided written authority from the Branch Committee of Management setting out the substitute person's credentials has been given to the National Secretary prior to any meeting commencing. The Branch substitute shall, without any other authority, be entitled to act in place of the National Delegate with full debating and voting rights and shall comply with Rule 20 of these Rules.

(7) Subject to control by the Branch membership it shall have the sole responsibility to determine matters and policy effecting members of that Branch only.

(8) Should the Branch Secretary be unable, for any reason, to act in such office at the time of or during a meeting of the National Executive then a Branch substitute, being an elected office holder within the particular Branch, may be authorised for such absence, provided written authority from the Branch Committee of Management setting out the substitute person's credentials has been given to the National Secretary prior to any meeting commencing. In the case of the Aviation Branch the Branch substitute shall be from the Aviation Branch Executive. The Branch substitute shall, without any other authority, be entitled to act in place of the Branch Secretary with full debating and voting rights and for the purposes of such meeting only shall have the powers and duties of the Branch Secretary set out in Sub-Rules 64 (c), (d), (g), (v), (w) and (x) of these Rules.

58 - MEETINGS OF BRANCH COMMITTEE OF MANAGEMENT

(1) A Branch Committee of Management shall meet at such times, dates and places as it resolves or as shall be fixed by the Branch Secretary after consultation with the Branch President. A Branch Committee of Management meeting may also be held by means of telephone, radio or any other means by which members of the Branch Committee of Management are able to communicate orally with each other without being physically present at the meeting. Decisions of the Committee of Management shall be taken on the basis of the majority of votes cast in accordance with these Rules.

(2) Meetings of a Branch Committee of Management shall be summoned by the Branch Secretary giving to each member of the Branch Committee of Management reasonable notice by telephone, telex, facsimile, electronic mail or certified mail of the time, date and place or manner of holding the meeting.

(3) At any meeting of a Branch Committee of Management a simple majority of those delegates eligible to attend under Rule 56 shall form a quorum and the Chairperson shall have an ordinary vote but in the event of an equality of votes the motion shall be deemed to have failed.

(4) (a) The Branch Secretary of the Committee of Management after consultation with the Branch President may submit any question or matter to the members of the Branch Committee of Management for resolution by telephone, telex, facsimile, electronic mail or postal vote.

(b) In submitting such a question or matter the Branch Secretary shall allow a period of time reasonable in the circumstances of the case for members of the Branch Committee of Management to record their votes.

(5) If a Member of the Branch Committee of Management of the Aviation Branch representing a State or Territory is unable for any reason to act in such office at the time of or during a meeting of the Branch Committee of Management then such Unit Representative (or Workplace Delegate) from a Rescue and Firefighting Unit in that State or Territory as may be nominated by the Branch Committee of Management member for that State or Territory may act as substitute for such Member during such absence provided written notice is given to the Branch Secretary by or on behalf of the Member. The said substitute shall, without any other authority, be entitled to act in place of Committee of Management Member with full debating and voting rights.

59 - BRANCH EXECUTIVE - AVIATION BRANCH

(1) In the Aviation Branch there shall be a Branch Executive consisting of the Branch President, Branch Secretary, and the Branch Senior Vice-President and Junior Vice-President.

(2) Between meetings of the Branch Committee of Management the Branch Executive may, subject to the direction and control of a meeting or meetings of the Branch membership and of the Branch Committee of Management exercise any of the powers and perform any of the duties given to the Branch Committee of Management in these Rules, save that the Branch Executive is not empowered to make Rules in accordance with Rule 86.

(3) All acts and resolutions of the Branch Executive under its powers shall have full force effect and validity. Any resolution of the Branch Executive may be reversed or altered by the Branch Committee of Management or by a Branch meeting or meetings but this shall not affect the validity of anything which was done or which occurred prior to such reversal or alteration.

(4) The Branch Executive shall meet at such times, dates and places as it resolves or as shall be fixed by the Branch Secretary after consultation with the Branch President.

(5) Meetings of the Branch Executive shall be summoned by the Branch Secretary in the manner set out in Rule 58 hereof and the provisions of Rules 58(1) and 58(4) thereof shall apply as though the reference to the Branch Committee of Management therein were references to the Branch Executive.

(6) At any meeting of the Branch Executive a quorum shall consist of three members and the Chairperson shall have an ordinary vote but in the event of an equality of votes the motion shall be deemed to have failed.

60 - BRANCH EXECUTIVE

A Branch other than the Aviation Branch may by Rules made pursuant to Rule 86 create a Branch Executive. Such Rules shall define the powers and duties of such Branch Executive, its members, its procedures, the manner of summoning its meetings, its quorum and the manner of control by the Members of the Branch.

61 - STATE OR TERRITORY COMMITTEE - AVIATION BRANCH

There shall be a Committee in each State or Territory consisting of the Member of the Branch Committee of Management of the Aviation Branch representing that State or Territory. In relation to the Queensland Branch there shall be two members of the Branch Committee of Management inasmuch as there will be one Branch Committee of Management member representing North Queensland including Rockhampton, Mackay, Townsville, Hamilton Island, Proserpine and Cairns, and a South Queensland Branch Committee of Management member representing Coolangatta, Gladstone, Brisbane and Maroochydore each Rescue and Firefighting Unit in that State or Territory. The State or Territory Committees shall be designated the "New South Wales Aviation Committee", "the Victorian Aviation Committee", "the Queensland Aviation Committee", "the South Australian/Norfolk Island Aviation Committee", "the Western Australian Aviation Committee", "the Tasmanian Aviation Committee", "the Australian Capital Territory Aviation Committee" and "the Northern Territory Aviation Committee" respectively.

The duties of the Committee are to consult with members of the Aviation Branch in the State or Territory on all matters relating to those members and advise the Branch Committee of Management and the Branch Secretary on the matters affecting such members.

The Member representing the State or Territory shall convene and preside at the meetings of the Committee and shall forward a copy of the minutes of its meetings to the Branch Secretary.

62 - POWERS AND DUTIES OF BRANCH PRESIDENT

(1) The Branch President shall wherever practicable attend at Branch meetings. The Branch President shall act as Chairperson at all Branch meetings at which such Branch President is present. If the Branch President (or Acting Branch President) is absent from a Branch meeting an no Vice-President of the Branch is present the Branch meeting shall appoint one of its members to act as Chairperson of the Branch meeting.

(2) The Branch President shall wherever practicable attend at meetings of the Branch Committee of Management. The Branch President shall act as Chairperson at all meetings of the Branch Committee of Management at which such Branch President is present. If the Branch President (or acting Branch President) is absent from the meeting and no Vice-President of the Branch is present the Branch Committee of Management shall appoint one of its members to act as Chairperson of the meeting.

(3) The Branch President may choose to act as Chairperson at any other meeting within the Branch at which such Branch President is present.

(4) The Branch President is authorised on behalf of such Branch President's Branch to do any of the things referred to in Regulation 136 of the Regulations or any substantially corresponding provision.

(5) If the Branch Secretary dies or is absent from Australia or unable or unwilling to summon any meeting which such Branch Secretary could summon under these Rules and no Acting Branch Secretary has been appointed the meeting may be summoned by the Branch President.

(6) In the Aviation Branch the Branch President shall, by virtue of that office, also perform the functions of a Trustee of the Branch and may exercise any of the powers and perform any of the duties given to a Branch Trustee by Rule 65 hereof.

63 - POWERS AND DUTIES OF BRANCH VICE-PRESIDENTS

Branch Vice-Presidents shall, wherever practicable attend at Branch meetings and meetings of the Branch Committee of Management and if the Branch President is absent from a meeting the Vice-President shall, if present, act as Chairperson.

64 - POWERS AND DUTIES OF BRANCH SECRETARY

(1) The Secretary of a Branch -

(a) may subject to the direction and control of a Branch meeting and the Branch Committee of Management and Branch Executive (if any) exercise any of the powers and perform any of the duties given to the Branch by Sub-Rules (3), (4), (11) and (12) of Rule 54.

(b) shall be the chief administrative officer to carry out the decisions of Branch meetings and the Branch Committee of Management and Branch Executive (if any);

(c) shall comply with all valid directions given by Branch meetings and the Branch Committee of Management and Branch Executive (if any) of the Branch;

(d) shall take all reasonable steps to attain the purposes of the Union and to carry out these Rules and the decisions of those bodies within the Union which bind such Branch Secretary;

(e) shall have the day to day management and control of -

(i) The Branch fund, moneys, property, effects, records and documents;

(ii) the business and affairs of the Branch

(f) shall receive all moneys payable to the Branch fund and shall give a receipt for the same and shall deposit the same in the appropriate account of the Branch in accordance with Rule 36;

(g) shall not incur liabilities on behalf of the Union or Branch without the authority of a Branch meeting or the Branch Committee of Management which at any time total more than $60,000;

(h) shall pay from the Branch fund all amounts properly payable from the Branch fund.

Provided that;

(i) where the amount exceeds $10,000 the Branch Secretary shall not pay the same without the authority of the Branch Committee of Management;

(ii) where the amount exceeds $5,000the Branch Secretary shall pay the same by cheque unless authorised to do otherwise by the Branch Committee of Management;

(iii) for the expenditure of the Branch funds on the general administration of the Branch and for purposes reasonably incidental to the general administration of the Branch the express authorisation of the Branch Committee of Management shall not be necessary. Provided that any such expenditure shall be reported to the next meeting of the Branch Committee of Management.

(i) shall keep proper records of all financial transactions and payments relating to the Branch fund;

(j) shall keep proper records of all financial transactions between the Branch and the National administration;

(k) (i) shall keep up proper accounts and submit them to the auditor of the Branch and then submit them to the annual meeting of the Branch;

(ii) shall supply a copy of the auditor's report and copies of the accounts and statements prepared in accordance with the Act to the members of the Branch free of charge;

(l) shall ensure that the auditor of the Branch has full and complete access to all the books and documents of the Branch and shall ensure that the accounts of the Branch are audited yearly;

(m) shall be the general custodian of the Branch fund, moneys, property, effects, records and documents;

(n) shall, within forty-eight hours of making a demand for any part of the Branch fund or any Branch money property, effect, record or document, be entitled to receive the same from any officer or member of the Union who has possession, custody or control of the same;

(o) shall, within forty-eight hours of receiving notice of a direction by the Branch Committee of Management to do so, deliver any funds, money, property, effect, record or document of the Union or Branch in such Branch Secretary's possession, custody or control to the person named in the direction;

(p) shall keep an up-to-date register of the members of the Branch and shall keep records which show any amounts which a Branch member owes to the Union;

(q) shall summon all meetings of the Branch Committee of Management and Branch Executive (if any);

(r) shall wherever practicable -

(i) prepare an agenda for each meeting of the Branch Committee of Management and Branch Executive (if any) and circulate it to the members thereof a reasonable time before the meeting;

(ii) prepare an agenda for each Branch meeting and make it available to members at the meeting;

(s) shall wherever practicable attend all Branch meetings and all meetings of the Branch Committee of Management and Branch Executive (if any) and shall keep minutes in accordance with these Rules of all proceedings at such meetings;

(t) shall write, send, receive, answer, file and produce to the appropriate meeting of the Branch or the Branch Committee of Management and Branch Executive (if any) the correspondence of the Branch for endorsement;

(u) shall draw up an annual report and submit it to the annual meeting of the Branch;

(v) shall take all reasonable steps to supply the National Administration and Branch members with information as to the proceedings of the Branch Committee of Management and Branch Executive (if any) and the activities of the Branch and the Union generally;

(w) shall confer with the National Secretary and other Branch Secretaries;

(x) shall give all reasonable assistance to the National Administration and other Branches;

(y) shall supply to each member of the Branch free of charge a copy of these Rules and up-to-date amendments;

(z) shall make available or cause to be made available to any prospective applicant for membership of the Union a form of application requiring the information (if any) which the Committee of Management of the Branch has resolved shall be required of applicants for membership;

(aa) shall receive or cause to be received from any applicant for membership such applicant's signed and written application and the amount properly payable in respect of admission to membership;

(bb) shall if the Branch Committee of Management has directed the Branch Secretary to refer to it -

(i) all applications for membership or;

(ii) a particular type or description of application for membership or;

(iii) a particular application for membership;

refer to the next meeting of the Branch Committee of Management all applications covered by such a direction;

(cc) shall, if in such Branch Secretary's opinion there is a doubt as to the admission of the applicant to membership refer the application to the next meeting of the Branch Committee of Management;

(dd) upon the Branch Committee of Management resolving that an applicant whose application for membership has been referred to it be admitted to membership shall enter or cause the name of the applicant to be entered in the Register of the members of the Branch;

(ee) shall be deemed to have the authority of the Branch Committee of Management to enter in the Register of the members of the Branch the name of any applicant for membership if in such Branch Secretary's opinion there is no doubt as to the admission of the applicant and if the application is not covered by a direction under Sub-Rule (1)(bb) of this Rule;

(ff) shall, unless such Branch Secretary has referred the application to the Branch Committee of Management, enter or cause the name of the applicant to be entered in the Register of the members of the Branch within fourteen days of receiving the application and the amount properly payable in respect of admission to membership;

(gg) is authorised to sue in the name of the Union under Section 290 of the Act or any substantially corresponding provision;

(hh) is authorised on behalf of the Union to do any of the things referred to in Regulation 136 of the Regulations or any substantially corresponding Regulation;

(ii) shall be a National Delegate representing that Branch;

(jj) shall:

(i) keep a copy of the register of members of the Branch as it stood on 31 December in each year for the period of 7 years after the 31 December concerned and provide a copy to the National Secretary by the end of February in each year;

(ii) compile a register of members of the Branch as at seven days before the first weekday occurring on or after 14th March in the year of a Branch election and provide to the National Secretary a copy of that register within seven days of its compilation;

(iii) inform the National Secretary in writing by 1 March in each year of the number of members of the branch as at 31 December in the preceding year.

(kk) shall advise the National Secretary in writing by the end of February in each year whether any election for an office in the Branch must be held during the calendar year which commenced on 1 January, and if so the name and numbers of each office or position in the Branch for which an election is due, and the reason for the election.

(ll) (a) shall lodge a notification with the Registered Organisations Commissioner of any change to the records required to be kept under sub-rule 10(2) or any change to the place of the Registered Office of the Branch within 35 days of the change and provide a copy of the notification to the National Secretary at the time of its lodgement.

(b) shall provide to the National Secretary in writing by 1 March in each year a copy of the records required to be kept under sub-rule 10(2).

(mm) (a) shall as soon as practicable after the end of each financial year prepare on behalf of the Branch an officer and related party disclosure statement which reports any disclosures made by officers of the Branch under rule 90;

(b) provide a copy of the statement to the National Secretary within five months of the end of the financial year;

(c) within the period of 6 months starting after the end of each financial year:

(i) provide the statement to members; and

(ii) lodge with the Registered Organisations Commissioner a copy of the statement provided to members and provide a copy of the lodged documents to the National Secretary

(nn) Shall inform the National Secretary in writing whether each officer of the Branch whose duties include duties that relate to the financial management of the Branch has completed the training required by rule 90(25) within 6 months after the person begins to hold the office.

(oo) shall inform the National Secretary in writing of the appointment of a Branch auditor and the term of that appointment within one month of the appointment.

(pp) comply with any requirements of the Act, the Regulations, the RO Act or the RO Regulations, or any direction from the National Secretary under sub-rules 13(19) and 19(3).

(2) In the Aviation Branch the Branch Secretary shall, by virtue of that office, also perform the functions of a Trustee of the Branch and may exercise any of the powers and perform any of the duties given to a Branch Trustee by Rule 65 hereof.

65 - POWERS AND DUTIES OF BRANCH TRUSTEES

Where such positions exist Branch Trustees:

(1) shall wherever practicable attend all meetings of the Branch Committee of Management;

(2) shall be responsible for the investment of any part of the Branch fund which the Branch Committee of Management determines should be invested;

(3) shall, subject to these Rules, make any investment of Branch funds in accordance with any directions of the Branch Committee of Management;

(4) during any time when the Union is not registered under the RO Act the Branch fund and all the Branch moneys, property, effects, records and documents of a Branch shall by virtue of these Rules be vested in the Trustees for the time being of that Branch on trust for the Union and past Branch Trustees shall execute all documents and do all things necessary to perfect the title of the Branch Trustees for the time being;

(5) upon the Union becoming registered under the Act the Branch fund and all the Branch moneys, property, effects, records and documents of a Branch shall by virtue of these Rules vest in the Union and the Branch Trustees and past Branch Trustees shall execute all documents and do all things necessary to perfect the title of the Union.

66 - AVIATION BRANCH - POWERS AND DUTIES OF A BRANCH COMMITTEE OF MANAGEMENT MEMBER

Notwithstanding any provision to the contrary in these Rules and subject to the direction and control of the Committee of Management of the Aviation Branch, a Member of the Branch Committee of Management representing a State or Territory shall in that State or Territory:

(a) assist the Branch Secretary to carry out the decisions of Branch Meetings and of the Branch Committee of Management,

(b) comply with all valid directions given by Branch meetings, the Branch Committee of Management and the Branch Secretary,

(c) advise the Branch Secretary of variations in the membership and the work locations of members,

(d) where authorised by the Branch Secretary summon a meeting of members of the Branch in the State or Territory, giving to each workplace reasonable notice of time, date and place of meeting,

(e) attend all Branch Meetings in the State or Territory and prepare minutes thereof,

(f) wherever authorised or requested by the Branch Committee of Management or the Branch Secretary to write, send, report, receive, answer, file correspondence, documents and records relating to the affairs of members of the State or Territory and produce relevant documentation for meetings of the Branch, Branch Committee of Management and of members of the State or Territory,

(g) confer with and report to the Branch Secretary on all representations made on behalf of members in the State or Territory,

(h) keep members informed as to the proceedings of the Branch Committee of Management and of representations made on behalf of members in the State or Territory,

(i) act as Chairperson at all meetings in the State or Territory except where the Branch President is in attendance,

(j) where authorised by the Branch Committee of Management represent the Union on any: body, organisation or association and report thereon to the Branch Secretary,

A Branch Committee of Management member may delegate his or her obligations pursuant to the provisions of Sub-rules (e) and (i) hereof in respect of a meeting at a Rescue and Firefighting Unit within that Committee Member's State or Territory to the duly appointed Unit Representative of that particular Rescue and Firefighting Unit provided that written notice of delegation is given by the said Committee Member both to the Unit Representative involved and to the Branch Secretary.

67 - AVIATION BRANCH - POWERS AND DUTIES OF UNIT REPRESENTATIVES (WORKPLACE DELEGATES)

The Unit Representatives (also known as Workplace Delegates) of the Aviation Branch appointed by and from their respective Rescue and Firefighting Units shall, subject to the direction and control of the relevant Branch Committee of Management Member, -

(1) perform such administrative and organisational duties in the respective areas as the Branch Committee of Management Member representing that State or Territory containing the Unit shall direct,

(2) act as substitute for the Branch Committee of Management Member representing the State or Territory containing that Unit in accordance with Rule 58(5) and Rule 66(e) and (j),

(3) attend all meetings of members of the Branch at their Unit,

(4) where authorised by the Branch or by the Branch Committee of Management, represent the Union on any: body, organisation, or association in the State or Territory in which their Unit is contained and report thereon to the Branch Secretary,

(5) discharge such other duties as may be allotted to them by the Branch Committee of Management.

(6) Unit Representatives do not 'hold office' and are not 'officers' of the Aviation Branch for any purpose.

(7) The positions of Unit Representatives (Workplace Delegates) are created and/or abolished by Rescue and firefighting units being established or disestablished at various Airports in line with the Civil Aviation Regulations 139H.

(8) The South Australian Branch Committee of Management Member shall be responsible for the direction and control of the Unit Representative (Workplace Delegate) of the Norfolk Island Rescue and Firefighting Unit.

67A - AVIATION BRANCH – ABOLITION AND TRANSITION OF ORGANISERS

(1) The purpose of this rule is to progressively abolish the offices of 'Organiser' in the Aviation Branch in a manner which does not truncate the term of office of any incumbent of that office.

(2) Where, prior to the introduction of the role of 'appointed Unit Representative', a person who was an incumbent 'elected Organiser' of the Aviation Branch, that person shall continue in the role of elected organiser until such time as they resign or their term expires and their powers and duties will be consistent with those ascribed to 'Unit Representatives' in Rule 67.

(3) In the Aviation Branch the vacant offices of the following Organisers are abolished as at the date of certification of this rule 67A;

Alice Springs

Ayers Rock

Ballina

Cairns

Coolangatta

Darwin

Hobart

Karratha

Newman

Perth

(4) If any office of Organiser becomes vacant following the certification of this rule that office is abolished immediately.

(5) Any other office of Organiser is abolished as at the declaration of the election in 2021 of the Officers and Members of the Branch Committee of Management of the Aviation Branch.

(6) No elections for the offices of Organiser shall take place after the certification of this rule.

(7) This Rule 67A shall apply notwithstanding any other rule to the contrary.

68 - BRANCH RETURNING OFFICER

(1) Each Branch shall at its Annual Meeting appoint a member of the Union, who shall not be the holder of any office in and shall not be an employee of the Union or any Branch or Section of the Union, as Branch Returning Officer to hold such office until the appointment of a Branch Returning Officer at the next Annual Meeting.

(2) If the Branch Returning Officer becomes a candidate for election to any office in the Branch or to the office of National Delegate or is unwilling to act as Branch Returning Officer on any occasion such Branch Returning Officer shall be treated as having resigned the office of Branch Returning Officer.

(3) If the office of Branch Returning Officer becomes vacant for any reason a Branch meeting or the Branch Committee of Management shall appoint a member of the Union qualified in accordance with Sub-Rule (1) as Branch Returning Officer who shall hold office until the appointment of a Branch Returning Officer at the next Annual Meeting of the Branch.

(4) If the Branch Returning Officer is or is to be absent from Australia or unable for any reason to act as Branch Returning Officer a Branch Meeting or the Branch Committee of Management shall appoint a member of the Union qualified in accordance with Sub-Rule (1) to act in such Branch Returning Officer's place and during such absence or inability the member acting as Branch Returning Officer shall have the powers and duties given by these Rules to the Branch Returning Officer.

Provided that should a Branch or Branch Committee of Management for any reason fail to properly appoint a Branch Returning Officer by 28th February in each or any year in which there is to be an election, the National Returning Officer shall have power to call for nominations and conduct a Ballot in accordance with these Rules and shall be deemed for all purposes associated with the conduct of the ballot to have all the powers and duties of the Branch Returning Officer.

(5) A Branch Returning Officer shall decide a tied vote by the casting of lots.

69 - POWERS AND DUTIES OF BRANCH RETURNING OFFICER

(1) If a Branch Returning Officer conducting an election pursuant to these Rules finds a nomination to be defective such Branch Returning Officer shall before rejecting the nomination notify the person concerned of the defect and where it is practicable to do so give such person the opportunity of remedying the defect within a period of seven days after such person has been so notified.

(2) The decision of the Branch Returning Officer shall be final and binding regarding any matter touching the validity or normality of any nomination or vote or any matter touching or concerning such an election and the conduct thereof.

(3) If, prior to any declaration of election to an office or within fourteen days from the close of voting in the ballot (whichever is later) any written protest is made to a Branch Returning Officer signed by any member, scrutineer or candidate -

(a) as to the sufficiency of the nomination of a candidate for an office; or

(b) as to anything done or omitted to be done by any person in or in connection with the ballot;

A Branch Returning Officer shall inquire into the subject of the protest and -

(i) If satisfied there was an irregularity in or in connection with the election which may have affected the result of the election and which can not be cured by a final declaration by such Branch Returning Officer as to the result of the election for an office.

(1) shall direct that a new election be held for any office or offices and shall conduct such election;

(2) and shall fix all proper and necessary dates and give all proper and necessary directions for the conduct of the new election;

(ii) If satisfied that there was an irregularity only in or in connection with the ballot step in the election for an office which may have affected the result of the election and which cannot be cured by a final declaration by the Branch Returning Officer as to the result of the election such Branch Returning Officer may direct that the ballot step be taken again and shall thereupon fix all proper and necessary dates and give all proper and necessary directions for the taking of the said ballot step again;

(iii) if not satisfied that Clause (i) or (ii) of this Sub-Rule applies such Branch Returning Officer shall make a final declaration of the result of the election for the office or offices concerned.

(4) A Branch Returning Officer shall declare the result of an election for an office in an election conducted by such Branch Returning Officer -

(a) if there is only one proper nomination for an office - upon the closing of nominations;

(b) if an election is held for the office or if all candidates for the office but one withdraw their candidature - as soon as the result is known.

(5) A Branch Returning Officer shall declare the result of an election for an office by posting a formal notification to the:

(a) Branch President

(b) Branch Secretary who shall be obliged to ensure that the document is displayed at the registered office; and

(c) to all work areas.

(6) A direction under Sub-Rule (3) of this Rule that a new election be held shall be given where the irregular election was one in which only the financial members of a Branch were entitled to vote - by posting to the President of the Branch concerned and to the National President a signed notification that such Branch Returning Officer directs a new election.

(7) The existing holder of an office for which an election is held shall continue in that office until the declaration of that election. A person declared elected to an office by a Returning Officer may act in that office until such person receives in writing from the Returning Officer a notice that a protest as to the election in which such person was declared elected has been made under these Rules. On receipt of such notice such person shall continue to act in that office, pending determination of such protest and until the declaration of a new election conducted as a result of a successful protest.

70 - ELECTION OF BRANCH PRESIDENT, VICE-PRESIDENTS, SECRETARY, ASSISTANT SECRETARY, TRUSTEES, MEMBERS OF BRANCH COMMITTEE OF MANAGEMENT AND AVIATION BRANCH WORK HEALTH AND SAFETY (WHS) NATIONAL CO-ORDINATOR

(1) Presidents, Vice-Presidents, Secretaries, Assistant Secretaries where such positions exist, Trustees, WHS Co-ordinator where such positions exist, and members of Branch Committee of Management shall be elected every three years and shall hold office from the time of the declaration of their election.

The number of National Delegates attributed to a Branch shall be determined with reference to the formula outlined in sub-rule 12 (2).

(1A) Where the Rules of a Branch provide an election period of four years, that period shall apply in substitution of the three-year period specified in sub-rule (1) above.

(2) A Branch shall have the power to create the position of Assistant Secretary in accordance with Rules 86 and 87. Where a Branch elects to create the position of Assistant Secretary then an election shall be held in accordance with this Rule.

(3) (a) Except for the Aviation Branch all members of a Branch who are financial members at the time of the close of the roll of voters shall be entitled to vote in the election of the President, Vice-Presidents, Secretary, Assistant Secretary where required, and Trustees of the Branch.

(b) In the Aviation Branch -

(i) All members of the Branch who are financial members as at the time of the close of the roll of voters shall be entitled to vote in the election of President, WHS National Co-ordinator and Secretary.

(ii) All members of the Branch employed in a State or Territory named in Rule 56(2) who are financial at the time of the close of the roll of voters shall be entitled to vote in the election of the member of the Branch Committee of Management representing the State or Territory.

(iii) All Members of the Branch employed in a particular Rescue and Firefighting Unit in a State or Territory named in Rule 56(2) who are financial at the time of the close of the roll of voters shall be entitled to vote in the election of the organiser for the said Rescue and Firefighting Unit provided in Sub-rule (4) of this Rule.

(iv) The Senior and Junior Vice Presidents of the Branch shall be elected as provided in Rule 56(2).

(4) In the Aviation Branch there shall be one WHS National Co-ordinator elected by and from all Aviation Branch members.

(5) The ballots for the President, Vice-Presidents, Secretaries, Assistant Secretaries, Trustees and WHS National Co-ordinator of a Branch shall, subject to the powers conferred by these Rules on the National Returning Officer, be conducted by the Branch Returning Officer.

(6) All branch elections shall wherever practicable be held at the same time. In the Aviation Branch the election of Vice- Presidents shall take place as soon as practicable after the periodic election of Committee of Management members.

71 - BY-ELECTIONS

(1) Where a casual vacancy occurs in the office of Branch President, Branch Vice-President, Branch Secretary, Assistant Branch Secretary where such position exists, Branch Trustee where such position exists, Branch Committee of Management Member, Branch Organiser where such position exists, such vacancy may be filled by appointment by the Branch Committee of Management to such vacant office of a person eligible to be a candidate for such office pursuant to Rule 72.

(2) The person so appointed shall hold office in accordance with these Rules for so much of the unexpired part of the term of office as does not exceed three-quarters of the term of the office.

(3) Where the unexpired part of the term of the office exceeds that specified by Sub-Rule (2) hereof or where the Branch Committee of Management so determines, the vacancy shall be filled by ordinary election of a person eligible to be a candidate for the position pursuant to Rule 72 for the unexpired part of the term of office. The Branch Returning Officer shall conduct the election. The Branch Committee of Management or the Branch Executive shall determine the dates for calling nominations, the closing of nominations and the dates of the opening and closing of the ballot. In all other respects the Rules for the conduct of the Branch Triennial election shall apply with the necessary changes. When a casual vacancy is to be filled by an election the Branch Committee of Management may appoint one of its members to carry out the functions of the office until the declaration of the result of the election.

(4) In this Rule -

"ordinary election" means an election held in accordance with Rule 70.

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

71A - ELECTION INQUIRIES AND TERM OF OFFICE

(1) This Rule shall apply where as the result of orders made in relation to an election inquiry an election or a step in an election is ordered to be taken and as a result a person is elected to any office in the Union.

(2) Any person so elected shall be entitled to hold office subject to and in accordance with these Rules for so much of the duration of the term of the office concerned (as determined by these Rules) as has not expired at the time that person is declared to be elected.

(3) For the removal of doubt this Rule is intended to ensure that the next election to the office concerned is held at the same time as it would have been held if there had been no election inquiry.

(4) Rule 23 and 70 shall apply to the office concerned in the circumstances specified in those Rules.

(5) The provisions of this rule shall apply to any office in relation to which an election is in the course of being conducted at the time that this rule is certified by the Industrial Registrar and to any election conducted after that certification.

72 - CANDIDATES

(1) A candidate for any position in the Union shall be a financial member as at the closing date of nominations or a Life member of the Union still employed in the industry.

(2) In order to become a candidate for election to any Branch Officer position, a member shall be nominated for the office in writing signed by two other financial members of the Branch. Every candidate shall on the same paper as contains the said nominations, accept the nomination for the relevant office.

(3) Any Branch Officer who also holds a National Delegate's position may be elected as a National Officer and a National Officer may be elected or appointed as a Branch Officer in the Branch such person represents, with the effect that a member may at the same time be both a Branch Officer and a National Officer.

73 - FILLING OF CASUAL VACANCIES

If a casual vacancy occurs in an office of Branch Officer, it shall be filled in accordance with Rule 71.

74 - LODGING OF NOMINATIONS FOR BRANCH POSITIONS

(1) Nominations for the position of President, Vice-President, Secretary, Trustee where such position exists, Committee of Management Member, Organiser where such position exists, shall not later than 5pm on the first weekday occurring on or after 31st March in each year in which there is a general election for these positions be either delivered to the Registered Office of the Branch addressed to the Branch Returning Officer or delivered to the Branch Returning Officer.

(2) A Branch Returning Officer conducting an election shall call for nominations by notice which shall be displayed in the registered office of the Branch and at work areas and be published in the Union journal and in other ways likely to come to the attention of the members of the Branch.

(3) Commencing from the first election held in or after 2007, no member shall be entitled to contest more than one Branch Officer's position. Where a member is nominated for more than one Branch Officer position and fails to withdraw their multiple nominations so as to limit their nomination to one position, before the time stipulated in Rule 27(l0)(c), all nominations for that member shall be deemed to be withdrawn. This sub rule shall not apply to elections in any Branch where the rules of that Branch permit nominees to contest more than one Branch Officer position in a Branch election.

75 - BRANCH PLEBISCITES

(1) Where the Branch Committee of Management determines that any matter should be submitted for determination by a plebiscite of all the financial members attached to the Branch the Branch Returning Officer shall submit the matter to a postal vote of all members whose names appear on the Branch register as at the date of the Branch Committee of Management decision.

(2) That plebiscite shall be conducted so far as is practicable in accordance with the provisions of Rule 27.

(3) If a majority of the members voting, vote in favour of the proposal or decision, the proposal or decision shall be carried and shall have the effect of a decision of a Branch meeting.

76 - BRANCH FUNDS

(1) For the purposes of the internal financial management of each Branch there shall be a fund known as the "Branch fund" of the particular Branch which shall be managed and controlled by that Branch administration.

(2) The moneys in the Branch fund shall be kept in such accounts as determined from time to time by the Branch Committee of Management.

77 - MONEYS ALLOCATED TO BRANCH FUNDS

The moneys of the Union which are allocated to the Branch fund of each Branch shall be -

(1) The amounts collected by that Branch as entrance or membership subscriptions.

(2) Moneys received by the Union -

(a) in respect of levies imposed by that Branch or its Committee of Management;

(b) in respect of fines inflicted by the Committee of Management of that Branch (including such fines as may be imposed by the National Committee of Management or a Branch meeting of that Branch on appeal from the decision of the Committee of Management of that Branch);

(c) as donations to that Branch;

(d) as a result of the activities of that Branch or its Committee of Management, Officers or Branch employees;

(e) as a result of the exercise of their powers under these Rules by that Branch or its Committee of Management or Officers.

78 - BRANCH FUNDS - LIABILITIES AND DISBURSEMENTS

Each Branch shall be responsible for incurring liability on behalf of the Union and disbursing moneys from its Branch fund in connection with -

(1) the activities under these Rules of the Branch or its Committee of Management, Officers or Branch employees;

(2) the exercises of their powers under these Rules by the Branch or its Committee of Management or Officers;

(3) the remuneration or expenses of its Officers or Branch employees.

Provided that no Branch shall without the consent of the National Committee of Management incur liabilities which at any time exceed the value of its Branch fund. Provided further that each Branch shall be liable for its own liabilities except where such liabilities are incurred as a result of a decision of the National Committee of Management.

79 - DISBURSEMENT OF BRANCH FUNDS

Unless it has been expressly authorised by the Branch Executive or Branch Committee of Management to do otherwise then all payments from Branch funds in excess of $10,000 shall be by cheque signed by the Branch Secretary and one other member of the Branch Committee of Management or other person so empowered by the Branch Committee of Management, or by bank transfer authorised by the Branch Secretary and one other member of the Branch Committee of Management or any other person so empowered by the Branch Committee of Management.

80 - SUBSCRIPTIONS

(1) (a) Each member of the Union shall pay to such member's Branch a membership subscription as may be determined from time to time by the Branch.

(b) The Branch may determine separately the amount of a subscription payable by members who are in part-time paid employment.

(2) (a) Each member of the Union shall pay annual membership subscription in advance by paying equal instalments either weekly, fortnightly, monthly, quarterly (once every three months), or by such other periods as the Branch Committee of Management determines.

(b) Membership subscriptions may be paid by cash, cheque or electronic payment, payroll deduction, direct debit, a debit or credit card, or such other means as the Branch Committee of Management determines.

(3) A member who has paid membership subscriptions or levies or fines to an Associated Body registered under state legislation in the same state as that branch in respect of any year shall be deemed to have paid subscriptions and levies and fines due under these rules to the extent of the payment to that Associated Body.

81 - BRANCH LEVIES

(1) A Branch meeting or a Branch Committee of Management may by resolution impose levies upon members of the Branch to raise moneys for the objects of the Branch, provided that part time firefighter members of the Branch shall be required to meet only 20% of any such levy per member.

82 - OFFENCES BY BRANCH MEMBERS OR OFFICERS

(1) Subject to Rule 37, a Branch Committee of Management may and at the request of a Branch Officer who has submitted to the Branch Committee of Management a case against a member or Branch Officer shall by summons in writing call upon a member or Branch Officer whom the Branch Committee of Management or Branch Officer alleges is acting in breach of these Rules or has within the preceding twelve months committed any offence against these Rules to show cause why:

(a) the accused member or Officer should not be found guilty of the charge;

(b) in the event of being found guilty the member should not be reprimanded, fined or expelled from the Union pursuant to the provisions of this Rule;

(c) in the event of being found guilty the Officer should not be reprimanded, fined or suspended in accordance with this Rule or have his or her continuity of office dealt with pursuant to Rule 83.

(2) The summons shall:

(a) state the allegation together with particulars thereof;

(b) disclose the evidence on which the allegation is based;

(c) be signed by the Branch President or Branch Secretary;

(d) state the time, date and place at which the member is to show cause;

(e) be delivered personally to the member or Officer concerned or posted by registered or certified mail to such person's last known address at least 21 days before the meeting at which the matter is to be determined;

(f) have attached to it a copy of this Rule.

(3) Should any member or Officer against whom an allegation is made fail to appear at the hearing and fail to provide a satisfactory explanation for such non-attendance, the Branch Committee of Management may proceed with the hearing of the allegation in his or her absence provided it is first satisfied that notice of the hearing in accordance with this Rule has been properly served.

(4) If in the opinion of the Branch Committee of Management the member or Officer is guilty of the offence alleged then:-

(a) in the case of a member being found guilty, the Branch Committee of Management may:-

(i) reprimand the member, and/or;

(ii) fine such member a sum not exceeding $300 for any one offence, and/or;

(iii) may suspend such member for a period not exceeding 12 months, and/or

(iv) may expel such member from the Union.

(b) in the case of a Branch Officer being found guilty, the Branch Committee of Management may:-

(i) reprimand such Officer, and/or;

(ii) fine such Officer a sum not exceeding $300 for any one offence, and/or;

(iii) may suspend such Officer for a period not exceeding 12 months and/or;

(iv) refer the matter to a special general meeting pursuant to Rule 83 and recommend that such Officer be removed from office in accordance with the provisions of that Rule.

(5) The Branch Secretary shall promptly inform the member or officer by registered letter of the decision of the Branch Committee of Management both as to guilt and penalty. Any imposed expulsion or suspension shall become effective 14 days after the date of posting such letter and any imposed fine subject to Sub-Rule (6) hereof shall become payable immediately and the member shall be deemed an unfinancial member if the fine is unpaid one month after the date of posting such letter and shall remain unfinancial until the fine is paid.

(6) A member or Branch Officer who is found guilty of an offence by the Branch Committee of Management shall have a right of appeal to a special meeting of the Branch members against such finding and/or any penalty imposed by the Branch Committee of Management provided that such member or officer submits such appeal to the Branch Secretary in writing not more than 14 days after the date of posting of the letter informing such member or officer of the decision of the Branch Committee of Management and pending the determination of any such appeal the finding and/or penalty shall not become effective. The determination of the appeal by the members at the special meeting shall be final.

(7) Any member expelled pursuant to this Rule shall not be re-admitted to membership except by vote of the Branch Committee of Management.

(8) Notwithstanding anything in this Rule a Branch Officer shall not be removed from office except pursuant to Rule 83.

83 - REMOVAL OF BRANCH OFFICERS

(1) No officer of the Branch shall be removed from office unless the officer has been found guilty under the Rules of the Union, of:

(i) misappropriation of the funds of the Union; or

(ii) a substantial breach of the Rules of the Union; or

(iii) gross misbehaviour or gross neglect of duty;

or has ceased, under the Rules of the Union, to be eligible to hold the office.

(2) A person shall not be dealt with pursuant to Sub-Rule (1) hereof unless a resolution to that effect is passed by a majority of two thirds (2/3) of the members (present and entitled to vote) at a Special General meeting of members of the Branch and of which the person has been given at least twenty-one (21) days notice, in writing, of the date and place of the Meeting and of the motion to be considered together with particulars of all allegations. Such person shall be given the opportunity of being heard at the Meeting.

(3) Where a resolution to remove from office has been adopted at a Special General Meeting in accordance with Sub-Rule (2) the decision of the Special General Meeting must be endorsed by a plebiscite of all members conducted in accordance with these Rules. The plebiscite is to be finalised within one month of the Special General Meeting decision being made. All members shall, prior to being required to cast their vote in the plebiscite, be provided by the Branch Secretary in documentary form with a copy of all material that was before the Special General Meeting.

(4) The powers to remove from office referred to in this Rule shall, in relation to persons holding the offices specified therein, be exercised only in accordance with this Rule and no other Rules of the Union shall purport to authorise the exercise of those powers in relation to persons holding offices of the Union.

84 - EXPULSION

(1) If a Branch Committee of Management determines by a majority of those present at its meeting that a person who is a member of the Branch or has been treated as a member of the Branch is not for the time being a person included within Rule 6 it may expel such person from the Union.

(2) If a Branch Committee of Management proposes to exercise its powers under the preceding Sub-Rule it shall give the member in question notice in writing stating that it proposes to expel such member under this Rule and requesting such member to notify the Branch Secretary within twenty-eight days whether such member wishes to oppose the expulsion.

(3) If within twenty-eight days of the member in question being given the notice referred to in the preceding Sub-Rule the Branch Secretary does not receive notification that such member wishes to oppose the expulsion the Branch Committee of Management may proceed to exercise its powers under Sub-Rule (1) of this Rule and such member's membership of the Union shall cease upon the Branch Committee of Management resolving that such member be expelled. If within twenty-eight days the Branch Secretary does receive this notification from the member in question the Branch Committee of Management may charge the member in question under Sub-Rule (1) of this Rule and proceed to hear and determine the charge and exercise its powers under that Sub-Rule as nearly as practicable in accordance with the procedures prescribed by these Rules for the hearing of charges and the provisions relating to appeals and the time from which expulsions operate in the case of charges shall apply.

85 - POSTAL ADDRESSES

Each member of the Union shall forthwith notify the Secretary of the Branch to which such member belongs of any change in such member's postal address.

86 - NATIONAL RULES IN RELATION TO BRANCHES

(1) Each Branch Committee of Management shall subject to the Act, the RO Act and Rule 87 of these Rules have full power and authority to make Rules affecting that Branch only in any respect whatsoever and to amend and rescind any such Rules. Rules so made or amended shall be part of the Rules of the Union only insofar as they relate to and bind that Branch and its membership.

(2) Branches shall not make Rules inconsistent with these Rules or inconsistent with the requirements of the Act and the Regulations thereunder.

In the event of any such inconsistency the Branch Rule shall be void to the extent of such inconsistency.

(3) The Secretary of any Branch which alters the Rules affecting such Secretary’s Branch only, shall within 28 days of the amendment thereof file with the General Manager of the Fair Work Commission full particulars of the alteration in such form and manner that the General Manager is able to form an opinion whether or not the alteration complies with and is not contrary to the provisions of the Act, the regulations, the RO Act and the RO Regulations, or of an award made pursuant to the Act and is not otherwise contrary to law and has been made in accordance with the relevant procedures laid down by the Rules of the Union.

87 - AMENDMENT OF RULES AFFECTING ONE BRANCH ONLY

Any of these Rules may be altered, amended or rescinded or new Rules may be substituted in accordance with Rule 86 as follows:-

(1) Upon receiving a direction from the Branch Committee of Management or a request from any Branch meeting to call a meeting of the Branch Committee of Management to consider a proposed alteration, amendment, rescission or substitution of the Branch Rules the Branch Secretary shall summon such a meeting as soon as practicable.

(2) The Branch Secretary shall summon a meeting of the Branch Committee of Management under this Rule by giving to all members of the Branch Committee of Management and all Branch Officers at least twenty-eight day's notice by ordinary post of the proposal and the time, date and place of meeting.

(3) At a meeting held under this Rule the Branch Committee of Management shall (without it being necessary for any person to move or second the proposal) consider the proposal and may resolve that the alteration, amendment, rescission or submission be made either as proposed or as amended by the Branch Committee of Management.

(4) The Branch Secretary shall publicise any Rule change adopted by the Branch Committee of Management within 14 days after the date of resolution by written notices thereof being displayed and made available to the members at the registered office of the Branch and at all work areas and in other ways likely to come to the attention of the members.

(5) If within 28 days after the date of a resolution under the preceding Sub-Rule the Branch Returning Officer receives a written request for a plebiscite upon the decision of the Branch Committee of Management signed by at least one-tenth of the financial members of the Branch then the Branch Returning Officer shall as soon as practicable conduct a plebiscite to whether or not the financial members of the Branch approve of the decision of the Branch Committee of Management.

(6) If the Returning Officer does not receive a request within the preceding Sub-Rule the alteration, amendment rescission or substitution which the Committee of Management resolved to be made shall, subject to the provisions of the Act and the Regulations, come into operation upon the expiration of the 28 days.

(7) If the Branch Returning Officer receives a request in accordance with Sub-Rule (5) of this Rule then -

(a) if the plebiscite approves of the decisions, the alteration, amendment, rescission or substitution which the Branch Committee of Management resolved to be made shall, subject to the provisions of the Act and the Regulations, come into operation upon the declaration by the Branch Returning Officer of the result of the plebiscite;

(b) if the plebiscite does not approve of the decision, the Resolution of the Branch Committee of Management that the alteration, amendment rescission or substitution be made shall have no effect upon these Rules.

(c) Notwithstanding anything contained in this Rule where the Branch is required by law to amend its Rules such amendment when endorsed by a simple majority of either the Branch Executive or the Branch Committee of Management shall be deemed to have been made in compliance with the procedural requirements of this Rule.

(8) Rule 87 - Rules affecting one Branch only shall appear as schedules to these rules as follows;

Schedule 1 - New South Wales Branch

Schedule 2 - Victorian Branch

Schedule 3 - Queensland Branch

Schedule 4 - South Australian Branch

Schedule 5 - Western Australian Branch

Schedule 6 - Tasmanian Branch

88 - CONTROL OF BRANCH BY MEMBERS

Subject to the powers expressly conferred by these Rules on the National Committee of Management, National Executive, National Secretary and National Returning Officer, final control of a Branch in relation to all matters affecting members of only that Branch shall rest with the decision of the financial members of that Branch present at a Branch meeting or voting in a plebiscite and every such decision shall bind the Committee of Management, Officers and members of the Branch. All powers conferred by these Rules on the Committee of Management or Officers of a Branch are conferred subject to this Rule but nothing in this or any other Rule shall empower a Branch meeting to affect or alter a declaration by a Returning Officer of the result of an election or plebiscite.

89 - TRANSITIONAL PROVISIONS

APPLICATION

(1) The provisions of this Rule shall prevail over any conflicting provisions in any other Rule.

DEFINITIONS

(2) In this Rule "date upon which these Rules come into operation" means the date upon which the consent and certification by the Industrial Registrar pursuant to Section 139 subsections (1) and (4) respectively finally become effective pursuant to the Act.

(3) In this Rule "Associated Body" means:-

New South Wales Fire Brigade Employees Union, an industrial union of employees registered under the Industrial Arbitration Act 1940 as amended (NSW); 267 Sussex Street, Sydney 2000;

United Firefighters' Union, Victorian Branch, an unincorporated association of firefighting employees; 410 Brunswick Street Fitzroy 3065; United Firefighters' Union of Australia, Union of Employees, Queensland. an industrial union of employees registered under the Conciliation and Arbitration Act 1961 as amended (Qld); 92 Commercial Road, Newstead 4006; United Firefighters Union of South Australia Incorporated, an association of employees registered under the Industrial Conciliation and Arbitration Act 1972 as amended (S.A.), 148 South Road, Torrensville, 5031;

The West Australian Fire Brigade Employees' Industrial Union of Workers, an industrial union of employees registered under the Industrial Arbitration Act 1979 as amended (W.A.); 63 Railway Parade, Mount Lawley 6050; and

United Firefighters' Union (Tasmanian Branch) an unincorporated association of firefighting employees; Room 23, Trades Hall, 219 Main Road, Newtown 7008

ABOLITION OF BRANCHES AND NATIONAL ADMINISTRATION

(4) (a) On the date upon which these Rules come into operation the New South Wales Branch, Victorian Branch, Queensland Branch, South Australian Branch, Western Australian Branch, Tasmanian Branch, Australian Capital Territory Branch, Canberra Civil Branch and Northern Territory Branch which operated immediately before that date shall thereupon and thereby be abolished. The terms of office of all office holders in those Branches shall thereupon terminate. Membership in those Branches of members of the Union shall be accepted for all purposes as membership under these Rules.

(b) On the date upon which these Rules come into operation the National Committee of Management and the National Executive which operated immediately before that date shall

thereupon and thereby be abolished and the terms of office of the National Officers shall thereupon terminate.

MEMBERS

(5) Each member of the Union who was immediately before the date upon which these Rules come into operation a member of one of the then Branches of the Union shall on and from that day become a member of the Australian Government Employees Branch of the Union save and except that each member of the Union who was immediately before that day a member of the then Canberra Civil Branch shall on that day become a member of the Australian Capital Territory Branch.

(6) Each person who was immediately before the date upon which these Rules came into operation a member of an Associated Body (other than partially- paid volunteer firemen in the New South Wales Fire Brigade Employees' Union) and was on the said day eligible for membership of the Union shall on and from that day be and become and be treated as a member of the Union and of the Branch of the State or Territory in which such person is employed and membership of each such person of that Associated Body before that day shall be counted as membership of the Union for all purposes of the Rules of the Union: Provided that such persons shall be notified in a publication that is distributed amongst them that any of them may decline to so become a member of the Union by so notifying the Branch Secretary of the Branch of the State or Territory in which such person is employed in writing within one month of the distribution of that publication. Any person who so notifies that Branch Secretary shall be deemed not to have become a member of the Union pursuant to this Sub-Rule.

(a) Each person who was immediately before 28 February 1991 a member of the NSW Fire Brigade Employees' Union and was employed as a partially paid volunteer fireman and was on the said day eligible for membership of the Union, shall on and from that day be and become and be treated as members of the Union and the NSW Branch of the Union and membership of each such person of the NSW Fire Brigade Employees' Union before that day shall be counted as membership of the Union for all purposes of the rules of the Union. Provided that such person shall be notified in a publication that is distributed amongst them that any of them may decline to so become a member of the Union by so notifying the Branch Secretary in writing within one month of the distribution of that publication. Any person who so notifies the Branch Secretary shall be deemed not to have become a member of the Union pursuant to this sub-rule.

FUNDS AND PROPERTY

(7) (a) The funds and property that immediately before the date upon which these Rules come into operation comprised the National Fund of the Union and the Branch Fund of the New South Wales Branch, Victorian Branch, Queensland Branch, South Australian Branch, Western Australia Branch, Tasmanian Branch, Australian Capital Territory Branch and Northern Territory Branch respectively shall on that date be the Branch Fund of the Australian Government Employees Branch and be managed and controlled by that Branch in accordance with these Rules.

(b) The funds and property that immediately before the date upon which these Rules come into operation comprised the Branch Fund of the Canberra Civil Branch shall on that date be the Branch Fund of the Australian Capital Territory Branch and be managed and controlled by that Branch in accordance with these Rules.

(8) (a) For the purposes of Sub-Rule 7(a) hereof the Branch Secretary or Branch President together with one other member of the Committee of Management of the Australian Government Employees Branch shall be empowered to close Branch accounts held in the name of the said Branches of the Union named in Sub-Rule 7(a) hereof or held for or on behalf of any of those Branches immediately before the date upon which these Rules come into operation and to place such funds into an account or accounts and to sign and execute all other documents necessary to effect such placement and to place all other property of those Branches in the Branch Fund of the Australian Government employees Branch to be managed and controlled in accordance with these Rules.

(b) For the purposes of Sub-Rule 7(b) hereof the Branch Secretary or Branch President together with one other member of the Committee of Management of the Australian Capital Territory Branch shall be empowered to close Branch accounts held in the name of the Canberra Civil Branch named in Sub-Rule 7(b) hereof or held for or on behalf of such Branch immediately before the date upon which these Rules come into operation and to place such funds into an account or accounts and to sign and execute all other documents necessary to effect such placement and to place all other property of that Branch in the Branch fund of the Australian Capital Territory Branch to be managed and controlled in accordance with these Rules.

SUBSCRIPTIONS

(9) (a) On the date upon which these Rules come into operation and until otherwise determined in accordance with these Rules the subscription payable by each member of the Australian Government Employees Branch shall continue to be that which was payable immediately before that date.

(b) On the date upon which these Rules come into operation and until otherwise determined in accordance with these Rules the subscription payable by each member of the Australian Capital Territory Branch shall continue to be that which was payable immediately before that date.

(c) On the date upon which these Rules come into operation unless otherwise determined in accordance with these Rules a member of the Union who is also a financial member of an Associated Body pursuant to its Rules shall be and be deemed to be a financial member of the Union and of such member's Branch.

NATIONAL OFFICERS AND
MEMBERS OF THE NATIONAL COMMITTEE OF MANAGEMENT

(10) On the date upon which these Rules come into operation -

(a) The National Officers shall be -

National President	R. Knowles
National Secretary	M.J. Doyle

(b) The Members of the National Committee of Management shall be:-

National President	R. Knowles
National Secretary	M.J. Doyle
National Delegates -	
Australian Government	L.G. Donovan
Employees Branch	C.G. Dunn

National Delegates - New South Wales Branch	J. Anderson J. Slade G. Mullins D. Cooper
National Delegates - Victorian Branch	K. Whelan R. Knowles M. Whelan L. Drew
National Delegates - Queensland Branch	G. E. Hammond B. V. H. Robertson S. Robertson
National Delegates - South Australian Branch	R.P. Melin M.J. Doyle
National Delegates - West Australian Branch	C.V. Evans M.F. Osborn
National Delegates - Tasmanian Branch	J. Chivers
National Delegates - Australian Capital Territory Branch	M. Stomps

NATIONAL EXECUTIVE

(11) On the date upon which these Rules come into operation the Members of the National Executive shall be -

National President	R. Knowles
National Secretary	M.J. Doyle
Branch Secretary - Australian Government Employees Branch	L.J. Donovan
Branch Secretary - New South Wales Branch	J. Slade
Branch Secretary - Victorian Branch	K. Whelan
Branch Secretary - Queensland Branch	G.E. Hammond
Branch Secretary - South Australian Branch	M.J. Doyle

Branch Secretary - West Australian Branch	C.V. Evans
Branch Secretary - Tasmanian Branch	J. Chivers
Branch Secretary - Australian Capital Territory Branch	M. Stomps

MEMBERS OF THE BRANCH COMMITTEES OF MANAGEMENT

(12) On the date upon which these Rules come into operation the Members of the Branch Committees of Management of the Branches pursuant to Rule 56(1) shall be -

New South Wales Branch

President	J. Anderson
Senior Vice President	D. Cooper
Junior Vice President	P. Stathis
Secretary	J. Slade
3 Trustees	C. Sedgewick
	L. Rance
	G. Mulline

Victorian Branch

President	L. Drew
Senior Vice President	R. Knowles
Junior Vice President	M. Whelan
Secretary	K. Whelan
3 Trustees	G. Cronin
	N. Crosland
	J. Thomas

Queensland Branch

President	B.V.H. Robertson
Senior Vice President	S. Page
Junior Vice President	L.G. Smith
Secretary	G.E. Hammond
3 Trustees	I.G. Brown
	T. Cox
	S. Robertson

South Australian Branch

President	R.P. Melin
Senior Vice President	J.P. Bray
Junior Vice President	R.E. White
Secretary	M.J. Doyle
3 Trustees	T.P. McBride
	M.A. Bousfield
	T.M. Jones

Western Australian Branch

President	M.F. Osborn
Senior Vice President	F. Roberts
Junior Vice President	A. Drewitt
Secretary	C.V. Evans
3 Trustees	D.P. Richards
	A.J. Spurr
	A. Ajduk

Tasmanian Branch

President	N. Devine
Senior Vice President	B. Cartledge
Junior Vice President	W. Richards
Secretary	J. Chivers
3 Trustees	L. Dewhurst
	M. Rossiter
	P. Marshall

Australian Capital Territory Branch

President	M.J. Fowler
Senior Vice President	R.J. Shephard
Junior Vice President	I. Sommerville
Secretary	M. Stomps
3 Trustees	M.J. Baldwin
	C.F. Barr
	J. Streatfield

Australian Government Employees Branch

President	C.G. Dunn
Senior Vice-President	C.A. Bird
Junior Vice-President	K.F. Griggs
Secretary	L.J. Donovan

Committee Members representing Members of the Branches pursuant to Rule 56(2) as follows:

New South Wales	P.R. Sullivan
Victoria	A.P. Fawcett
Queensland	K.F. Griggs
South Australia	G.W. Fuller
Western Australia	R.J. Vause
Tasmania	C.A. Bird
A.C.T.	D. Peisley
Northern Territory	J. McMaster

MEMBERS OF BRANCH EXECUTIVE AND THE ORGANISERS OF THE AUSTRALIAN GOVERNMENT EMPLOYEES BRANCH

(13) On the date upon which these Rules come into operation -

(a) The members of the Branch Executive of the Australian Government Employees Branch pursuant to Rule 57A shall be -

President	C.G. DUNN
Secretary	L.J. DONOVAN

Senior Vice-President	C.A. BIRD
Junior Vice-President	K.F. GRIGGS

(b) The organisers of the Branch pursuant to Rule 64(4) shall be -

New South Wales	R.H SHORT M.D. McGRATH
Victoria	D.P. MOORE J.W. ROBB
Queensland	B.R. ZIMMERLIE A.N. PLANT
South Australia	D. BOWDEN T.W. TURNER
Western Australian	D.J. NIXON Peter LUMBUS
Tasmania	M.J. FRENCH R.G.C. MAJOR
Australian Capital Territory	J.K. GARNER J. REGAN
Northern Territory	Andrew STENHOUSE Eric HURWOOD

POWERS AND DUTIES OF HOLDERS OF POSITIONS AND OF THE NATIONAL COMMITTEE OF MANAGEMENT, NATIONAL EXECUTIVE, BRANCH COMMITTEES OF MANAGEMENT AND THE AUSTRALIAN GOVERNMENT EMPLOYEES BRANCH EXECUTIVE

(14) (a) The holders of positions named in Sub-Rules 10, 11, 12 and 13 of this Rule shall exercise the powers of and be required to perform the duties of their respective positions under these Rules until the declaration of the first General Elections. The said holders of these positions shall be eligible for election in the said General Elections in accordance with these Rules.

(14) (b) The National Committee of Management, National Executive, Branch Committees of Management and the Australian Government Employees Branch Executive comprised of the persons named in Sub-Rules 10, 11, 12 and 13 respectively shall exercise the powers of and be required to perform the duties of such bodies as set out in these Rules.

UNAVAILABILITY OF PERSONS ON THE APPROPRIATE DATE

(15) (a) If on the date upon which these Rules come into operation a person named in Sub-Rule 10 hereof to hold the position of National President or National Secretary is not available for any reason to hold the position the National Committee of Management shall be empowered to appoint one of its members to fill the position until the declaration of the first General Election.

(15) (b) If on the date upon which these Rules come into operation a person named in Sub-Rules 10, 12 and 13 hereof to hold the position of National Delegate or of a Member of the Branch Committee of Management or a Member of the Branch Executive of the Australian Government Employees Branch or an organiser thereof is not available to hold that position then the Committee of Management of the said Branch shall be empowered to appoint a person eligible to nominate for the position in accordance with these Rules to fill the position until the declaration of the first General Election.

FILLING A CASUAL VACANCY PRIOR TO THE FIRST GENERAL ELECTION

(16) (a) If after the date upon which these Rules come into operation the position of National President or National Secretary becomes vacant prior to the declaration of the first General Election the National Committee of Management shall be empowered to appoint one of its members to hold the position until the declaration of the said Election.

(16) (b) If after the date upon which these Rules come into operation a vacancy occurs in the position of National Delegate or of any Member of the Branch Committee of Management or a member of the Branch Executive of the Australian Government Employees Branch or an organiser thereof prior to the declaration of the first General Election the Branch Committee of Management shall be empowered to appoint a person eligible to nominate for the position in accordance with these Rules to fill the office until the declaration of the said Election.

FIRST GENERAL ELECTIONS

(17) (a) The first General Elections shall be conducted in two stages in accordance with these Rules with the necessary changes: -

FIRST STAGE

Election for the Positions of Branch Presidents, Vice-Presidents, Secretaries, Assistant Secretaries where required, Trustees, the members of the Branch Committee of Management of the Australian Government Employees Branch representing its members in the named States and Territories pursuant to Rule 56(2) and for such other positions as are determined by Branches pursuant to Rule 56(1), National Delegates and Australian Government Employees Branch Organisers pursuant to Rule 65(4).

The Election for these positions shall begin with the calling for nominations on a date determined by the National Committee of Management or National Executive, which date shall be within twelve months from the date upon which these Rules come into operation. The National Committee of Management or National Executive shall also determine the date on which nominations shall close and in the event of a ballot the dates on which it shall open and close. Each Branch Committee of Management shall where necessary appoint an eligible Member of the Union as Branch Returning Officer to conduct these elections.

SECOND STAGE

The Election of National President and National Secretary.

The elections for these positions shall begin with the calling for nominations on a date determined by the National Committee of Management or National Executive, which date shall be within one month from the declaration of the elections in the first stage. The National Committee of Management or National Executive shall determine the date, time and place of its first meeting after the said declaration which meeting shall open as soon as practicable after the said declaration and shall appoint an eligible member of the Union as National Returning Officer to conduct these elections. The persons named in Sub-Rule 10 of this Rule shall hold the positions of National President and National Secretary respectively until their successors have been duly elected.

The Election of Senior Vice-President and Junior Vice-President in the Australian Government Employees Branch

The elections for these positions shall begin with the calling for nominations on a date determined by the Australian Government Employees Branch Committee of Management or Branch Executive, which date shall be within one month from the declaration of the elections in the first stage. The Committee of Management or the Branch Executive shall determine the date, time and place of its first meeting after the said declaration which meeting shall open as soon as practicable after the said declaration and shall appoint an eligible member of the Union as Branch Returning Officer to conduct these elections. The persons named in Sub-Rule 12 of this Rule shall hold the positions of Senior and Junior Vice-President respectively until their successors have been duly elected.

(17) (b) Thereafter General Elections shall be held in every third year in accordance with these Rules.

APPLICABILITY OF RESOLUTIONS

(18) The Resolutions of the Union including the then Canberra Civil Branch which were operative immediately before the date upon which these Rules come into operation shall continue to apply mutatis mutandis to the members of the Australian Government Employees Branch and the Australian Capital Territory Branch respectively until otherwise determined.

89A - SPECIAL TRANSITIONAL RULE – QUEENSLAND BRANCH

(1) This rule shall apply to the exclusion of rules 1, 2, 3 and 5 of Schedule 3 to these rules until the National Committee of Management resolves to remove this rule.

(2) The Branch Committee of Management of the Queensland Branch shall consist of:

(a) a Branch President elected by the membership of the Branch;

(b) a Branch Vice-President elected by the membership of the Branch;

(c) a Branch Secretary elected by the membership of the Branch;

(d) 1 Branch Executive Member/National Committee of Management Delegate where the Branch is entitled to 4 delegates to National Committee of Management elected by the membership of the Branch;

(e) Where paragraph (d) applies, 3 Branch Executive Members elected by the membership of the Branch.

(f) Where paragraph (d) does not apply, 4 Branch Executive Members elected by the membership of the Branch.

(3) (a) A candidate for any position in the Branch shall be as at the closing date of nominations:

i. a financial member of the Branch; or

ii. a life member of the Branch employed in the industry.

(b) In order to become a candidate for election, a member shall be nominated for the office in writing signed by two members of the Branch.

(c) every candidate shall accept the nomination for the relevant office in writing.

(d) any financial member of the Branch or a life member employed in the industry may nominate for positions of Branch President, Branch Vice President, Branch Secretary, and Branch Executive Member.

(e) nominees may not contest more than one position in Branch elections.

(4) In an election for an office a candidate, entitled to nominate and who has been nominated in accordance with these Branch Rules, must be declared elected to an office, without a ballot occurring, if:

(a) nominations have closed; and

(b) if the election is for the Branch President, the Branch Secretary, the Branch Vice President or the Branch Executive Member/National Committee of Management Delegate (where required by sub-rule 89A(2)), the candidate is the only candidate; or

(c) if the election is for another type of office, the number of candidates for the office is not more than the number of offices of the same type to be elected at the same time.

(5) (a) The Branch Committee of Management shall meet at least quarterly.

(b) The Branch Secretary shall convene a special meeting of the Branch Committee of Management upon being requested to do so by the Branch President or by any two members of the Branch Committee of Management.

(c) The Branch Committee of Management Members will be the trustees for the Branch.

90 - EXPENDITURE POLICIES, DISCLOSURE AND FINANCIAL TRAINING

DEFINITIONS

(1) The following definitions apply only to rule 90:

(a)	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.
(b)	disclosure period	For the purpose of these rules means the financial year unless a shorter period is specified.

(c)	declared person or body	A person is a declared person or body if: (i) an officer of the organisation/branch has disclosed a material personal interest under sub-rules 90 (11) and/or (15); and (ii) the interest relates to, or is in, the person or body; and (iii) the officer has not notified the organisation/branch that the officer no longer has the interest.
(d)	financial duties	includes duties that relate to the financial management of the organisation or a branch of the organisation.
(e)	General Manager	means the General Manager of Fair Work Commission.
(f)	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.
(g)	peak council	has the same meaning as defined by section 12 of the Fair Work Act 2009.
(h)	office	has the same meaning as defined by section 9 of the Fair Work (Registered Organisations) Act 2009.
(i)	officer	has the same meaning as defined by section 6 of the Fair Work (Registered Organisations) Act 2009.
(j)	related party	has the same meaning as defined by section 9B of the Fair Work (Registered Organisations) Act 2009.
(k)	relative	in relation to a person, means: (i) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or (ii) the spouse of the first mentioned person.
(l)	relevant remuneration	in relation to an officer of the organisation/branch for a disclosure period is the sum of the following: (i) any remuneration disclosed to the organisation/branch by the officer under sub-rules 90 (3) and/or (7) during the disclosure period; (ii) any remuneration paid during the disclosure period, to the officer of the organisation/branch;
(m)	relevant non-cash benefits	in relation to an officer of the organisation/branch 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 organisation/branch or by a related party of the organisation/branch.

(n)	remuneration	(i) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but (ii) does not include a non-cash benefit; and (iii) 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.
(o)	organisation	has the same meaning as "Union" as referred to in rule 2 of these rules.

ORGANISATION/BRANCH POLICIES AND PROCEDURES

(2) The organisation/branch shall develop and implement policies and procedures relating to the expenditure of the organisation/branch.

DISCLOSURE OF OFFICER'S RELEVANT REMUNERATION AND NON-CASH BENEFITS

(3) Each officer of the organisation shall disclose to the organisation any remuneration paid to the officer:

a) because the officer is a member of a board, if:

i. the officer is a member of the board only because the officer is an officer of the organisation; or

ii. the officer was nominated for the position as a member of the board by the organisation, a branch of the organisation, or a peak council; or

b) by any related party of the organisation in connection with the performance of the officers' duties as an officer.

(4) The disclosure required by sub-rule (3) shall be made to the organisation:

a) as soon as practicable after the remuneration is paid to the officer; and

b) in writing.

(5) An organisation shall disclose to the members of the organisation and its branches:

a) the identity of the officers who are the five highest paid in terms of relevant remuneration for the disclosure period, and

b) for those officers:

i. the actual amount of the officers' relevant remuneration for the disclosure period; and

ii. either the value of the officers' relevant non-cash benefits, or the form of the officers' relevant non-cash benefits, for the disclosure period.

(6) For the purposes of sub-rule (5), the disclosure shall be made:

a) in relation to each financial year;

b) within six months after the end of the financial year; and

c) in writing.

(7) Each officer of the branch shall disclose to the branch any remuneration paid to the officer:

a) because the officer is a member of a board, if:

i. the officer is a member of the board only because the officer is an officer of the branch; or

ii. the officer was nominated for the position as a member of the board by the organisation, branch or a peak council; or

b) by any related party of the branch in connection with the performance of the officer's duties as an officer.

(8) The disclosure required by sub-rule (7) shall be made to the branch:

a) as soon as practicable after the remuneration is paid to the officer; and

b) in writing.

(9) A branch shall disclose to the members of the branch:

a) the identity of the officers who are the two highest paid officers of the branch in terms of relevant remuneration for the disclosure period, and

b) for those officers:

i. the actual amount of the officers' relevant remuneration for the disclosure period; and

ii. either the value of the officers relevant non-cash benefits, or the form of the officers' relevant non-cash benefits, for the disclosure period.

(10) For the purposes of sub-rule (9), the disclosure shall be made:

a) in relation to each financial year;

b) within six months after the end of the financial year; and

c) in writing.

DISCLOSURE OF OFFICER'S MATERIAL PERSONAL INTERESTS

(11) Each officer of an organisation shall disclose to the organisation any material personal interest in a matter that:

a) the officer has or acquires; or

b) a relative of the officer has or acquires;

that relates to the affairs of the organisation.

(12) The disclosure required by sub-rule (11) shall be made to the organisation:

a) as soon as practicable after the interest is acquired; and

b) in writing.

(13) An organisation shall disclose to the members of the organisation and its branches any interests disclosed to the organisation pursuant to sub-rule (11).

(14) For the purposes of sub-rule (13), the disclosures shall be made:

a) in relation to each financial year;

b) within six months after the end of the financial year; and

c) in writing.

(15) Each officer of a branch shall disclose to the branch any material personal interest in a matter that:

a) the officer has or acquires; or

b) a relative of the officer has or acquires;

that relates to the affairs of the organisation.

(16) The disclosure required by sub-rule (15) shall be made to the branch:

a) as soon as practicable after the interest is acquired; and

b) in writing.

(17) The branch shall disclose to the members of the branch any interests disclosed to the branch pursuant to sub-rule (15).

(18) For the purposes of sub-rule (17), the disclosures shall be made:

a) in relation to each financial year;

b) within six months after the end of the financial year; and

c) in writing.

DISCLOSURE BY ORGANISATION/BRANCH OF PAYMENTS

(19) The organisation shall disclose to the members of the organisation and its branches either:

a) each payment made by the organisation, during the disclosure period:

i. to a related party of the organisation or of a branch of the organisation; or

ii. to a declared person or body of the organisation or a branch of the organisation; or

b) the total of the payments made by the organisation, during the disclosure period:

i. to each related party of the organisation; or

ii. to each declared person or body of the organisation.

(20) Sub-rule (19) does not apply to a payment made to a related party if the payment consists of amounts deducted by the organisation from remuneration payable to officers or employees of the organisation.

(21) For the purposes of sub-rule (19), the disclosures shall be made:

a) in relation to each financial year;

b) within six months after the end of the financial year; and

c) in writing.

(22) The branch shall disclose to the members of the branch either:

a) each payment made by the branch, during the disclosure period:

i. to a related party of the branch; or

ii. to a declared person or body of the branch; or

b) the total of the payments made by the branch, during the disclosure period:

i. to each related party of the branch; or

ii. to each declared person or body of the branch.

(23) Sub-rule (22) does not apply to a payment made to a related party if the payment consists of amounts deducted by the branch from remuneration payable to officers or employees of the branch.

(24) For the purposes of sub-rule (22), the disclosures shall be made:

a) in relation to each financial year;

b) within six months after the end of the financial year; and

c) in writing.

FINANCIAL TRAINING

(25) Each officer of the organisation or branch (as the case may be) whose duties include duties (financial duties) that relate to the financial management of the organisation or the branch (as the case may be) shall complete training that is:

a) approved by the General Manager under section 154C of the Fair Work (Registered Organisations) Act 2009; and

b) that covers each of the officer's financial duties;

within 6 months after the officer begins to hold the office.

(26) For the avoidance of doubt, item 60 of the Fair Work (Registered Organisations) Amendment Act 2012, "Transitional - approved training", applies to a person if, immediately before the commencement of that item, the person holds an office in the organisation or a branch of the organisation.

SCHEDULE 1

BRANCH RULES OF THE UNITED FIREFIGHTERS' UNION OF AUSTRALIA NEW SOUTH WALES BRANCH

1. (a) The Branch Committee of Management established by Rule 55(1) is more particularly defined for the purposes of the New South Wales Branch to consist of the Branch President, the Branch Vice President and the Branch Secretary.

   (b) All financial members shall be eligible to nominate for and shall participate in the election of the Branch President, Branch Vice President and Branch Secretary.

2. Pursuant to Rule 12, where the Branch is entitled to more than two National Delegates the third Delegate shall be the Branch Vice-President.

3. In the event that the Annual General Meeting fails to achieve a quorum, the Branch Committee of Management at its meeting next following the Annual General Meeting may appoint a Branch Returning Officer or Branch Auditor.

4. Branch Financial Reports

   (a) The Branch must cause, within the period of 6 months starting at the end of the financial year:

      (i) the auditor's report, general purpose financial report and the operating report to be presented to a general meeting of the members of the Branch; or

      (ii) the auditor's report, general purpose financial report and the operating report to be presented to a meeting of the Branch Committee of Management.

   (b) Provided that, upon receipt by the Branch Secretary of a request signed by not less than 5% of membership of the Branch calling for a general meeting for the purposes of considering the auditors report, the general purpose financial report and the operating report made in respect of the Branch, the Branch Secretary shall convene such a meeting as soon as is practicable.

5. The annual membership subscription for each member of the New South Wales Branch, including members who are in part time employment, shall be set at the amount equivalent to 4.4 financial units.

SCHEDULE 2

BRANCH RULES OF THE UNITED FIREFIGHTERS' UNION OF AUSTRALIA VICTORIAN BRANCH

1.(1) (a) At the election for Branch officers to be conducted in 2021 and thereafter the Branch Committee of Management established by rule 56(1) in the Victorian Branch consists of:

(i) The President, the Vice President, the Junior Vice President, the Secretary and 4 trustees

(ii) Four (4) Firefighter Committee members all being employees of Fire Rescue Victoria (FRV)

(iii) Three (3) Station Officer and Senior Station Officer Committee members all being employees of Fire Rescue Victoria (FRV)

(iv) One (1) Commander and Assistant Chief Fire Officer Committee member being an employee of Fire Rescue Victoria (FRV)

(v) One (1) other Committee member being a member of the union who is not employed by FRV as an operational employee.

(b) Nominations for those positions specified in (a) (ii), (iii) and (iv) hereof, shall only be accepted from persons employed by FRV who are respectively Firefighters, Station Officers and Senior Station Officers, Commanders and Assistant Fire Chief Officers and only members from each of those categories may exercise a vote to elect the Committee members from those categories. For avoidance of doubt, only Firefighters may vote in elections for Firefighter Committee positions, only Station Officers and Senior Station Officers may vote in elections for Station Officers and Senior Station Officer Committee positions, and only Commanders and Assistant Chief Fire Officers may vote in the election for the Commander and Assistant Fire Chief Officer Committee position.

(c) Nominations for the position specified in (a) (v) hereof, shall only be accepted from persons who are not operational employees employed by FRV. Only members from this category may exercise a vote to elect the Committee member from this category.

(2) (a) In the Victoria Branch there shall be a Branch Executive consisting of the Branch President, Branch Secretary, Branch Assistant Secretary, Senior Vice-President, Junior Vice-President.

(b) Between meetings of the Branch Committee of Management, the Branch Executive may, subject to the direction and control of a meeting or meetings of the Branch membership, and of the Branch Committee of Management, exercise any of the powers and perform any of the duties given to the Branch Committee of Management in these Rules, save that Branch Executive is not empowered to make Rules in accordance with Rule 81. The Branch Executive shall have the power to determine the conditions of how persons may become or cease to become members of the Retired Members' Division.

(c) All acts and resolutions of the Branch Executive under its powers shall have full force effect and validity. Any resolution of the Branch Executive may be reversed or altered by the Branch Committee of Management or by a Branch meeting or meetings, but this shall not affect the validity of anything which was done or which occurred prior to such reversal or alteration.

(d) The Branch Executive shall meet at such times, dates and places as it resolves or as shall be fixed by the Branch Secretary after consultation with the Branch President.

(e) Meetings of the Branch Executive shall be summoned by the Branch Secretary in the manner set out in Rule 57 hereof and the provisions of Rules 57 (1) and 57 (4) thereof shall apply as though the reference to the Branch Committee of Management therein were references to the Branch Executive.

(f) At any meeting of the Branch Executive a quorum shall consist of three members and the Chairperson shall have an ordinary vote, but in the event of an equality of votes, the motion shall be deemed to have failed.

(3) Pursuant to Rule 12 of the rules of the Union, where the Branch is entitled to more than two National Delegates the third and fourth delegates shall respectively be the Vice-President and the Junior Vice President and the fifth delegate shall be the trustee with the most service on the Branch Committee and the sixth delegate shall be the trustee with the next most service on the Branch Committee. If three or more trustees have equally the most amounts of service, the two trustees with the longest period of membership of the Branch shall be the fifth and sixth delegates.

(4) Branch Financial Reports

(a) The Branch must cause, within the period of 6 months starting at the end of the financial year:

(i) the auditor's report, general purpose financial report and the operating report to be presented to a general meeting of the members of the Branch; or

(ii) the auditor's report, general purpose financial report and the operating report to be presented to a meeting of the Branch Committee of Management.

(b) Provided that, upon receipt by the Branch Secretary of a request signed by not less than 5% of membership of the Branch, calling for a general meeting for the purposes of considering the auditor's report, the general purpose financial report and the operating report made in respect of the Branch, the Branch Secretary shall convene such a meeting as soon as is practicable.

2. Retired Members' Division

(a) There shall be a Retired Members' Division of the Victorian Branch which shall consist only of Retired Members.

(b) The objects of the Retired Members' Division shall include:

(i) Promotion of goodwill and friendship amongst Retired Members and to demonstrate that one's work for the betterment of others has not ended on retirement from the industry and that an ongoing association with the Victorian Branch is desirable;

(ii) Co−operation with the Victorian Branch in its activities for improved living, environmental, social and economic standards for firefighters; and

(iii) Assistance to the Victorian Branch to further its objects wherever possible.

(c) A member of the Victorian Branch may retain their membership after retiring from the paid workforce by transferring to the Retired Members' Division if immediately before retiring, the member was a financial member of the Victorian Branch for a period of at least two years, or for periods which taken together total at least two years.

(d) Retired Members shall have no voting rights in any ballot, including those ballots relating to elections and may not stand for any office in the Victorian Branch other than those relating specifically to the Retired Members' Division. Unfinancial Retired Members have no voting rights and may not stand for any position within the Retired Members' Division.

(e) Retired Members' dues for each year (1 July to 30 June) are to be paid by 30 June. The amount due for each Retired Member will be an amount set by the Branch Committee of Management.

(f) Upon commencement of this rule there shall be a request for nominations of Retired Members for the positions of Retired Members' Division Secretary and President. If there is more than one nomination for a position then the Branch Executive shall make a decision and the decision shall be final.

(g) A Retired Members' Division Secretary and President shall be appointed every three years. The role and duties of the Retired Members' Division Secretary and President will be similar to the role and duties of the Victorian Branch Secretary and President but restricted to the operation of the Retired Members' Division.

(h) Meetings of the Retired Members' Division are to be held at least on a quarterly basis or at a time determined by the Retired Members' Division Secretary in consultation with the President.

(i) There shall be a Retired Members' Division Christmas function held each year in consultation with the Branch Committee of Management.

SCHEDULE 3

BRANCH RULES OF THE UNITED FIREFIGHTERS' UNION OF AUSTRALIA QUEENSLAND BRANCH

1. (a) A candidate for any position in the Branch shall be as at the closing date of nominations:

   (i) a financial member of the Branch who has for the 2 years prior to the closing date of nominations been continuously financial; or

   (ii) a life member of the Branch still employed in the industry.

   (b) In order to become a candidate for election, a financial member shall be nominated for the office in writing signed by two financial members of the Branch.

   (c) Every candidate shall accept the nomination for the relevant office in writing.

   (d) Only financial members within a Region may nominate candidates for a position representing that Region.

   (e) Subject to Sub-rules (a) – (c) of this Rule any financial member of the Branch may nominate for positions of Branch President, Branch Secretary, Senior Branch Vice-president, Junior Branch Vice-president, Branch Assistant Secretary and Branch Executive Member.

   (f) Only members who are financial at the closing date of nominations for a regional position and are within the Region may be candidates for any position in the Branch representing that Region, provided that where a member has been seconded to work outside of the Region in which the member is usually employed, such member shall be entitled to nominate only for a regional delegate's position in the Region in which the member was usually employed immediately prior to the secondment.

   (g) Only persons who are Firefighters at the close of nominations will be eligible to nominate for a Firefighters' Delegate's position on the Branch Committee of Management.

   (h) Only persons who are Officers at the close of nominations will be eligible to nominate for an Officers' Delegate's position on the Branch Committee of Management.

   (i) Only persons who are employed in Communication Centres at the close of nominations will be eligible to nominate for a Communication Centres' Delegate's position on the Branch Committee of Management.

   (j) Only persons who are Senior Officers at the close of nominations will be eligible to nominate for a Senior Officers' delegate's position on the Branch Committee of Management.

   (k) (i) Only persons who are Auxiliary Firefighters attached to stations within North Coast, Brisbane, South Eastern and South Western Regions at the close of nominations will be eligible to nominate for an Auxiliary Firefighters' Delegate (South) position on the Branch Committee of Management.

   (ii) Only persons who are Auxiliary Firefighters attached to stations within Far Northern, Northern and Central Regions at the close of nominations will be eligible to nominate for an Auxiliary Firefighters' Delegate (North) position on the Branch Committee of Management.

   (l) Nominees may contest more than one position in Branch elections.

(m) A full time employee who is a financial member may nominate for, and be elected to, the office of Branch President which shall be an elected position without attached salary."

2 (a) The Branch Committee of Management of the Queensland Branch shall consist of:

(i) a Branch President elected by the financial membership of the Branch;

(ii) a Senior Branch Vice-president elected by the financial membership of the Branch;

(ii) a Junior Branch Vice-president elected by the financial membership of the Branch;

(iv) a Branch Secretary elected by the financial membership of the Branch;

(v) an Assistant Branch Secretary elected by the financial membership of the Branch;

(vi) 3 Branch Executive Members elected by the financial membership of the Branch;

(vii) Officer and Firefighter delegates elected, according to the formula in Sub-rule (b) of this Rule, in each Region by the financial membership of that Region, other than Communication Centres' Members, Senior Officers and Auxiliary Firefighters;

(viii) Communication Centres' Delegates elected, according to the formula in Sub-rule (c) of this Rule, by the financial membership of the Branch employed in communication centres;

(ix) Senior Officer Delegates elected, according to the formula in Sub-rule (d) of this Rule, by Senior Officers who are financial members of the Branch;

(x) Auxiliary Firefighters Delegates elected in accordance with Sub-rule (e) of this Rule.

(b) The formula for determining the number of Officer Delegates and Firefighter Delegates to be elected from a Region is:

Firefighter Delegates

number of Firefighter members in the Region	number of Firefighter Delegates to be elected
1 - 200	1
201 - 400	2
401 - 600	3
601 - 800	4

Officers Delegates

number of Officer members in the Region	number of Officer Delegates to be elected
1 - 200	1
201 - 400	2
401 - 600	3
601 - 800	4

(c) The formula for determining the number of Communication Centres' Delegates to be elected is:

number of Communication Centres' members	number of Communication Centres' Delegates to be elected
1 - 200	1
201 - 400	2
401 - 600	3
601 - 800	4

(d) The formula for determining the number of Senior Officer Delegates to be elected is:

number of Senior Officer members	number of Senior Officer Delegates to be elected
1 - 200	1
201 - 400	2
401 - 600	3
601 - 800	4

(e) The number of Auxiliary Firefighter delegates to be elected is 2, provided that one Auxiliary Firefighter Delegate ("Auxiliary Firefighter Delegate (South)") is to be elected by the financial Auxiliary Firefighter membership of the Branch attached to stations within North Coast, Brisbane, South Eastern and South Western Regions, and one Auxiliary Firefighter Delegate ("Auxiliary Firefighter Delegate (North)") is to be elected by the Auxiliary Firefighter financial membership of the Branch attached to stations within Far Northern, Northern and Central Regions.

(f) Each financial member in a Region (whether that member is an Officer or a Firefighter), other than Communication Centres' Members, Senior Officers and Auxiliary Firefighters, is eligible to vote for both the Officer Delegate position and Firefighter Delegate position for that Region where an election is required.

(g) If a Regional Delegate to the Branch Committee of Management is unable, for any reason, to attend a meeting of the Branch Committee of Management, then such delegate may appoint a financial member of the Branch from the same Region, who is an Officer or a Firefighter, to act as a substitute for such delegate for that meeting, provided written notice is given by such delegate to the Branch Secretary.

(h) If a Communication Centres' Delegate to the Branch Committee of Management is unable, for any reason, to attend a meeting of the Branch Committee of Management, then such delegate may appoint a financial member of the Branch from the Communication Centres to act as a substitute for such delegate for that meeting, provided written notice is given by such delegate to the Branch Secretary.

(i) If a Senior Officer Delegate to the Branch Committee of Management is unable, for any reason, to attend a meeting of the Branch Committee of Management, then such delegate may appoint a financial member of the Branch from the Senior Officers to act as a substitute for such delegate for that meeting, provided written notice is given by such delegate to the Branch Secretary.

(j) If the Auxiliary Firefighter Delegate (South) is unable, for any reason, to attend a meeting of the Branch Committee of Management, then such delegate may appoint a financial member of the Branch from the Auxiliary Firefighters attached to stations within North Coast, Brisbane, South Eastern and South Western Regions to act as a substitute for such delegate for that meeting, provided written notice is given by such delegate to the Branch Secretary.

(k) If the Auxiliary Firefighter Delegate (North) is unable, for any reason, to attend a meeting of the Branch Committee of Management, then such delegate may appoint a financial member of the Branch from the Auxiliary Firefighters attached to stations within Far Northern, Northern and Central Regions to act as a substitute for such delegate for that meeting, provided written notice is given by such delegate to the Branch Secretary.

(l) For the purpose of this Branch Rule "Higher Office" means:

(i) for the office of Branch Secretary - the office of Branch President;

(ii) for the office of Branch Senior Vice President – the office of Branch President and Branch Secretary;

(iii) for the office of Branch Junior Vice President - the office of Branch President, Branch Secretary and Branch Senior Vice-President;

(iv) for the office of Branch Assistant Secretary - the office of Branch President, Branch Secretary, Branch Senior Vice President and Branch Junior Vice President;

(v) for the office of Branch Executive Member– the office of Branch President, Branch Secretary, Branch Senior Vice President, Branch Junior Vice President and Branch Assistant Secretary;

(vi) for the office of delegates to the Branch Committee of Management – the office of Branch President, Branch Secretary, Branch Senior Vice President, Branch Junior Vice President, Branch Assistant Secretary and Branch Executive Member.

(m) In an election for an office a candidate, entitled to nominate and who has been nominated in accordance with these Branch Rules, must be declared elected to an office, without a ballot occurring, if:

(i) nominations have closed; and

(ii) the candidate has:

(A) not nominated for a Higher Office; or

(B) nominated for a Higher Office and is not elected to the Higher Office; and

(iii) if the election is for the Branch President, the Branch Secretary, the Branch Senior Vice President, the Branch Junior Vice President or the Branch Assistant Secretary, the candidate is the only candidate; or

(iv) if the election is for another type of office, the number of candidates for the office is not more than the number of offices of the same type to be elected at the same time.

(n) In an election for an office where a ballot occurs if a candidate, entitled to nominate and who has been nominated in accordance with these Branch Rules, is elected to an office and the candidate is also elected to a Higher Office, the candidate may only be declared elected to the Higher Office.

3. (a) The Branch shall have a Branch Executive consisting of the Branch President, Senior Vice President, Junior Vice President, Branch Secretary, Assistant Secretary and three Branch Executive Members.

(b) The Branch Executive shall attend to the affairs of the Union between meetings of the Branch Committee of Management. It shall be subject to the direction and supervision of Branch Committee of Management.

(c) The Branch Executive shall meet at least monthly.

(d) The Branch Secretary shall convene a special meeting of the Branch Executive upon being requested to do so by the Branch President or by any three members of the Branch Executive.

(e) The Branch Executive Members will be the trustees for the Branch.

4. In the event that the Annual General Meeting fails to achieve a quorum, the Branch Committee of Management at its meeting next following the Annual General Meeting may appoint a Branch Returning Officer or Branch Auditor.

5. (a) For the purposes of Schedule 3, a member belongs to the Region in which they are usually or ordinarily employed.

6. Branch Financial Reports

(a) The Branch must cause, within the period of 6 months starting at the end of the financial year:

(i) the auditor's report, general purpose financial report and the operating report to be presented to a general meeting of the members of the Branch; or

(ii) the auditor's report, general purpose financial report and the operating report to be presented to a meeting of the Branch Committee of Management.

(b) Provided that, upon receipt by the Branch Secretary of a request signed by not less than 5% of membership of the Branch, calling for a general meeting for the purposes of considering the auditors report, the general purpose financial report and the operating report made in respect of the Branch, the Branch Secretary shall convene such a meeting as soon as is practicable.

7. (a) That the offices of:

(i) Communication Centres' Delegates;

(ii) Senior Officer Delegates;

(iii) Auxiliary Firefighter Delegates,

shall not be filled until the Branch elections are held in 2009.

(b) The persons holding office as Branch Trustees on the day on which the Registrar certifies this Rule shall continue to hold office but shall be known as Branch Executive Members and the office of Branch Executive Member will not otherwise be filled until the Branch elections held in 2009;

(c) On the date on which the Registrar certifies this Rule the Regions of the Branch shall be:

(i) Far Northern Region, incorporating the stations of Cairns (Westcourt), Cairns South, Gordonvale, Kuranda, Smithfield, Mossman, Port Douglas, Thursday Island, Cooktown, Dimulah, Mareeba, Atherton, Herberton, Malanda, Millaa Millaa, Ravenshoe, Yungaburra, Babinda, Bramston Beach, Cardwell, El Arish, Innisfail, Kurrimine Beach, Mission Beach and Tully;

(ii) Northern Region, incorporating the stations of Woodlands, Kirwan, Townsville, Wulguru, Magnetic Island, Charters Towers, Palm Island, Forest Beach, Halifax, Ingham, Ayr, Bowen, Collinsville, Giru, Home Hill, Boulia, Cloncurry, Hughenden, Julia Creek, Mt Isa and Richmond;

(iii) Central Region, incorporating the stations of Emu Park, Gracemere, Mount Morgan, North Rockhampton, Rockhampton, Yeppoon, Mackay, North Mackay, Walkerston, Airlie Beach, Moranbah, Proserpine, Sarina, Dysart, Blackwater, Capella, Clermont, Emerald, Middlemount, Springsure, Tieri, Alpha, Aramax, Barcaldine, Blackall, Longreach, Winton, Boyne Island, Calliope, Gladstone, Miriam Vale, Baralaba, Biloela, Moura, Thangool, Theodore and Agnes Waters;

(iv) North Coast Region, incorporating the stations of Bargara, Biggenden, Bundaberg, Burnett Heads, Childers, Gin Gin, Wallaville, Gayndah, Eidsvold, Goomeri, Kilkivan, Mundubbera, Monto, Gympie, Maryborough, Pialba, Rainbow Beach, Tin Can Bay, Torquay, Blackbutt, Kingaroy, Kumbia, Nanango, Wooroolin, Yarraman, Cherbourg, Murgon, Proston, Wondai, Buderim, Coolum, Cooroy, Cooran, Maroochydore, Noosa Heads, Pomona, Tewantin, Beerwah, Caloundra, Imbil, Kawana, Kenilworth, Maleny, Mooloolah and Nambour;

(v) Brisbane Region, incorporating the stations of Annerley, Kemp Place, Cannon Hill, Camp Hill, Acacia Ridge, Mt Ommaney, Durack, Rocklea, Wishart, Amity Point, Capalaba, Cleveland, Coochiemudio, Dunwich, Pt Lookout, Wynnum, Redland Bay, Bribie Island, Caboolture, Deception Bay, Kilcoy, Woodford, Redcliffe, Burpengary, Arana Hills, Dayboro, Eatons Hill, Petrie, Enoggera, Chermside, Hendra, Sandgate, Taigum, Windsor, Ashgrove, Kenmore, Roma Street and Taringa;

(vi) South Eastern Region, incorporating the stations of Hollywell, Mr Tamborine, Southport, Helensvale, Nerang, Beaudesert, Beenleigh, Kooralbyn, Loganlea, Rathdowney, West Logan, Woodridge, Jimboomba, Boonah, Bundamba, Harrisville, Ipswich, Kalbar, Karana Downs, Camire, Esk, Forest Hill, Gatton, Helidon, Laidley, Lowood, Marburg, Rosewood, Toogoolawah, Bilinga, Burleigh Heads, Canungra, Robina and Surfers Paradise; and

(vii) South Western Region, incorporating the stations of Kitchener Street, Anzac Avenue, Crows Nest, Goombungee, Highfields, Oakey, Pittsworth, Allora, Clifton, Inglewood, Killamey, Stanthorpe, Wallangarra, Warwick, Cecil Plains, Chinchilla, Dalby, Jandowae, Meandarra, Miles, Tara, Bollon, Dirranbandi, Goondiwindi, St George, Texas, Millmerran, Yelarbin, Dulacca, Injune, Roma,

Surat, Taroom, Wandoan, Wallumbilla, Augathella, Charleville, Cunnamulla, Mitchell, Morven, Mungallala and Quilpie.

(8) Pursuant to Rule 12 of the rules of the Union, where the Branch is entitled to more than two National Delegates the third and fourth delegates shall respectively be the Branch Vice-President and the Branch Executive Member/National Committee of Management Delegate.

SCHEDULE 4

BRANCH RULES OF THE UNITED FIREFIGHTERS' UNION OF AUSTRALIA SOUTH AUSTRALIAN BRANCH

1. (a) The Branch Committee of Management established by Rule 55(1) is more particularly defined for the purposes of the South Australian Branch to consist of:-

(i) The President, two Vice-Presidents, three Trustees and the Secretary;

(ii) Six ordinary Committee members.

(b) Of the two Vice-Presidents, one shall be a Firefighter and the other shall be an Officer. Of the six ordinary Committee Members, three shall be Firefighters and three shall be Officers.

(c) Only Firefighter members shall nominate for positions on the Branch Committee of Management reserved for Firefighters and only Officer members shall nominate for positions on the Branch Committee of Management reserved for Officer members. However, all members shall participate in the election of all Branch Committee of Management members.

(d) Of the two Vice-Presidents, one shall be termed the Senior Vice- President and the second the Junior Vice-President, the position to be determined by simple majority vote of the Branch Committee of Management at the first meeting of that body following its election.

(e) Notwithstanding Sub-Rules (a)-(d) hereof if at any time the South Australian Branch becomes entitled pursuant to Rule 12(2) hereof to more than two National delegates the two Vice-Presidents referred to in Sub-Rule (a)(i) hereof shall be designated as the Senior Vice-President and the Junior Vice-President and there shall be no restriction upon nomination to those offices and there shall be direct election to those offices.

SCHEDULE 5

BRANCH RULES OF THE UNITED FIREFIGHTERS' UNION OF AUSTRALIA WEST AUSTRALIAN BRANCH

1. Branch Rules

These Rules shall be the Branch Rules of the United Firefighters' Union of Australia, West Australian Branch.

2. Interpretation

In these Branch Rules unless inconsistent with the context or subject matter:

"Branch" means the West Australian Branch of the United Firefighters' Union of Australia.

"Branch Member" means a member of the Branch.

"Branch Rules" means these Rules made pursuant to Rules 81 and 82 of the National Rules.

"National Rules" means the Rules of the United Firefighters' Union of Australia.

"WAFB" means the Western Australian Fire Brigades Board or the body that is it's successor.

"WAFB Firefighter" means a Branch member employed by the WAFB in a rank of Firefighter who is not a WAFB Officer.

"WAFB Officer" means a Branch Member employed by the WAFB occupying a position above the rank of Leading Firefighter.

Terms and expressions used in the Branch Rules shall have the same meaning as in the National Rules.

3. Branch Committee of Management

(a) The Branch Committee of Management established by Rule 55(1) of the National Rules is more particularly defined for the purposes of the Branch to consist of a President, a Secretary, an Assistant Secretary, two Vice-Presidents; three Trustees and eleven Ordinary Committee Members.

(b) Notwithstanding any other provisions of these Rules until the first election of the Branch Committee of Management, the Branch Committee of Management shall consist of those persons and offices referred to in Rule 84(12) of the National Rules.

4. Ordinary Committee Members

(a) The eleven Ordinary Committee Members shall consist of:

(i) Five WAFB Officer Ordinary Committee Members;
(ii) Five WAFB Firefighter Ordinary Committee Members; and
(iii) One General Ordinary Committee Member.

(b) (i) A candidate for election to the position of WAFB Officer Ordinary Committee Member must be a financial member of the Branch and a WAFB Officer as at the closing date of nominations.

(ii) A candidate for election to the position of WAFB Firefighter Ordinary Committee Member must be a financial member of the Branch and a WAFB Firefighter as at the closing date of nominations.

(iii) A candidate for election to the position of General Ordinary Committee Member must be a financial member of the Branch and neither a WAFB Officer nor a WAFB Firefighter as at the closing date of nominations.

5. Trustees

(a) The Trustees shall consist of:

(i) One WAFB Officer Trustee;
(ii) One WAFB Firefighter Trustee; and
(iii) One Ordinary Trustee.

(b) (i) A candidate for election to the position of WAFB Officer Trustee must be a financial member of the Branch and a WAFB Officer as at the closing date of nominations.

(ii) A candidate for election to the position of WAFB Firefighter Trustee must be a financial member of the Branch and a WAFB Firefighter as at the closing date of nominations.

(iii) Any member who is otherwise entitled under these Rules to nominate for the office of Trustee may nominate for the office of Ordinary Trustee.

6. Vice Presidents

(a) The two Vice Presidents shall consist of:

(i) One WAFB Officer Vice President.

(ii) One WAFB Firefighter Vice President.

(b) (i) A candidate for election to the position of WAFB Officer Vice President must be a financial member of the Branch and a WAFB Officer as at the closing date of nominations.

(ii) A candidate for election to the position of WAFB Firefighter Vice President must be a financial member of the Branch and a WAFB Firefighter as at the closing date of nominations.

(c) Of the two Vice Presidents, one shall be Senior Vice President and the other Junior Vice President. At the first meeting of the Branch Committee of Management following the election of the Vice Presidents the Branch Committee of Management shall determine by simple majority vote which of the Vice Presidents shall be Senior Vice President and Junior Vice President respectively.

7. Powers and Duties of Assistant Secretary

The Assistant Secretary of the Branch shall:

(a) Wherever practicable attend all meetings of the Committee of Management of the Branch and all General and Special Meetings of the Branch.

(b) Assist the Secretary of the Branch in the performance of the Secretary's powers and duties.

8. Powers and Duties of Ordinary Committee Members

The Ordinary Committee Members of the Committee of Management shall wherever practicable attend all meetings of the Committee of Management of the Branch and all General and Special Meetings of the Branch.

9. Candidate for more than One Position

(a) In the event that a candidate who has nominated for two or more offices on the Branch Committee of Management is elected to the higher or one of the higher offices, that candidate's nomination or nominations for the lower office or office shall lapse.

(b) For the purposes of these Rules the higher offices in the Branch Committee of Management shall be ranked in accordance with the following table:

(i) President
(ii) Secretary
(iii) Assistant Secretary
(iv) Vice Presidents
(v) WAFB Officer Trustees and WAFB Firefighter Trustee
(vi) Ordinary Trustee
(vii) Ordinary Committee Members

(c) For the purposes of this Rule the Returning Officer shall count the ballot papers and declare candidates elected for the offices referred to in Sub Rule (b) above in the order set out in Sub Rule (b).

10. Branch Executive

(a) There shall be a Branch Executive pursuant to Rule 57B of the National Rules comprising the President, the two Vice Presidents, the Secretary and the Assistant Secretary.

(b) Between meetings of the Branch Committee of Management, the Branch Executive may, subject to the direction and control of a meeting or meetings of the Branch membership or of the Branch Committee of Management, exercise any of the powers and perform any of the duties given to the Branch Committee of Management in the Branch Rules or National Rules, provided that the Branch Executive is not empowered to make Rules in accordance with Rule 81 of the National Rules.

(c) All acts and resolutions of the Branch Executive under it's power shall have full force, effect and validity. Any resolution of the Branch Executive may be reversed or altered by the Branch Committee of Management or by a Branch meeting or meetings, but this shall not affect the validity of anything which was done or which occurred prior to such reversal or alteration.

(d) The Branch Executive shall meet at such times, dates and places as it resolves or as shall be fixed by the Branch Secretary after consultation with the Branch President.

(e) Meetings of the Branch Executive shall be summoned by the Branch Secretary in the manner set out in Rule 57 of the National Rules and the provisions of Rules 57(1) and 57(4) of the National Rules shall apply as though references to the Branch Committee of Management therein were references to the Branch Executive.

(f) At any meeting of the Branch Executive, a quorum shall consist of three (3) members and the Chairperson shall have an ordinary vote, but in the event of any equality of votes, the motion shall be deemed to have failed.

11. Transitional Branch Returning Officer

Until the Branch at it's Annual Meeting appoints the Branch Returning Officer pursuant to Rule 62 of the National Rules, the Branch Committee of Management shall appoint a Branch Returning Officer to carry out the powers, duties and functions of Branch Returning Officer.

12. Financial Year

The 30th June is the end of the Branch's financial year.

SCHEDULE 6

BRANCH RULES OF THE UNITED FIREFIGHTERS' UNION OF AUSTRALIA TASMANIA BRANCH

1. The name of the Branch shall be United Firefighters' Union of Australia Tasmania Branch.

2. (a) The Branch Committee of Management established by Rule 56 (1) is more particularly defined for the purposes of the Tasmania Branch to consist of:

   (i) The President, Vice-President, Junior Vice-President and Secretary (who shall also be the Treasurer).

   (ii) Six Trustees.

3. Candidate for more than one position

   (a) In the event that a candidate who has nominated for two or more offices on the Branch Committee of Management is elected to the higher or one of the higher offices, that candidate's nomination or nominations for the lower office or office shall lapse.

   (b) For the purpose of these Rules the higher offices in the Branch Committee of Management shall be ranked in accordance with the following table:

   (i) President
   (ii) Secretary
   (iii) Vice President
   (iv) Junior Vice President
   (v) Trustee

   (c) For the purposes of this Rule the Returning Officer shall count the ballot papers and declare candidates elected for the offices referred to in Sub Rule (b) above in the order set out in Sub Rule (b).

4. Upon being elected the Secretary shall within 28 days declare all Workplace Union Delegate and Workplace Union Health and Safety Representative positions vacant and request that the Branch Returning Officer conduct elections to fill these positions.

5. State Fire Commission Representative

   This rule shall apply upon the retirement or resignation of a member of the Branch at the time when the member ceases to be an eligible financial member of the Union.

   In such circumstances a member shall immediately cease to be eligible to be a member of or the representative of the Branch of the State Fire Commission established under the *Fire Service Act 1979*. This rule applies to life members of the Branch.

SCHEDULE 7

BRANCH RULES OF THE UNITED FIREFIGHTERS' UNION OF AUSTRALIA AUSTRALIAN CAPITAL TERRITORY BRANCH

1(a) The Branch Committee of Management established by Rule 56(1) is more particularly defined for the purposes of the Australian Capital Territory Branch to consist of:-

(i) The President, the Vice President, the Junior Vice President and the Secretary (who shall also be the Branch Treasurer).

(ii) Four Trustees.

(b) All positions, as specified in sub-rule (a)(i) and (ii) hereof, shall be open to nominations from all members of the United Firefighters' Union of Australia, Australian Capital Territory Branch and all members shall be entitled to participate in the election of the said positions.

(c) The additional position of Trustee shall be filled in the following manner as soon as practicable after certification of this rule:

(i) In accordance with the rules of the Union, with the necessary changes being made, for the conduct of ordinary elections.

(ii) The person declared elected shall hold office from the date of declaration until the declaration of the ordinary election for trustees to be conducted in 1997.

2. Retired Members' Division

(a) There shall be a Retired Members' Division of the Australian Capital Territory Branch which shall consist only of Retired Members.

(b) The objects of the Retired Members' Division shall include:

(i) Promotion of goodwill and friendship amongst Retired Members and to demonstrate that one's work for the betterment of others has not ended on retirement from the industry and that an ongoing association with the Australian Capital Territory Branch is desirable;

(ii) Cooperation with the Australian Capital Territory Branch in its activities for improved living, environmental, social and economic standards for firefighters; and

(iii) Assistance to the Australian Capital Territory Branch to further its objects wherever possible.

(c) The conditions of eligibility for membership of the Retired Members' Division are as follows:

(i) A member of the Australian Capital Territory Branch may retain their membership after retiring from the paid workforce by transferring to the Retired Members' Division if immediately before retiring, the member was a financial member of the Australian Capital Territory Branch for a period of at least two years, or for periods which taken together total at least two years;

(ii) A former member of the Australian Capital Territory Branch may join the Retired Members' Division if immediately before retiring or otherwise leaving the employment of ACT Fire Brigade, ACT Fire and Rescue or the Canberra Fire Brigade, the member was a financial member of the Australian Capital Territory Branch for a period of at least two years, or for periods which taken together total at least two years

(d) Retired Members shall have no voting rights in any ballot, including those ballots relating to elections and may not stand for any office in the Australian Capital Territory Branch other than those relating specifically to the Retired Members' Division. Unfinancial Retired Members have no voting rights and may not stand for any position within the Retired Members' Division.

(e) Retired Members' dues for each year (1 July to 30 June) are to be paid by 30 June. The amount due for each Retired Member will be an amount set by the Branch Committee of Management.

(f) Upon commencement of this rule there shall be a request for nominations of Retired Members for the positions of Retired Members' Division Secretary and President. If there is more than one nomination for a position then the Branch Executive shall make a decision and the decision shall be final.

(g) A Retired Members' Division Secretary and President shall be appointed every three years. The role and duties of the Retired Members' Division Secretary and President will be similar to the role and duties of the Australian Capital Territory Branch Secretary and President but restricted to the operation of the Retired Members' Division.

(h) Meetings of the Retired Members' Division are to be held at least on a quarterly basis or at a time determined by the Retired Members' Division Secretary in consultation with the President.

(i) There shall be Retired Members' Division functions held from time to time as determined in consultation with the Branch Committee of Management.

APPENDICES TO THE RULES OF THE UNITED FIREFIGHTERS' UNION OF AUSTRALIA

The following are Appendices to the Rules of the United Firefighters' Union of Australia referred to in and forming part of paragraphs (e)(8); (e)(9); (e)(10); and (e)(11) respectively of Rule 6 (Eligibility) of its Rules:

APPENDIX A

ELIGIBILITY RULES AS AT 11 NOVEMBER, 1988 OF THE FEDERAL FIREFIGHTERS' UNION REFERRED TO IN PARAGRAPH (e)(8) OF RULE 6 OF THE UNITED FIREFIGHTERS' UNION OF AUSTRALIA:

"The conditions of eligibility for membership of the Union are as follows:

(a) the membership of the Union is unlimited in number;

(b) any person

(i) who being employed in the Commonwealth Public Service is engaged or usually engaged in duties relating to the prevention, suppression or extinguishment of fires; or

(ii) who is elected as an officer of the Union

is entitled to become a member of the Union

Provided that the Union may at its discretion decline to admit to membership any person included within clause (i) of this sub-rule;

(A) who does not make application as required by these Rules or

(B) who does not pay the amount properly payable in respect of his admission to membership or

(C) who is of general bad character."

APPENDIX B

ELIGIBILITY RULE AS AT 11TH NOVEMBER, 1988 of the ADMINISTRATIVE AND CLERICAL OFFICERS' ASSOCIATION REFERRED TO IN PARAGRAPH (e)(8) OF RULE 6 (ELIGIBILITY) OF THE UNITED FIREFIGHTERS' UNION OF AUSTRALIA:

"1. The following persons are eligible for membership of the Association:

(i) any person employed, usually employed or qualified to be employed by:

(a) the Commonwealth;

(b) the Northern Territory;

(c) the Australian Capital Territory;

(d) a body corporate established for a public purpose, whether in whole or in part, by or under a law of the Commonwealth, the Australian Capital Territory or the Northern Territory other than any local Government body established under the Local Government Act (Northern Territory) or other Local Government legislation in the Northern Territory;

(e) by a company or other body corporate incorporated under a law of the Commonwealth or of a State or Territory, being a company or other body corporate in which the Commonwealth, the Northern Territory or the Australian Capital Territory has a controlling interest;

(f) any other authority or body (whether corporate or not) being an authority or body that is financed in whole or in substantial part, either directly or indirectly by money provided by the Commonwealth except;

(A) moneys paid as consideration in a commercial transaction, for the provision of goods or services to the Commonwealth,

(B) moneys paid by way of bounty or like payment,

(C) moneys paid to a State or States of the Commonwealth, or

(D) moneys paid to a Local Authority, City, Municipality, Town, Borough, Shire or like statutory authority which includes electricity, road, transport and port authorities and water or drainage boards,

(E) an authority or body that is financed in whole or in substantial part, either directly or indirectly, by money provided by the Commonwealth, pursuant to:

1. the Community Youth Support Scheme, or

2. the Supported Accommodation Assistance Program, or

3. the Family Day Care Services component of the Child Services Program, or

4. the Family Support Program, or

5. the Grant in Aid Ethnic Social Welfare Workers Program, or

6. the Youth Services or Welfare Services components of the ACT Community Development Program

or any program, scheme or fund directly replacing any one of the above.

(ii) any officer or employee of the Association, or

(iii) any person who is an employee and who occupies a Statutory Office created under a law or the Commonwealth or the Northern Territory or the Australian Capital Territory or an office established by the Executive of the Commonwealth, the Northern Territory or the Australian Capital Territory.

2. Notwithstanding the provisions of subrule 3A(1), the following persons are not eligible for membership of the Association:

(i) any person employed by:

(a) the Australian Broadcasting Corporation;

(b) the Australian Shipping Commission trading as Australian National Line;

(c) the Australian National Airlines Commission;

(d) the Australian National University;

(e) Banks established under the Commonwealth Banks Act and Reserve Bank Act;

(f) Qantas Airways Ltd;

(g) Universities and Colleges of Advanced Education other than Colleges of Advanced Education in the Northern Territory or the Australian Capital Territory;

(h) the Australian Wheat Board;

(i) Aussat Limited;

(j) the Territory Insurance office.

(ii) persons employed as a/an:

(a) tradesman;

(b) artisan;

(c) draftsman, technical assistant or technical officer;

(d) member of the commissioned or non-commissioned ranks of the Australian Federal Police;

(e) mail officer or linesman;

(f) telecommunications technician, telecommunications technical officer or telecommunications electrical worker;

(g) postmaster;

(h) telegraphist;

(i) meat inspector;

(j) storeman;

(k) labourer;

(l) primary or secondary school teacher and teachers in non- government early childhood centres, business colleges, language schools or other private educational academies;

(m) ship's painter or docker;

(n) nurse or nursing aide;

(o) driver, driver's assistant or conductor;

(p) railways employee other than as a senior officer, clerk, booking clerk, traffic inspector, assistant research officer, senior research officer;

(q) professional engineer;

(r) theatrical, film, television and video technicians;

(s) professional scientific staff;

(t) child care workers, cleaners, domestics or domestic workers, gardeners;

(u) security officers, attendants, watchmen and/or like designations

(iii) (a) persons engaged in technical, trades or production functions, including employees performing supervisory and managerial duties which are directly related to those functions, in or in connection with electronic, electrical or mechanical work by the Australian Telecommunications Commission, Australian Postal Commission and the Department of Communications.

(b) persons employed in the professional structures of the Industry for which professional qualifications are mandatory.

(c) all persons eligible to be members of the Australian Public Service Association under its certified Eligibility and Industry Rules registered as at 5/5/87 except for those persons eligible for membership of the Administrative and Clerical Officer's Association, Australian Government Employment under its certified Eligibility and Industry Rules registered as at 5/5/87.

(d) persons employed by the Australian Postal Commission and the Australian Telecommunications Commission who are eligible for membership of the Australian Telephone and Phonogram Officers' Association in accordance with its conditions of Eligibility for membership as at 1st September, 1986, other than persons employed in Manual Assistance Centres in the position of Manager (M.A.C.) at M.A.6 and M.A.7 levels where the position was previously classified as Traffic Officer.

3. Persons employed in any of the following:

1. Providing postal services, and/or

2. Receiving, sorting, despatching, processing or delivering mail, and/or

3. Providing, installing or maintaining telecommunication services, and/or

4. Driving, and/or

5. Storing goods and materials, and/or

6. Labouring, patrolling, gardening or cleaning, and/or

7. Cooking, general kitchen duties or serving food, and/or

8. Drafting, and/or

9. Oversighting or supervising the above activities

where such activities are provided or undertaken directly or indirectly for the Australian Postal Commission or the Australian Telecommunications Commission or any transferee, assignee, successor or purchaser of functions performed by the aforenamed statutory authorities, shall not be eligible for membership other than persons who would have been eligible for membership of the A.C.O.A. in accordance with its registered conditions of Eligibility and Industry Rules as at 1/1/1987.

For the purposes of this proviso the words `public institution, authority or Statutory Corporation' in the said industry rule shall be read as including any such transferee, assignee, successor or purchaser.

APPENDIX C

ELIGIBILITY RULE AS AT 27TH APRIL, 1992 OF THE HEALTH SERVICES UNION OF AUSTRALIA REFERRED TO IN PARAGRAPH (e)(9) OF RULE 6 (ELIGIBILITY) OF THE UNITED FIREFIGHRERS' UNION OF AUSTRALIA:

2 - INDUSTRY

The industries in connection with which the Union is registered are the industries of -

A. the employment of persons employed or usually employed -

(a) throughout Australia in or about or in connection with the carrying on of all hospitals, benevolent homes, dispensaries, asylums, mental hospitals, sanatoriums, rest homes, convalescent homes, medical schools, laboratories, colleges, industrial and other homes, charitable institutions, ambulance work, all classes of nursing, public or private;

(i) except in the State of Western Australia persons employed by the Crown in Right of the State of Western Australia or any state instrumentality or in private hospitals or undertakings in the said State as (i) dental therapists and (ii) professional, clerical, technical and administrative employees in radiology and pathology clinics;

(ii) provided that in relation to persons employed in or about or in connection with the carrying on of all benevolent homes and convalescent homes the following shall be excluded from membership:-

1. in the State of Queensland, ancillary staff (other than at Eventide Homes), dentists, radiographers and pharmaceutical chemists;

2. in the State of Western Australia, all staff other than registered nursing staff with the exception of enrolled nurses;

3. in the State of South Australia, all staff other than non-psychiatric nurses and enrolled nurses;

4. in the Northern Territory, all staff other than registered nurses;

and/or

(aa) (1) In the State of Victoria in or about or in connection with the carrying on of all community health centres being declared community health centres under Section 45 of the Health Services Act 1988 or in receipt of funds in accordance with Section 20 of the Act but not including a person so employed as a registered medical practitioner unless such a person is eligible for membership of the Union pursuant to other paragraphs of this Rule.

Provided further that any person who is employed under the Victorian Public Service Act 1974 and who is located in a Community Health Centre shall be excluded from membership unless such person is otherwise eligible for membership of the Union pursuant to other paragraphs of this Rule.

Also provided that persons engaged in social and/or welfare work other than social welfare work aides shall not be eligible for membership unless such person is otherwise eligible for membership of the Union pursuant to other paragraphs of this Rule.

(2) In the State of Tasmania in or about or in connection with the carrying on of all community health centres being those conducted by the Tasmanian Department of Health Services but not including a person so employed as a registered medical practitioner unless such person is eligible for membership of the Union pursuant to other paragraphs of this Rule.

(3) In the Australian Capital Territory in or about or in connection with the carrying on of all community health centres being those conducted by the A.C.T. Department of Health and Community Services but not including a person so employed as a registered medical practitioner unless such person is eligible for membership of the Union pursuant to other paragraphs of this Rule. Also provided that persons engaged in professional social work shall not be eligible for membership of the Union unless such person is eligible for membership of the Union pursuant to the other paragraphs of this Rule.

(ab) In the States of Victoria, New South Wales and Queensland in or about or in connection with the following aboriginal health services:-

Victorian Aboriginal Health Service Co-operative Limited
Rumbalara Aboriginal Co-operative Limited
Aboriginal and Islander Community Health Service Incorporated Ipswich
Dandenong and District Aboriginal Co-operative Society Limited
Biripi Aboriginal Co-operative Medical Centre
Darak Aboriginal Community Controlled Medical Services Co-operative Limited
Brewarrina Aboriginal Health Service
Gippsland and East Gippsland Aboriginal Co-operative Limited Bairnsdale
Walgett Aboriginal Medical Service
St. Pius X Aboriginal Corporation
Bourke Aboriginal Health Service Limited
Townsville Aboriginal and Islander Health Services Limited
The Aboriginal and Islander Community Health Service Brisbane
Tharawal Aboriginal Corporation
South Coast Medical Service Aboriginal Corporation
Durri Aboriginal Corporation Medical Service Kempsey
Murray Valley Aboriginal Co-operative Limited
Aboriginal and Islander Health Services Limited Mackay
Cummeragunja Housing and Development Corporation
Ballarat and District Aboriginal Co-operative
Aboriginal Medical Services Co-operative Limited Redfern
Awabakal Newcastle Aboriginal Co-operative Limited
Central Gippsland Aboriginal Health and Housing Co-operative Limited
Illawarra Aboriginal Medical Service Corporation
National Aboriginal and Islander Health Organisation
Wu-Chopperen Medical Service Limited
Echuca Aboriginal Co-operative Society Limited
Swan Hill and District Aboriginal Co-operative Limited

provided that persons engaged in social and/or welfare work shall not be eligible for membership unless such person is otherwise eligible for membership of the Union pursuant to other paragraphs of this rule or is employed as a welfare aide in Victoria, by the Victorian Aboriginal Health Service, or as an employee delivering medical or paramedical care.

Provided further that this paragraph shall not exclude from membership of the Union persons otherwise eligible to be members of the Union pursuant to other paragraphs of this rule.

(b) in the States of Victoria, Queensland, Tasmania and in the Australian Capital Territory, in the provision of care and training to the intellectually disabled and/or physically disabled and/or psychiatrically disabled and/or developmentally disabled and work ancillary thereto in hostels, day care centres, and homes (including dwellings) but excluding trained teachers employed as such and in the States of Victoria and Queensland and the Australian Capital Territory, teacher aides employed as such;

Provided that the following persons shall be excluded from coverage:-

(i) in the State of Victoria -

1. cleaners employed pursuant to the Victorian Government School Cleaners Agreement or any successor thereto;

2. persons employed in the provision of home care services to persons in private homes and dwellings;

3. supervisors, administrators and community service officers as all defined in awards to which the Municipal Officers Association of Australia is respondent, being employees of employer respondents to such awards;

4. persons being otherwise eligible for membership of the Federated Municipal and Shire Council Employees Union of Australia who are employed directly by Local Government Authorities, but excluding any person employed by a committee of management recognised or appointed by such an Authority, including a committee to which an Authority delegates powers under Section 241A of the Local Government Act 1958 (Vic.);

(ii) in the State of Tasmania -

1. cleaners employed in Government educational institutions or educational undertakings;

2. community service officers, supervisors and administrators employed by local governing authorities or statutory authorities;

(iii) in the State of Queensland, community service officers, supervisors and administrators employed by local governing authorities or statutory authorities;

(iv) in the Australian Capital Territory, persons employed in the provision of home care services to persons in private homes or dwellings;

and/or

(c) in the State of Victoria, in the provision of child care services in day care centres and residential centres but excluding -

1. trained teachers and teacher aides employed as such;

2. cleaners employed pursuant to the Victorian Government School Cleaners Agreement or any successor thereto;

3. supervisors, administrators and community service officers as all defined in awards to which The Municipal Officers Association of Australia is respondent, being employees of employer respondents to such awards;

4. persons being otherwise eligible for membership of the Federated Municipal and Shire Council Employees Union of Australia who are employed directly by Local Government Authorities, in any centre which is established after 8th October 1986 but excluding any person employed by a committee of management recognised or appointed by such an Authority, including a committee to which an Authority delegates powers under Section 241A of the Local Government Act 1958 (Vic.);

and/or

(d) (i) in the State of Tasmania, in or in connection with doctors and/or dental surgeries, clinics and practices;

(ii) in the Australian Capital Territory, radiographers and nursing staff in or in connection with doctors and/or dental surgeries, clinics and practices;

and/or

(e) in the States of Victoria, Queensland and Tasmania and in the Australian Capital Territory in or in connection with the provision of medical, paramedical and/or nursing care for aged persons in day care centres and/or homes (including dwellings) and work ancillary thereto;

Provided that the following persons shall be excluded from coverage:

(i) in the State of Victoria -

1. supervisors, administrators and community service officers as all defined in awards to which The Municipal Officers Association of Australia is respondent, being employees of employer respondents to such awards;

2. persons being otherwise eligible for membership of the Federated Municipal and Shire Council Employees Union of Australia who are employed directly by Local Government Authorities, but excluding any person employed by a committee of management recognised or appointed by such an Authority, including a committee to which an Authority delegates powers under Section 241A of the Local Government Act 1958 (Vic.);

(ii) in the State of Queensland -

1. radiographers, dentists, pharmaceutical chemists, ancillary staff (other than at Eventide Homes) and persons employed in the provision of home care services to aged persons in private homes or dwellings;

2. community service officers, supervisors and administrators employed by local governing authorities or statutory authorities;

(iii) in the state of Tasmania, persons employed as community service officers, supervisors and administrators employed by local governing authorities or statutory authorities;

(iv) in the Australian Capital Territory in the provision of home care services to aged persons in private homes and dwellings, and,

B. the employment of persons employed or usually employed in the State of New South Wales in connection with Hospitals, Mental Hospitals, Hospital Dispensaries, Medical Schools, Laboratories, Colleges, Industrial and other similar Homes, Public Charitable Institutions, Ambulance Work (including First Aid Work), General Nursing, Reception Houses, Sanatoriums, Rest Homes, which are wholly or partly controlled by the Board of Health, Special Schools and of an unlimited number of persons employed or usually employed in or in connection with the Universities in the State of New South Wales other than those persons eligible for membership of The University Library Officers' Association as at 22nd November, 1977, and of an unlimited number of persons (other than persons not employed in industry) employed or usually employed in or in connection with Universities and/or colleges of advanced education in the Australian Capital Territory and of an unlimited number of persons employed or usually employed as animal technicians and of an unlimited number of persons (other than persons not employed in industry) employed or usually employed in or in connection with Universities and/or colleges of advanced education in the States of Tasmania, Queensland, Victoria, South Australia, and Western Australia, except -

Persons who are eligible for membership of the Federated Miscellaneous Workers Union of Australia except those persons in New South Wales only, who are employed or usually employed in hospitals, mental hospitals, hospital dispensaries, industrial homes, ambulance work, general nursing, reception houses, sanatoriums, rest homes which are wholly or partly controlled by the Board of Health, where those persons are employed in or usually employed in or in connection with any of the following callings, namely watchmen, caretakers, cleaners, lift attendants, gardeners, photographers, commissionaires, dentists, dental technicians, dental assistants, and attendants or parking attendants or domestic staff, groundsmen and yardmen in denominational or educational schools, laundry workers, messengers, chemical workers and gatekeepers, and except those employed or usually employed by the University of Sydney, the University of New England, and the Macquarie University in the classifications of photographer, stores officers (including purchasing officers), attendants, messengers, special constables, overseers, ground foremen, foremen (including mechanical foremen), clerks of works, custodians, gardeners, farm hands, caretakers, cleaners and labourers.

3 - CONDITIONS OF ELIGIBILITY FOR MEMBERSHIP

The Union shall consist of an unlimited number of persons -

A. employed or usually employed -

(a) throughout Australia in or about or in connection with the carrying on of all hospitals, benevolent homes, dispensaries, asylums, mental hospitals, sanatoriums, rest homes, convalescent homes, medical schools, laboratories, colleges, industrial and other homes, charitable institutions, ambulance work, all classes of nursing, public or private;

(i) except in the State of Western Australia persons employed by the Crown in Right of the State of Western Australia or any State instrumentality or in private hospitals or undertakings in the said State as (i) dental therapists and (ii) professional, clerical, technical and administrative employees in radiology and pathology clinics;

(ii) provided that in relation to persons employed in or about or in connection with the carrying on of all benevolent homes and convalescent homes the following shall be excluded from membership:-

1. in the State of Queensland ancillary staff (other than at Eventide Homes), dentists, radiographers and pharmaceutical chemists;

2. in the State of Western Australia all staff other than registered nursing staff with the exception of enrolled nurses;

3. in the State of South Australia, all staff other than non-psychiatric nurses and enrolled nurses;

4. in the Northern Territory, all staff other than registered nurses;

and/or

(aa) (1) In the State of Victoria in or about or in connection with the carrying on of all community health centres being declared community health centres under Section 45 of the Health Services Act 1988 or in receipt of funds in accordance with Section 20 of the Act but not including a person so employed as a registered medical practitioner unless such a person is eligible for membership of the Union pursuant to other paragraphs of this Rule.

Provided further that any person who is employed under the Victorian Public Service Act 1974 and who is located in a Community Health Centre shall be excluded from membership unless such person is otherwise eligible for membership of the Union pursuant to other paragraphs of this Rule.

Also provided that persons engaged in social and/or welfare work other than social welfare work aides shall not be eligible for membership unless such person is otherwise eligible for membership of the Union pursuant to other paragraphs of this Rule.

(2) In the State of Tasmania in or about or in connection with the carrying on of all community health centres being those conducted by the Tasmanian Department of Health Services but not including a person so employed as a registered medical practitioner unless such person is eligible for membership of the Union pursuant to other paragraphs of this Rule.

(3) In the Australian Capital Territory in or about or in connection with the carrying on of all community health centres being those conducted by the A.C.T. Department of Health and Community Services but not including a person so employed as a registered medical practitioner unless such person is eligible for membership of the Union pursuant to other paragraphs of this Rule. Also provided that persons engaged in professional social work shall not be eligible for membership of the Union unless such person is eligible for membership of the Union pursuant to the other paragraphs of this Rule.

(ab) In the States of Victoria, New South Wales and Queensland in or about or in connection with the following aboriginal health services:-

Victorian Aboriginal Health Service Co-operative Limited
Rumbalara Aboriginal Co-operative Limited
Aboriginal and Islander Community Health Service Incorporated Ipswich
Dandenong and District Aboriginal Co-operative Society Limited
Biripi Aboriginal Co-operative Medical Centre
Darak Aboriginal Community Controlled Medical Services Co-operative Limited
Brewarrina Aboriginal Health Service
Gippsland and East Gippsland Aboriginal Co-operative Limited Bairnsdale
Walgett Aboriginal Medical Service
St. Pius X Aboriginal Corporation
Bourke Aboriginal Health Service Limited
Townsville Aboriginal and Islander Health Services Limited
The Aboriginal and Islander Community Health Service Brisbane
Tharawal Aboriginal Corporation
South Coast Medical Service Aboriginal Corporation
Durri Aboriginal Corporation Medical Service Kempsey
Murray Valley Aboriginal Co-operative Limited
Aboriginal and Islander Health Services Limited Mackay
Cummeragunja Housing and Development Corporation
Ballarat and District Aboriginal Co-operative
Aboriginal Medical Services Co-operative Limited Redfern
Awabakal Newcastle Aboriginal Co-operative Limited
Central Gippsland Aboriginal Health and Housing Co-operative Limited
Illawarra Aboriginal Medical Service Corporation
National Aboriginal and Islander Health Organisation
Wu-Chopperen Medical Service Limited
Echuca Aboriginal Co-operative Society Limited
Swan Hill and District Aboriginal Co-operative Limited

provided that persons engaged in social and/or welfare work shall not be eligible for membership unless such person is otherwise eligible for membership of the Union pursuant to other paragraphs of this rule or is employed as a welfare aide in Victoria, by the Victorian Aboriginal Health Service, or as an employee delivering medical or paramedical care.

Provided further that this paragraph shall not exclude from membership of the Union persons otherwise eligible to be members of the Union pursuant to other paragraphs of this rule.

(b) in the States of Victoria, Queensland, Tasmania and in the Australian Capital Territory, in the provision of care and training to the intellectually disabled and/or physically disabled and/or psychiatrically disabled and/or developmentally disabled and work ancillary thereto in hostels, day care centres, and homes (including dwellings) but excluding trained teachers employed as such and in the States of Victoria and Queensland and the Australian Capital Territory, teacher aides employed as such;

Provided that the following persons shall be excluded from coverage:-

(i) in the State of Victoria -

1. cleaners employed pursuant to the Victorian Government School Cleaners Agreement or any successor thereto;

2. persons employed in the provision of home care services to persons in private homes and dwellings;

3. supervisors, administrators and community service officers as all defined in awards to which the Municipal Officers Association of Australia is respondent, being employees of employer respondents to such awards;

4. persons being otherwise eligible for membership of the Federated Municipal and Shire Council Employees Union of Australia who are employed directly by Local Government Authorities, but excluding any person employed by a committee of management recognised or appointed by such an Authority, including a committee to which an Authority delegates powers under Section 241A of the Local Government Act 1958(Vic.);

(ii) in the State of Tasmania -

1. cleaners employed in Government educational institutions or educational undertakings;

2. community service officers, supervisors and administrators employed by local governing authorities or statutory authorities;

(iii) in the State of Queensland, community service officers, supervisors and administrators employed by local governing authorities or statutory authorities;

(iv) in the Australian Capital Territory, persons employed in the provision of home care services to persons in private homes or dwellings;

and/or

(c) in the State of Victoria, in the provision of child care services in day care centres and residential centres but excluding -

(i) trained teachers and teacher aides employed as such;

(ii) cleaners employed pursuant to the Victorian Government School Cleaners Agreement or any successor thereto;

(iii) supervisors, administrators and community service officers as all defined in awards to which The Municipal Officers Association of Australia is respondent, being employees of employer respondents to such awards;

(iv) persons being otherwise eligible for membership of the Federated Municipal and Shire Council Employees Union of Australia who are employed directly by Local Government Authorities, in any centre which is established after 8th October 1986 but excluding any person employed by a committee of management recognised or appointed by such an Authority, including a committee to which an Authority delegates powers under Section 241A of the Local Government Act 1958 (Vic.);

and/or

(d) (i) in the State of Tasmania in or in connection with doctors and/or dental surgeries, clinics and practices;

(ii) in the Australian Capital Territory, radiographers and nursing staff in or in connection with doctors and/or dental surgeries, clinics and practices;

and/or

(e) in the States of Victoria, Queensland and Tasmania and in the Australian Capital Territory in or in connection with the provision of medical, paramedical and/or nursing care for aged persons in day care centres and/or homes (including dwellings) and work ancillary thereto;

Provided that the following persons shall be excluded from coverage:-

(i) in the State of Victoria -

1. supervisors, administrators and community service officers as all defined in awards to which The Municipal Officers Association of Australia is respondent, being employees of employer respondents to such awards;

2. persons being otherwise eligible for membership of the Federated Municipal and Shire Council Employees Union of Australia who are employed directly by Local Government Authorities, but excluding any person employed by a committee of management recognised or appointed by such an Authority, including a committee to which an Authority delegates powers under Section 241A of the Local Government Act 1958 (Vic.);

(ii) in the State of Queensland -

1. radiographers, dentists, pharmaceutical chemists, ancillary staff (other than at Eventide Homes) and persons employed in the provision of home care services to aged persons in private homes or dwellings;

2. community service officers, supervisors and administrators employed by local governing authorities or statutory authorities;

(iii) in the State of Tasmania, persons employed as community service officers, supervisors and administrators employed by local governing authorities or statutory authorities;

(iv) in the Australian Capital Territory, in the provision of home care services to aged persons in private homes and dwellings;

B. employed or usually employed -

1. in the State of New South Wales in connection with Hospitals, Mental Hospitals, Hospital Dispensaries, Medical Schools, Laboratories, Colleges, Industrial and other similar Homes, Public Charitable Institutions, Ambulance Work (including First Aid Work), General Nursing, Reception Houses, Sanatoriums, Rest Homes which are wholly or partly controlled by the Board of Health, Special Schools;

2. in or in connection with Universities in the State of New South Wales;

3. in or in connection with Universities and/or colleges of advanced education in the Australian Capital Territory;

4. as animal technicians;

5. in or in connection with Universities and/or colleges of advanced education in the State of Tasmania;

6. in or in connection with Universities and/or colleges of advanced education in the State of Queensland.

7. in or in connection with Universities and/or colleges of advanced education in the State of Victoria;

8. in or in connection with Universities and/or colleges of advanced education in the State of South Australia;

9. in or in connection with Universities and/or colleges of advanced education in the State of Western Australia;

(EXCEPT Staff of Universities or Colleges of Advanced Education classified as Chancellors, Vice-Chancellors, Deputy Vice-Chancellors, Pro-Vice-Chancellors, Principal, Deputy Principal, Vice-Principal, Secretary Registrar, Associate Registrar and persons the major and substantial portion of whose employment is demonstrating to and/or instructing students);

Provided that:

(a) Persons eligible for membership in -

(i) The Building Workers' Industrial Union of Australia;

(ii) The Operative Painters and Decorators Union of Australia;

(iii) The Plumbers and Gasfitters Employees' Union of Australia;

(iv) The Amalgamated Society of Carpenters and Joiners of Australia; and

(v) The Sheet Metal Working, Agricultural Implement and Stovemaking Industrial Union of Australia;

(b) in the States of New South Wales and Tasmania, persons employed in Universities within the scope of the Constitution Rule of the Association of Draughting, Supervisory and Technical Employees;

(c) persons employed in a University in the Australian Capital Territory as cooks, kitchen staff, dining room staff, house staff, or in the serving, mixing or dispensing of liquor;

(d) persons employed in the Australian Public Service or in Australian Government Instrumentalities or Commissions but not including persons employed in Universities and/or colleges of advanced education in the Australian Capital Territory;

(e) persons employed by the University of New South Wales or its colleges or any University which may be formed as a result of granting autonomy to such colleges or by the University of Newcastle or by the Australian National University within the scope of the Constitution Rule of the Amalgamated Metal Workers Union, or of the Australasian Society of Engineers;

(f) persons employed as fitters in hospitals;

(g) persons who are eligible for membership of the Transport Workers' Union of Australia, except drivers in the State of New South Wales of ambulances, drivers of motor cars and/or other vehicles with carrying capacity not exceeding 1 ton 5 cwt;

(h) persons who are eligible for membership of The Federated Miscellaneous Workers Union of Australia except those persons in New South Wales only, who are employed or usually employed in hospitals, mental hospitals, hospital dispensaries, industrial homes, ambulance work, general nursing, reception houses, sanitoriums, rest homes which are wholly or partly controlled by the Board of Health, where those persons are employed in or usually employed in or in connection with any of the following callings, namely, watchmen, caretakers, cleaners, lift attendants, gardeners, photographers, commissionaires, dentists, dental technicians, dental assistants, and attendants or parking attendants or domestic staff, groundsmen and yardmen in denominational or educational schools, laundry workers, messengers, chemical workers and gatekeepers, and except those employed or usually employed by the University of Sydney, The University of New England, and the Macquarie University in the classifications of photographer, stores officers (including purchasing officers), attendants, messengers, special constables, overseers, ground foremen, foremen (including mechanical foremen), clerks of works, custodians, gardeners, farm hands, caretakers, cleaners and labourers;

(i) persons employed or usually employed in or in connection with Universities and/or colleges of advanced education in the States of Queensland, Victoria and South Australia, who are eligible for membership in the Federated Clerks Union of Australia as at 1st April 1975; and,

(j) those persons eligible for membership of The University Library Officers' Association as at 22nd November, 1977;

shall not be eligible for membership of the Union pursuant to the foregoing provisions of Clause B of this Rule;

C. such other persons, whether or not employees in the industries of the Union as have been elected or appointed full time officers or organisers of the Union or any Branch thereof and admitted as members of the Union; and,

D. such persons, whether or not employees in the industries of the Union, who -

(i) are full time organisers or industrial officers of the Union or a Branch of the Union; and,

(ii) were, on the day immediately preceding the date fixed by the Industrial Registrar and notified by him in the Gazette pursuant to the Conciliation and Arbitration Act 1904 as amended from time to time as the day upon which the amalgamation of The Hospital Employees' Union of Australia and the Health and Research Employees' Association of Australia is to take effect full time organisers or industrial officers of the Health and Research Employees' Association of Australia or a Branch thereof and members of The Health and Research Employees' Association of Australia.

For the purposes of Clause C of this Rule, the full-time Officers of the Union and of any Branch thereof shall be the holders for the time being of any of the following offices where the duties of such office are of a full-time nature -

National President, Joint National President, National Vice-President, National Trustee, National Secretary, Joint National Secretary, National Assistant Secretary, Joint National Assistant Secretary, Branch President, Branch Senior Vice-President, Branch Junior Vice-President, Branch Trustee, Branch Secretary, Branch Assistant Secretary.

APPENDIX D

ELIGIBILITY RULE AS AT 11TH NOVEMBER, 1988 OF THE FEDERATED MUNICIPAL AND SHIRE COUNCIL EMPLOYEES UNION OF AUSTRALIA REFERRED TO IN PARAGRAPH (e)(10) OF RULE 6 (ELIGIBILITY) OF THE UNITED FIREFIGHTERS' UNION OF AUSTRALIA:

"(i) The Federation shall consist of an unlimited number of bona fide employees of Municipal County and Shire Councils or other Local Government Authorities or Trusts, Municipal Trusts Water Supply and/or Sewerage Boards or Trusts, Road Boards and other Boards, Corporations, Commissions or Trusts, carrying out or entrusted with the carrying out of works operations or functions similar to those usually or generally performed by Municipal or Shire Councils or other Local Government Authorities before the appointment of such Boards, Corporations, Commissions or Trusts and of employees to contractors to any of such Councils, Authorities, Boards, Corporations, Commissions or Trusts and of such other persons whether employed in the relevant industry or not as have been or are hereafter appointed officers of the Federation and admitted as members thereof: Provided that employees eligible for membership in the Association called The Metropolitan Board of Water Supply and Sewerage Employees Association and employees of the Hunter District Water Supply and Sewerage Board (Newcastle), the Metropolitan Water Sewerage and Drainage Board (Sydney), the Commissioner for Main Roads (New South Wales), the Country Roads Board (Victoria) or the State Electricity Commission (Victoria) respectively shall not be eligible for membership in this Federation: And that the said Federation shall not admit as members employees engaged as new construction work in connection with services which have not passed to the authority which on the completion of such construction work is responsible for the provision and maintenance of those services.

(ii) Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this Rule, the Federation shall also consist of persons who are employed or usually employed in or in connection with the following:

In the State of Western Australia: health boards, the board or governing body of any park, reserve or racecourse, cemetery board or any person acting for, under or on behalf of any of such boards or bodies."

APPENDIX E

ELIGIBILITY RULE AS AT 11TH NOVEMBER, 1988 OF THE MUNICIPAL OFFICERS' ASSOCIATION OF AUSTRALIA REFERRED TO IN PARAGRAPH (e)(11) OF RULE 6 (ELIGIBILITY) OF THE UNITED FIREFIGHTERS' UNION OF AUSTRALIA:

"The Association shall consist of an unlimited number of persons employed or usually employed by Local Authorities, Cities, Municipalities, Towns, Boroughs or Shires, or by Statutory Authorities, Corporations, Trusts, Boards or Commissions, in the following callings or avocations namely, City, Town, District, Borough or Shire Clerks, Secretaries, Treasurers, Engineers, Surveyors, Architects, Electricians or Electrical Engineers, Inspectors, Superintendents, Paymasters, Receivers, Accountants, Auditors, Valuers, Rate Collectors, Registrars, Collectors, Clerks, Typists, Stenographers, Foremen, Overseers, Draughtsmen, Curators, or in similar callings or avocations, or as assistants to employees so employed whether employed as aforesaid or not together with such other persons as have been appointed officers of the Association and admitted as members thereof."

END OF RULES